

N11929

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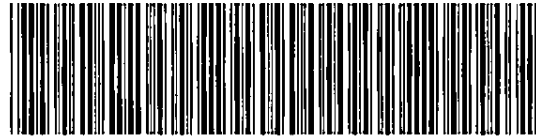
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2018 SEP 27 PM 1:05
ST. LOUIS, MO
FALL 2018

Amended
By started

SEP 27 2018

**LAW OFFICE OF
JONATHAN JAMES DAMONTE, CHARTERED
ATTORNEYS AT LAW**

JONATHAN JAMES DAMONTE, ESQ.
BOARD CERTIFIED CONDOMINIUM &
PLANNED UNIT DEVELOPMENT LAW

JEFFREY JAMES DAMONTE, ESQ. (FL & PA)
ERICA LYNN PETERSON, ESQ.

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LARGO, FLORIDA 33778
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FACSIMILE (727) 581-0922
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REAL ESTATE
MOBILE HOME PARKS
CONDOMINIUMS • COOPS
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CORPORATIONS & BUSINESS LAW

September 25, 2018

Department of State
Division of Corporations
Attn: Amendment Section/Irene Albritton
Clifton Building
2661 Executive Center Circle
Tallahassee, FL 32301

Via Federal Express

Re: One Capri Village Condo. Assn., Inc. (to be known as Capri Village Condominium I Association, Inc.)

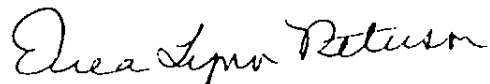
To Whom It May Concern:

Enclosed please find the executed Certificate of Filing Amended and Restated Articles of Incorporation of One Capri Village Condominium Association, Inc. n/k/a Capri Village Condominium I Association, Inc. and the Amended and Restated Articles of Incorporation of Capri Village Condominium I Association, Inc. These are the Amended and Restated Articles of Incorporation that I previously provided to you with the \$35.00 firm check for their recording.

As you know, I also provided you with a pre-paid and self-addressed Fed Ex envelope for the return of the stamped documents. I understand that you still possess the envelope and will return the stamped Amended & Restated Articles in that envelope.

Please let me know if there are any additional questions or concerns and thank you for your assistance with this.

Very truly yours,



Erica Lynn Peterson, Esq.

Enclosures: Certificate of Filing Amended & Restated Documents
Amended & Restated Articles of Incorporation

cc: Client

Prepared by & RETURN TO:

Jonathan James Damonte
Jonathan James Damonte, Chartered
12110 Seminole Blvd.
Largo, FL 32778

FILED

2018 SEP 27 PM 1:25

NOTAR PUBLIC
TALLAHASSEE, FLORIDA

File No.: 16-124

**CERTIFICATE OF FILING AMENDED AND RESTATED DECLARATION OF
CONDOMINIUM OF CAPRI VILLAGE CONDOMINIUM I, AMENDED AND
RESTATED ARTICLES OF INCORPORATION OF ONE CAPRI VILLAGE
CONDOMINIUM ASSOCIATION N/K/A CAPRI VILLAGE CONDOMINIUM I
ASSOCIATION, INC. AND AMENDED AND RESTATED BYLAWS OF ONE CAPRI
VILLAGE CONDOMINIUM ASSOCIATION N/K/A CAPRI VILLAGE
CONDOMINIUM I ASSOCIATION, INC.**

I, Robin Goliff, as President of One Capri Village Condominium Association, Inc. a Florida corporation not-for-profit (the "Association"), n/k/a Capri Village Condominium I Association, Inc., do certify, and I, Ruth Ann Smelcer, as Secretary of the Association do hereby attest, that the foregoing Amended and Restated Declaration of Condominium of Capri Village I, a Condominium, as originally recorded in O.R. Book 1454, Pages 1740-1781, and amended in O.R. Book 1456, Pages 1264-1266, O.R. Book 1547, Pages 346-352, O.R. Book 1547, Pages 353-359, O.R. Book 1584, Pages 1957-1960, O.R. Book 1592, Pages 793-801, O.R. Book 1602, Pages 1917-1922, O.R. Book 1607, Pages 262-265, O.R. Book 1620, Pages 1065-1067, O.R. Book 1620, Pages 1068-1072, O.R. Book 1627, Pages 0001-0003, O.R. Book 1638, Pages 0151-0153, O.R. Book 1650, Pages 1987-1994, O.R. Book 1653, Pages 1552-1554, O.R. Book 1702, Pages 0770-0771, and O.R. Book 2021, Pages 1132-1133, all of the Public Records of Pasco County, Florida, was duly adopted by a vote of not less than sixty-seven percent (67%) of the total vote of the entire membership of the Association in accordance with the terms of the Declaration and the provisions of §718.110(1)(a), Fla. Stat., and further certify that the same as attached has not been amended.

I Robin Goliff further certify and Ruth Ann Smelcer further attests that the foregoing Amended and Restated Bylaws of the Association, which were originally recorded in O.R. Book 1454, Pages 1792-1813 and amended in O.R. Book 3199, Pages 1100-1101, all of the Public Records of Pasco County, Florida, was adopted by not less than two-thirds (2/3) of the Board of Directors and a majority of the entire membership and that the foregoing Amended and Restated Articles of Incorporation of the Association, which were originally recorded at O.R. Book 1454, Pages 1782-1791, of the Public Records of Pasco County, Florida, was adopted by not less than seventy-five percent (75%) of the entire membership of the Board of Directors and seventy-five percent (75%) of the entire membership of the Association, in accordance with the terms of the Articles of Incorporation, and further certify that the attached Amended and Restated Bylaws and Articles of Incorporation have not been amended.

Dated this 27th day of August, 2018.

Witnesses:

Capri Village Condominium I Association, Inc.

Joyce C. Bogert
Printed Name: Joyce C. Bogert

Robin Goliff
Robin Goliff, as its President

Mark Spiegel
Printed Name: MARK SPIGEL

The foregoing instrument was acknowledged before me this 27th day of August, 2018, by Robin Goliff, as President of Capri Village Condominium I Association, Inc., a Florida corporation not-for-profit, on behalf of the corporation, who is ~~is~~ personally known to me or who has ☐ produced as identification _____

Jodi R. Roberts
Notary Public

Witnesses

Attest:

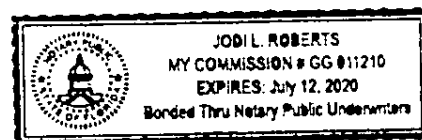
Joyce C. Bogert
Printed Name: Joyce C. Bogert

Ruth Ann Smelcer
Ruth Ann Smelcer, as its Secretary

Mark Spiegel
Printed Name: MARK SPIGEL

The foregoing instrument was acknowledged before me this 27th day of August, 2018, by Ruth Ann Smelcer as Secretary of Capri Village Condominium I Association, Inc., a Florida corporation not-for-profit, on behalf of the corporation, who are ~~are~~ personally known to me or who have ☐ produced as identification _____

Jodi R. Roberts
Notary Public





FLORIDA DEPARTMENT OF STATE
Division of Corporations

September 10, 2018

ERICA LYNN PETERSON, ESQ.
12110 SEMINOLE BLVD
LARGO, FL 33778

SUBJECT: ONE CAPRI VILLAGE CONDOMINIUM ASSOCIATION, INC.
Ref. Number: N11929

We have received your document for ONE CAPRI VILLAGE CONDOMINIUM ASSOCIATION, INC. and your check(s) totaling \$35.00. However, the enclosed document has not been filed and is being returned for the following correction(s):

A certificate must accompany the Restated Articles of Incorporation setting forth one of the following statements: (1) The restatement was adopted by the board of directors and does not contain any amendments requiring member approval; OR (2) If the restatement contains an amendment requiring member approval, the date of adoption of the amendment by the members and a statement that the number of votes cast for the amendment was sufficient for approval.

Please return your document, along with a copy of this letter, within 60 days or your filing will be considered abandoned.

If you have any questions concerning the filing of your document, please call (850) 245-6050.

Irene Albritton
Regulatory Specialist II

Letter Number: 618A00018688

AMENDED AND RESTATED
ARTICLES OF INCORPORATION
OF
CAPRI VILLAGE CONDOMINIUM I ASSOCIATION, INC.

FILED
2019 SEP 27 PM 1:25
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

The undersigned by these Amended and Restated Articles of Incorporation associates itself for the purpose of forming a corporation not for profit under Chapter 617, Florida Statutes and certifies as follows:

ARTICLE I

Name

The name of the corporation shall be CAPRI VILLAGE CONDOMINIUM I ASSOCIATION, INC. For convenience, the corporation shall be referred to in this instrument as the "Association".

ARTICLE II

Purpose

2.1 The purpose for which the Association is organized is to provide an entity pursuant to the Condominium Act of the State of Florida for the operation of CAPRI VILLAGE CONDOMINIUM I, a condominium to be located upon those certain lands in Pasco County, Florida, legally described on Exhibit "A" attached to the Declaration of Condominium under the heading DESCRIPTION OF LANDS INCLUDED IN PHASE I.

2.2 The condominium is a phase condominium and may be expanded to include additional land in subsequent phases II through IV, which, at the time of this amendment, is fully built out and contains all of the lands and improvement which are described on Exhibit "A" attached to the Declaration of Condominium.

2.3 The Association shall make no distribution of income to its members, directors or officers.

ARTICLE III

Power

The powers of the Association shall include and be governed by the following provisions:

3.1 The Association shall have all the common-law and statutory powers of a corporation not for profit not in conflict with the terms of these Articles.

3.2 The Association shall have all of the powers and duties set forth in the Condominium Act, and all of the powers and duties reasonably necessary to operate the condominium pursuant to the Declaration as it may be amended from time to time, including, but not limited to the following:



(a) To make and collect assessments against members as condominium unit owners to defray the costs, expenses and losses of the condominium.

(b) To use the proceeds of assessments in the exercise of the powers and duties.

(c) The maintenance, repair, replacement and operation of the condominium property, including easements.

(d) The purchase of insurance upon the condominium property and insurance for the protection of the association and its members as condominium unit owners.

(e) The reconstruction of improvements after casualty and the further improvement of the property.

(f) To make and amend reasonable rules and regulations (hereinafter referred to as "Community Standards") respecting the use of the property in the condominium.

(g) To enforce by legal means the provisions of the Condominium Act, Declaration of Condominium, these Articles, the Bylaws of the Association and the Community Standards for the use of the property in the condominium.

(h) To contract for the management and maintenance of the condominium property and to authorize a management agent to assist the Association in carrying out its powers and duties by performing such functions as the submission of proposals, collection of assessments, preparation of records, enforcement of Community Standards and maintenance, repair and replacement of the common elements with funds as shall be made available by the Association for such purposes. The Association and its officers shall, however, retain at all times the powers and duties granted by the condominium documents and the Condominium Act, including, but not limited to, the making of assessments, promulgation of Community Standards and execution of contracts on behalf of the Association.

(i) To employ personnel to perform the services required for proper operation of the condominium.

(j) To acquire and enter into agreements whereby it acquires leaseholds, memberships or other possessory or use interests in lands or facilities, including, but not limited to, country clubs, golf courses, marinas, and other recreational facilities, whether or not contiguous to the lands of the Condominium, intended to provide for the enjoyment, recreation or other use or benefit of the unit owners.

(k) To acquire by purchase or otherwise condominium parcels of the Condominium, subject nevertheless to the provisions of the Declaration and/or Bylaws relative thereto.

(l) To enter into agreements with other condominium associations, or any other legal entity for the maintenance, replacement or repair of properties of any used in common with others, such as, but not limited to, subdivision-type improvements.

3.3 All funds and titles of all properties acquired by the Association and their proceeds shall be held in trust for the members in accordance with the provisions of the Declaration of Condominium, these Amended and Restated Articles of Incorporation and the Bylaws.

3.4 The powers of the Association shall be subject to and shall be exercised in accordance with the provisions of the Declaration of Condominium and the Bylaws.

ARTICLE IV

Members

4.1 The members of the Association shall consist of all the record owners of condominium units in the condominium, and after termination of the condominium shall consist of those who are members at the time of such termination and their successors and assigns.

4.2 Change of membership in the Association shall be established by application and approval for residency prior to the transfer, as well as by the recording in the Public Records of Pasco County, Florida, a deed or other instrument establishing record title to a condominium unit in the Condominium and the delivery to the Association of a certified copy of such instrument. The owner designated by such instrument thus becomes a member of the Association and the membership of the prior owner is terminated.

4.3 The share of a member in the funds and assets of the Association cannot be assigned, hypothecated or transferred in any manner except as an appurtenance to his condominium unit.

4.4 The owner of each condominium unit shall be entitled to one vote as a member of the Association. The manner of exercising voting rights shall be determined by the Bylaws of the Association.

4.5 The terms "condominium unit" and "condominium unit owner" or "owners" shall have the same meaning as "unit" and "unit owner" or "owners" as same are defined in the Condominium Act.

ARTICLE V

Directors

5.1 The affairs of the Association will be managed by a Board of Directors, consisting of the number of directors determined by the Bylaws, but not less than three directors, and in the absence of such determination, shall consist of three directors. All directors shall be members of the Association.

5.2 Directors of the Association, other than the initial directors and directors elected pursuant to Section 5.3, shall be elected at the annual meeting of the members in the manner determined by the Bylaws. Directors may be recalled and vacancies on the Board of Directors shall be filled in the manner provided in the Bylaws.

5.3 This section intentionally left blank.

5.4 This section intentionally left blank.

ARTICLE VI

Officers

The affairs of the Association shall be administered by the officers designated by the Bylaws. The officers shall be elected by the Board of Directors at its first meeting following the annual meeting of the members of the Association and shall serve at the pleasure of the Board of Directors.

ARTICLE VII

Indemnification

The Association shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or contemplated action, suit or proceeding, whether civil, criminal, administrative, or investigative, by reason of the fact that he or she is or was a director, employee, officer, or agent of the Association, against expenses (including attorneys' fees), judgment, fines and amounts paid in settlement as long as actually and reasonably incurred by him or her in connection with such action, suit or proceeding, if he or she acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interest of the Association, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful, except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for gross negligence or misfeasance or malfeasance in the performance of his or her duty to the Association, unless and only to the extent that the court in which such action or suit was brought shall determine upon application that despite the adjudication of liability, but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which the court shall deem proper. The termination of any action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interest of the Association, and with reasonable cause to believe that his conduct was unlawful.

ARTICLE VIII

Bylaws

The first Bylaws of the Association shall be adopted by the Board of Directors and the power to adopt, alter, amend or rescind bylaws shall be vested in the Board of Directors and the membership.

ARTICLE IX

Amendments

Amendments to the Articles of Incorporation shall be proposed and adopted in the following manner:

9.1 Notice of the subject matter of a proposed amendment shall be included in the notice of any meeting at which a proposed amendment is considered.

9.2 A resolution for the adoption of a proposed amendment may be proposed either by the Board of Directors or by the members of the Association. Directors and members not present in person or by proxy at a meeting considering the amendment may express their approval in writing, providing such approval is delivered to the secretary at or prior to the meeting. Voting may take place at a duly called membership meeting or by written consent.

Except as elsewhere provided,

- a) such approvals must be by not less than 75% of the entire membership of the Board of Directors and by not less than 75% of the votes of the entire membership of the Association; or
- b) by not less than 80% of the votes of the entire membership of the Association.

9.3 Provided, however, that no amendment shall make any changes in the qualifications for membership nor the voting rights of members, nor any change in Section 3.3 if Article III without approval in writing by all members and the joinder of all record owners of mortgages upon the condominium. No amendment shall be made that is in conflict with the Condominium Act or the Declaration of Condominium.

9.4 A copy of each amendment shall be certified by the Secretary of State and be recorded in the Public Records of Pasco County, Florida.

ARTICLE X

Subscriber

The name and address of the subscriber of these Amended and Restated Articles of Incorporation are as follows:

Name

Address

U.S. Home Corporation

100 Oaks Circle
Port Richey, Florida 33568

ARTICLE XI

Association Address

The office of the Association shall be at 11529 Orleans Lane, Port Richey, Florida 34668.

ARTICLE XII

Registered Office and Agent

The registered office of the Association is at c/o Creative Management, 6014 US Hwy 19, Suite 100, New Port Richey, Florida 34652. The registered agent is Helen Kelley, a resident of the State of Florida, whose business office is identical with that of the registered office.

ARTICLE XIII

Term

The term for which this corporation shall exist is perpetual.

Witnesses:

Capri Village Condominium I Association, Inc.

Joyce C. Bogert

Printed Name: Joyce C. Bogert

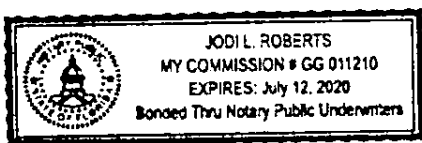
Robin Goliff

Robin Goliff, as its President

Mark Spiegel

Printed Name: MARK SPIEGEL

The foregoing instrument was acknowledged before me this 27th day of August, 2018, by Robin Goliff, as President of Capri Village Condominium I Association, Inc., a Florida corporation not-for-profit, on behalf of the corporation, who is ☒ personally known to me or who has ☐ produced as identification _____



Jodi L. Roberts
Notary Public

Witnesses

Attest:

Joyce C. Bogert

Printed Name: Joyce C. Bogert

Ruth Ann Smelcer
Ruth Ann Smelcer, as its Secretary



Mark Siegel
Printed Name: MARK SIEGEL

The foregoing instrument was acknowledged before me this 27th day of August, 2018, by Beth Ann Smiley as Secretary of Capri Village Condominium I Association, Inc., a Florida corporation not-for-profit, on behalf of the corporation, who are ☒ personally known to me or who have ☐ produced as identification _____

Jodi L. Roberts
Notary Public

