

N12000011619

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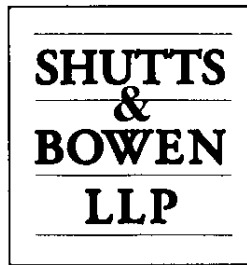
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SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

Amd

OCT 14 2013

R. WHITE



*Founded 1910*

ELIZABETH T. CHACE  
FLORIDA REGISTERED PARALEGAL  
(954) 847-3831 Direct Telephone  
(954) 524-5506 Direct Facsimile

E-MAIL ADDRESS:  
echace@shutts.com

October 3, 2013

**FEDERAL EXPRESS**

Amendment Section  
Division of Corporations  
Clifton Building  
2661 Executive Center Circle  
Tallahassee, Florida 32301

**RE: Certificate of Amendment to Amended & Restated Articles of Incorporation  
of Hidden River Townhomes Association, Inc., Document Number:  
N12000011619**

Dear Sir or Madam:

Enclosed please find an executed Certificate of Amendment to Amended & Restated Articles of Incorporation of Hidden River Townhomes Association, Inc. ("Amendment") for filing. Also enclosed please find a check in the amount of \$35.00 which represents the Amendment filing fee.

Once the Amendment has been filed, please provide us with a letter of acknowledgement.

Thank you.

Very truly yours,

SHUTTS & BOWEN LLP

A handwritten signature in cursive script that reads "Elizabeth T. Chace".

Elizabeth T. Chace  
Florida Registered Paralegal

Enclosures

cc: Sandra E. Krumbein, Esq. (w/copy of enclosures, via interoffice mail delivery)

**CERTIFICATE OF AMENDMENT  
TO  
AMENDED AND RESTATED ARTICLES OF INCORPORATION  
OF  
HIDDEN RIVER TOWNHOMES ASSOCIATION, INC.**

FILED  
19 OCT -4 AM 9:37  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

(A Florida corporation not for profit)  
Pursuant to Section 617.1002 of the Florida Not For  
Profit Corporation Act

We, Nicolas Aparicio and Brian Howell, as President and Secretary, respectively, of HIDDEN RIVER TOWNHOMES ASSOCIATION, INC., a Florida corporation not for profit ("Association"), do hereby certify under the seal of the Association as follows:

WHEREAS, the Association was originally incorporated on December 14, 2012, Document Number N12000011619, under Chapter 617 of the laws of the State of Florida; and

WHEREAS, the Amended and Restated Articles of Incorporation of the Association were filed on April 9, 2013 ("Articles"); and

WHEREAS, in accordance with Article XIII of the Articles, after the First Conveyance, and prior to the Turnover Date, the Articles may be amended solely by a majority of the Board, without the prior written consent of the Members, at a duly called meeting of the Board; and

WHEREAS, the Board, by a majority vote, at a meeting held on September 18, 2013, approved this Amendment.

NOW, THEREFORE, the Articles are hereby amended as follows:

1. The recitations set forth herein are true and correct and are incorporated herein by reference.

2. Capitalized terms used herein and not defined shall have the same meaning as set forth in the Declaration of Covenants, Restrictions and Easements for Hidden River Townhomes, the Amended and Restated Articles of Incorporation and/or Bylaws of the Association, unless the context indicates a different meaning.

3. Article V, Section D.2. is hereby amended in its entirety to read as follows:

2. "Class "B" Member" shall be Declarant, who shall be entitled to three (3) times the total number of votes of the Class "A" Members plus one. Class "B" membership shall cease and be converted to Class "A" membership upon the earlier to occur of the following events ("Turnover Date"):

(i) Three (3) months after the conveyance of ninety percent (90%) of the total number of Homes permitted to be constructed as part of Hidden River Townhomes by Declarant, as evidenced by the recording of instruments of conveyance of such Homes amongst the Public Records of the County;

(ii) upon the Class B Member abandoning or deserting its responsibility to maintain and complete the amenities or infrastructure as disclosed in the Hidden River Townhomes Documents. There is a rebuttable presumption that Declarant has abandoned and deserted the Total Property if Declarant has unpaid Assessments or guaranteed amounts under Section 720.308 of the HOA Act for a period of more than two (2) years;

(iii) upon the Class B Member filing a petition seeking protection under Chapter 7 of the Federal Bankruptcy Code;

(iv) upon the Class B Member losing title to the Total Property through a foreclosure action or the transfer of a deed in lieu of foreclosure, unless the successor owner has accepted an assignment of developer rights and responsibilities first arising after the date of such assignment;

(v) upon a receiver for the Class B Member being appointed by a circuit court and not being discharged within 30 days after such appointment, unless the court determines within 30 days after such appointment that transfer of control would be detrimental to the Association or the Members;  
or

(vi) At such time as Declarant shall designate in writing to the Association.

On the Turnover Date, Class "A" Members, including Declarant, shall assume control of the Association and elect not less than a majority of the Board.

Notwithstanding the foregoing, Class A Members are entitled to elect at least one (1) member of the Board when fifty percent (50%) of the Homes have been conveyed to Members other than Declarant.

*[Signatures appear on following page]*

IN WITNESS WHEREOF, this Certificate of Amendment has been executed by the Association, this 18 day of September, 2013.

WITNESSES AS TO BOTH PRESIDENT  
AND SECRETARY:

[Signature]  
Print Name: John Surber

Gail M. Donahoe  
Print Name: GAIL M. DONAHOE

[Signature]  
Print Name: Rebecca Byrkholder

Nicole Wright  
Print Name: Nicole Wright

HIDDEN RIVER TOWNHOMES  
ASSOCIATION, INC., a Florida not-for-  
profit corporation

By: [Signature]  
Nicolas Aparicio, President

By: [Signature]  
Brian Howell, Secretary

(Corporate Seal)

STATE OF FLORIDA                     )  
                                                           ) SS:  
COUNTY OF HILLSBOROUGH)

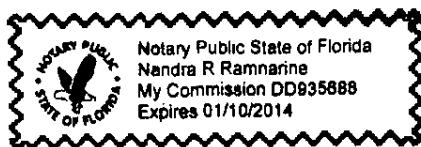
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Nicolas Aparicio, as President of HIDDEN RIVER TOWNHOMES ASSOCIATION, INC., a Florida not-for-profit corporation, freely and voluntarily under authority duly vested in him by said corporation, and that the seal affixed thereto is the true corporate seal of said corporation, who is personally known to me.

WITNESS my hand and official seal in the County and State last aforesaid this 18<sup>th</sup> day of SEPTEMBER 2013.

[Signature]  
Notary Public

NANDRA R. RAMNARINE  
Typed, printed or stamped name of Notary Public

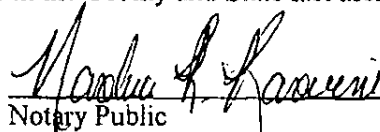
My Commission Expires:



STATE OF FLORIDA                     )  
                                                  ) SS:  
COUNTY OF HILLSBOROUGH)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Brian Howell, as Secretary of HIDDEN RIVER TOWNHOMES ASSOCIATION, INC., a Florida not-for-profit corporation, freely and voluntarily under authority duly vested in him by said corporation, and that the seal affixed thereto is the true corporate seal of said corporation, who is personally known to me.

WITNESS my hand and official seal in the County and State last aforesaid this 23 day of October, 2013.

  
\_\_\_\_\_  
Notary Public

NANDRA R. RAMNARINE  
\_\_\_\_\_  
Typed, printed or stamped name of Notary Public

My Commission Expires:

