

N13000010327

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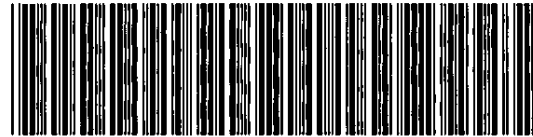
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DIVISION OF CORPORATION
2017 APR 10 AM 10:36

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COVER LETTER

TO: Amendment Section
Division of Corporations

NAME OF CORPORATION: Aqua Condominium Owners Association, Inc.

DOCUMENT NUMBER: N13000010327

The enclosed *Articles of Amendment* and fee are submitted for filing.

Please return all correspondence concerning this matter to the following:

Steve Voigt

Name of Contact Person

Voigt Law Group, P.A.

Firm/ Company

2042 Bee Ridge Rd.

Address

Sarasota, FL 34239

City/ State and Zip Code

AMY@AQUA280.COM

E-mail address: (to be used for future annual report notification)

For further information concerning this matter, please call:

Steve Voigt

at (941)

925-2324

Name of Contact Person

Area Code & Daytime Telephone Number

Enclosed is a check for the following amount made payable to the Florida Department of State:

☒ \$35 Filing Fee

☐ \$43.75 Filing Fee &
Certificate of Status

☐ \$43.75 Filing Fee &
Certified Copy
(Additional copy is
enclosed)

☐ \$52.50 Filing Fee
Certificate of Status
Certified Copy
(Additional Copy
is enclosed)

Mailing Address

Amendment Section
Division of Corporations
P.O. Box 6327
Tallahassee, FL 32314

Street Address

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

Articles of Amendment
To
Articles of Incorporation
Of
Aqua Condominium Owners Association, Inc.

FILED
SECRETARY OF STATE
DIVISION OF CORPORATION

2017 APR 10 AM 10:38

Pursuant to the provisions of section 617.1006, Florida Statutes, this Florida Not For Profit Corporation adopts the following amendments to its Articles of Incorporation:

Substantial rewording of the below sections of the Articles of Incorporation. See existing Articles of Incorporation for present text.

ARTICLE III. PURPOSE AND POWERS

The purpose for which the Association is organized is to provide an entity pursuant to the Florida Condominium Act for the operation of AQUA, a condominium (the "Condominium"), located in Sarasota County, Florida. The Association is organized and shall exist as a Florida not for profit corporation. No portion of any earnings of the Association shall be distributed or inure to the private benefit of any member, director or officer thereof. For the accomplishment of its purposes, the Association shall have all of the common law and statutory powers and duties of a Florida not for profit corporation except as limited or modified by these Articles, the Declaration of Condominium of AQUA, a condominium (the "Declaration"), or Chapter 718, Florida Statutes, including but not limited to the following:

- (A) To protect, maintain, repair, replace and operate the Condominium Property.
- (B) To purchase insurance upon the Condominium Property for the protection of the Association and its Members.
- (C) To reconstruct improvements after casualty and to make further improvements of the Condominium Property.
- (D) To make, amend and enforce reasonable rules and regulations governing Condominium Property, and the operation of the Association.
- (E) To approve or disapprove the transfer of ownership, leasing and occupancy of Units, in the Condominium as provided by the Declaration.
- (F) To enforce the provisions of the Condominium Act, the Declaration, these Articles, the Bylaws and any rules and regulations of the Association.
- (G) To contract for the management and maintenance of the Condominium and the Condominium Property and to delegate any powers and duties of the Association in connection therewith except such as are specifically required by the Declaration to be exercised by the Board of Directors or the memberships of the Association.
- (H) To make and collect Assessments from Members of the Association to defray the costs, expenses and losses of the Condominium, and to use the proceeds of Assessments in the exercise of its powers and duties.
- (I) The Association shall levy and collect adequate Assessments against Members of the Association of the costs of maintenance and operation of the stormwater management system. The Assessments shall be used for the maintenance and repair of the stormwater management systems and mitigation or preservation areas, including but not limited to work within retention areas, drainage structures and drainage easements.
- (J) To operate, maintain and manage the stormwater management system(s) in a manner consistent with the requirements of Southwest Florida Water Management District ("SWFWMD") Permit No. 43012197.007 and applicable SWFWMD rules, and shall assist in the enforcement of the restrictions and covenants contained herein.

- (K) To employ accountants, attorneys, architects, and other professional personnel to perform the services required for proper operation of the Condominium.
- (L) To enter into agreements, or acquire leaseholds, membership, and other possessory ownership or use interests in lands or facilities contiguous to the lands of the Condominium, if they are intended to provide enjoyment, recreation, or other use or benefit to the Members hereof.
- (M) To borrow money without limit as to amount, if necessary, to perform its other functions hereunder.

All funds and the title to all property acquired by the Association shall be held for the benefit of its Members in accordance with the provisions of the Declaration, these Articles and the Bylaws.

The following articles shall be added as follows:

ARTICLE IX. EXISTENCE AND DURATION

Existence of the Association shall commence with the filing of these Articles of Incorporation with the Secretary of State, Tallahassee, Florida. The Association shall exist in perpetuity.

ARTICLE X. MEMBERS

- (A) The Members of the Association shall consist of all record owners of a fee simple interest in Units in the Condominium, as further provided in the Bylaws.
- (B) The share of a Member in the funds and assets of the Association cannot be assigned or transferred in any manner except as an appurtenance to his or her Unit.
- (C) The Owners of each Unit, collectively, shall be entitled to the number of votes in Association matters as set forth in the Declaration and the Bylaws. The manner of exercising voting rights shall be as set for in the Bylaws.

ARTICLE XI. DISSOLUTION LANGUAGE

In the event of termination, dissolution or final liquidation of the Association, the responsibility for the operation and maintenance of the stormwater management system must be transferred to and accepted by an entity which complies with Rule 62-330.310, F.A.C., and Applicant's Handbook Volume I, Section 12.3, and be approved by SWFWMD prior to such termination, dissolution or liquidation.

ARTICLE XII. AMENDMENTS

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

- (A) Proposal. Amendments to these Articles may be proposed by a majority of the Board or by petition of one-fourth (1/4) of the Members by instrument, in writing, signed by them.
- (B) Procedure. Upon any amendment or amendments to these Articles being proposed by the Board or Members, such proposed amendment or amendments shall be submitted to a vote of the Members not later than the next annual meeting for which proper notice can be given. Approval of a proposed amendment must be by not less than seventy percent (70%) of all voting interests of the Association.
- (C) Effective Date. An amendment shall become effective upon filing with the Secretary of State and recording a copy thereof along with a Certificate of Amendment in the Public Records of Sarasota County, Florida.

ARTICLE XIII. INDEMNIFICATION

To the fullest extent permitted by Florida law, the Association shall indemnify and hold harmless every director and every officer of the Association against all expenses and liabilities, including attorneys' fees, actually and reasonably incurred by or imposed upon a director or officer in connection with any legal proceeding (or settlement or appeal of such proceeding) to which he or she may be a party because of his or her being or having been a director or officer of the Association. The foregoing right of indemnification shall not be available if a judgment or other final adjudication establishes that his or her actions or omissions to act were material to the cause adjudicated and involved:

- (A) Willful misconduct or a conscious disregard for the best interests of the Association, in a proceeding by or in the right of the Association to procure a judgment in its favor.
- (B) A violation of criminal law, unless the director or officer had no reasonable cause to believe his or her action was unlawful or had reasonable cause to believe his or her action was lawful.
- (C) A transaction from which the director or officer derived an improper benefit.
- (D) Recklessness, or an act or omission which was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard for human rights, safety or property, in an action by or in the right of someone other than the Association or a member.
- (E) Wrongful conduct by directors or officers appointed by the developer of the Condominium in a proceeding brought by or on behalf of the Association.

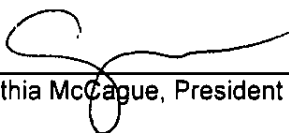
In the event of a settlement, the right to indemnification shall not apply unless the Board of Directors approves such settlement as being in the best interest of the Association. The foregoing rights of indemnification shall be in addition to and not exclusive of all other rights to which a director or officer may be entitled.

Adoption of Amendments

The amendments were adopted by the Board of Directors and is sufficient for approval. The effective date of each amendment adoption is April 4, 2017.

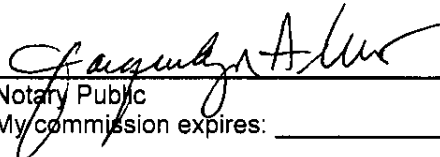
The corporation has no members or members entitled to vote.

In Witness Whereof, the undersigned incorporator has executed this amendment this 4th day of April, 2017.


Cynthia McCague, President

State of Florida
County of Sarasota

The foregoing instrument was acknowledged before me this 4th day of April, 2017 by Cynthia McCague, who is personally known to me.


Notary Public
My commission expires: _____



JACQUELYN A. WEST
MY COMMISSION # FF 215833
EXPIRES: May 22, 2019
Bonded Thru Budget Notary Services