

N14000007397

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(Business Entity Name)

(Document Number)

Certified Copies _____ Certificates of Status _____

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TALLAHASSEE, FLORIDA

OCT 11 2021

FLORIDA CAPITAL COURIER SERVICES, INC
2330 CLARE DRIVE
TALLAHASSEE, FL 32309
(850) 524-5437
(850) 524-6243

Authorized Signature: _____

TOWNHOMES OF WEST LAKE COMMUNITY ASSOCIATION, INC N14000007397
Corporation Name & Document Number, (if known):

(Business Name)

Document#

___ Walk in

___ Pick up time ___

___ Mail out

___ Will wait

___ Photocopy

___ **Certified Copy of Articles of Organization**

___ **Certificate of Status**

NEW FILINGS

___ Profit

___ Not for Profit

___ Limited Liability

___ Domestication

___ Other

___ **CORP**

AMMENDMENTS

X Amendment

___ Resignation of R.A. Officer/Director

___ Change of Registered Agent

___ Dissolution/Withdrawal

___ Merger

___ **Conversion**

OTHER FILINGS

___ Annual Report

___ Fictitious Name

___ APOSTIL () _____
Country

REGISTRATION/QUALIFICATIONS

___ Foreign filing

___ Limited Partnership

___ Reinstatement

___ Other

EXAMINER'S INITIALS: _____

COVER LETTER

TO: Amendment Section
Division of Corporations

NAME OF CORPORATION: TOWNHOMES OF WEST LAKE COMMUNITY ASSOCIATION, INC.

DOCUMENT NUMBER: N14000007397

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

Please return all correspondence concerning this matter to the following:

ANNE M. HATHORN, ESQ.

(Name of Contact Person)

ANNE HATHORN LEGAL SERVICES, LLC

(Firm/ Company)

150 2ND AVENUE NORTH, SUITE 1270

(Address)

ST PETERSBURG FL 33701

(City/ State and Zip Code)

ANNE@ANNEHATHORN.COM

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

For further information concerning this matter, please call:

ANNE M. HATHORN, ESQ.

(Name of Contact Person)

727 895-5060
at (Area Code) (Daytime Telephone Number)

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

- | | | | |
|---|--|---|--|
| <input checked="" type="checkbox"/> \$35 Filing Fee | <input type="checkbox"/> \$43.75 Filing Fee & Certificate of Status | <input type="checkbox"/> \$43.75 Filing Fee & Certified Copy (Additional copy is enclosed) | <input type="checkbox"/> \$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
The Centre of Tallahassee
2415 N. Monroe Street, Suite 810
Tallahassee, FL 32303

Prepared By and Return to:
Anne M. Hathorn, Esquire
Anne Hathorn Legal Services, LLC
150 2nd Ave. N., Suite 1270
St. Petersburg, FL 33701

**CERTIFICATE OF RECORDING THE AMENDED AND RESTATED
ARTICLES OF INCORPORATION OF TOWNHOMES OF
WEST LAKE COMMUNITY ASSOCIATION, INC.**

THIS IS TO CERTIFY THAT the attached is a true and correct copy of the Amended and Restated Articles of Incorporation of Townhomes of West Lake Community Association, Inc. (the Association"), wherein all previous amendments were duly adopted with the requisite membership approval in accordance with the requirements of the applicable Florida Statutes and the documents governing the Association, and then integrated in the foregoing document.

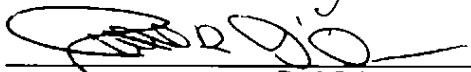
IN WITNESS WHEREOF, Townhomes of West Lake Community Association, Inc. has caused this instrument to be signed by its duly authorized officer on the 29 day of September 2021, in Hillsborough County, Florida.

WITNESSES:

TOWNHOMES OF WEST LAKE
COMMUNITY ASSOCIATION, INC.

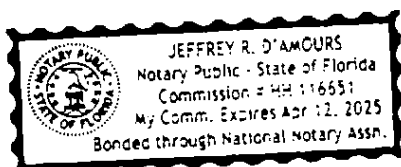

Printed Name: GARY DEUTSCH

By: 
Randy Orne President


Printed Name: JEFF D'AMOURS

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

On this 29 day of September, 2021, the foregoing instrument was acknowledged before me by means of ☒ physical presence, or ☐ online notarization by Randy Orne, as President on behalf of Townhomes of West Lake Community Association, Inc., a Florida not-for-profit corporation. He is personally known to me or has produced NA as identification.



Notary Public, State of Florida at Large


Printed Name: _____
My Commission Expires: _____

FILED
2021 OCT - 7 AM 9:30
NOTARY PUBLIC
HILLSBOROUGH COUNTY, FLORIDA

**AMENDED AND RESTATED ARTICLES OF INCORPORATION OF
TOWNHOMES OF WEST LAKE COMMUNITY ASSOCIATION, INC.**

In compliance with the requirements of the laws of the State of Florida, and for the purpose of forming a corporation not-for-profit, the undersigned does hereby acknowledge:

1. Name of Corporation. The name of the corporation is TOWNHOMES OF WEST LAKE COMMUNITY ASSOCIATION, INC., a Florida corporation not-for-profit (the "**Association**").

2. Principal Office. The principal office of the Association is 4343 Anchor Plaza Parkway, Suite 200, Tampa, Florida 33634.

3. Registered Office, Registered Agent. The street address of the Registered Office of the Association is 2701 N. Rocky Point Drive, Suite 900, Tampa, Florida 33607. The name of the Registered Agent of the Association is: Pennington, P.A.

4. Definitions. The COMMUNITY DECLARATION FOR TOWNHOMES OF WEST LAKE (the "**Declaration**") will be recorded in the Public Records of Hillsborough County, Florida, and shall govern all of the operations of a community to be known as TOWNHOMES OF WEST LAKE. All initially capitalized terms not defined herein shall have the meanings set forth in the Declaration. Turnover of control of the Association from the Declarant to the owners occurred several years ago. All rights and obligations of the Declarant have passed to the Association. All references to Declarant in these Articles of Incorporation are hereby deleted.

5. Purpose of the Association. The Association is formed to: (a) provide for ownership, operation, maintenance and preservation of the Common Areas, and improvements thereon; (b) performs the duties delegated to it in the Declaration, Bylaws and these Articles; and (c) administer the interests of the Association and the Owners.

6. Not-For-Profit. Association is a not-for-profit Florida corporation and does not contemplate pecuniary gain to, or profit for, its members.

7. Powers of the Association. Association shall, subject to the limitations and reservations set forth in the Declaration, have all the powers, privileges and duties reasonably necessary to discharge its obligations, including, but not limited to, the following:

7.1 To perform all the duties and obligations of the Association set forth in the Declaration and Bylaws, as herein provided;

7.2 To enforce, by legal action or otherwise, the provisions of the Declaration and Bylaws and of all rules, regulations, covenants, restrictions and agreements governing or binding Association and TOWNHOMES OF WEST LAKE;

7.3 To operate and maintain the SWMS. The Association shall operate, maintain and manage the SWMS in a manner consistent with the Permit requirements and applicable SWFWMD rules, and shall assist in the enforcement of the provisions of the Declaration that relate to the SWMS. The Association shall levy and collect adequate assessments against members of the Association for the costs of maintenance and operation of the SWMS;

7.4 To fix, levy, collect and enforce payment, by any lawful means, of all Assessments pursuant to the terms of the Declaration, these Articles and Bylaws;

7.5 To pay all Operating Expenses, including, but not limited to, all licenses, taxes or governmental charges levied or imposed against the property of the Association;

7.6 To acquire (by gift, purchase or otherwise), annex, own, hold, improve, build upon, operate, maintain, convey, grant rights and easements, sell, dedicate, lease, transfer or otherwise dispose of real or personal property (including the Common Areas) in connection with the functions of the Association except as limited by the Declaration;

7.7 To borrow money, upon the approval of a majority of the Board and fifty-one percent (51%) of the total Voting Interests, in person or by proxy, at a duly called meeting of the members, mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred, including without limitation, the right to collateralize any such indebtedness with the Association's Assessment collection rights. A quorum for any meeting of the members for the purpose of any action taken under this Section 7.7 shall be established by the presence, in person or by proxy, of the members entitled to cast thirty percent (30%) of the total Voting Interests;

7.8 To dedicate, grant, license, lease, concession, create easements upon, sell or transfer all or any part of TOWNHOMES OF WEST LAKE to any public agency, entity, authority, utility or other person or entity for such purposes and subject to such conditions as it determines and as provided in the Declaration;

7.9 To participate in mergers and consolidations with other non-profit corporations organized for the same purposes;

7.10 To adopt, publish, promulgate or enforce rules, regulations, covenants, restrictions or agreements governing Association, TOWNHOMES OF WEST LAKE, the Common Areas, Lots, Parcels and Homes as provided in the Declaration and to effectuate all of the purposes for which the Association is organized.

7.11 To have and exercise any and all powers, rights and privileges which a corporation organized under Chapter 617 or Chapter 720, Florida Statutes, by law may now or hereafter have or exercise;

7.12 To employ personnel and retain independent contractors to contract for management of the Association, TOWNHOMES OF WEST LAKE, and the Common Areas as provided in the Declaration and to delegate in such contract all or any part of the powers and duties of the Association;

7.13 To contract for services to be provided to, or for the benefit of, the Association, Owners, the Common Areas, and TOWNHOMES OF WEST LAKE as provided in the Declaration, such as, but not limited to, telecommunications services, maintenance, garbage pick-up, and utility services; and

7.14 To establish committees and delegate certain of its functions to those committees.

8. Voting Rights. Owners shall have the voting rights set forth in the Declaration.

9. Board of Directors. The affairs of the Association shall be managed by a Board of odd number with not less than three (3) or more than five (5) members. The initial number of Directors shall be three (3). Board members shall be appointed and/or elected as stated in the Bylaws. After the Turnover Date, the election of Directors shall be held at the annual meeting. The names and addresses of the members of the first Board who shall hold office until their successors are appointed or elected, or until removed, are as follows:

| | |
|-----------------|--|
| Betty Valenti | 4343 Anchor Plaza Parkway, Suite 200, Tampa FL 33634 |
| Dan Waibel | 4343 Anchor Plaza Parkway, Suite 200, Tampa FL 33634 |
| Chloe Firebaugh | 4343 Anchor Plaza Parkway, Suite 200, Tampa FL 33634 |

10. Dissolution. In the event of the dissolution of the Association other than incident to a merger or consolidation, any member may petition the Circuit Court having jurisdiction of the Judicial Circuit of the State of Florida for the appointment of a receiver to manage its affairs of the dissolved Association and to manage the Common Areas, in the place and stead of the Association, and to make such provisions as may be necessary for the continued management of the affairs of the dissolved Association and its properties. In the event of termination, dissolution or final liquidation of the Association, the responsibility of the operation and maintenance of the SWMS must be transferred to and accepted by an entity that would comply with 12.3.3(c)(6) of the Environmental Resource Permit Applicant's Handbook Volume 1 dated effective October 1, 2013.

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

12. Amendment.

12.1 General Restrictions on Amendments. If the prior written approval of any governmental entity or agency having jurisdiction is required by applicable law or governmental regulation for any amendment to these Articles, then the prior written consent of such entity or agency must also be obtained. No amendment shall be effective until it is recorded in the Public Records.

12.2 Amendments From and After Turnover. After the Turnover, but subject to the general restrictions on amendments set forth above, these Articles may be amended with the approval of (i) a majority of the Board; and (ii) fifty-one percent (51%) of the total Voting Interests present, in person or by proxy, at a duly called meeting of the members. A quorum for any meeting of the members for the purpose of adopting amendments after the Turnover shall be established by the presence, in person or by proxy, of the members entitled to cast thirty percent (30%) of the total Voting Interests.

12.3 Compliance with HUD, FHA, VA, FNMA, GNMA and SWFWMD. Subject to the general restrictions on amendments set forth above, the Board shall have the right to amend these Articles, from time to time, to make such changes, modifications and additions therein and thereto as may be requested or required by HUD, FHA, VA, FNMA, GNMA, SWFWMD or any other governmental agency or body as a condition to, or in connection with such agency's or body's regulatory requirements or agreement to make, purchase, accept, insure, guaranty or otherwise approve loans secured by mortgages on Lots. In addition, the Board may amend these Articles as it deems necessary or appropriate to make the terms of these Articles consistent with applicable law in effect from time to time. No approval or joinder of the Owners, or any other party shall be required or necessary to any such amendments by the Board. Any such amendments by the Board shall require the approval of a majority of the Board.

13. Limitations.

13.1 Declaration is Paramount. No amendment may be made to these Articles which shall in any manner reduce, amend, affect or modify the terms, conditions, provisions, rights and obligations set forth in the Declaration.

13.2 Bylaws. These Articles shall not be amended in a manner that conflicts with the Bylaws.

14. Officers. The Board shall elect a President, Vice-President, Secretary, Treasurer, and as many Vice-Presidents, Assistant Secretaries and Assistant

Treasurers as the Board shall from time to time determine. The names and addresses of the Officers who shall serve until their successors are elected by the Board are as follows:

| | |
|-----------------|-----------------|
| President: | Betty Valenti |
| Vice-President: | Dan Waibel |
| Secretary: | Chloe Firebaugh |
| Treasurer: | Chloe Firebaugh |

15. Indemnification of Officers and Directors. Association shall and does hereby indemnify and hold harmless every Director and every Officer, their heirs, executors and administrators, against all loss, cost and expenses reasonable incurred in connection with any action, suit or proceeding to which such Director or Officer may be made a party by reason of being or having been a Director or Officer of the Association, including reasonable counsel fees and paraprofessional fees at all levels of proceeding. This indemnification shall not apply to matters wherein the Director or Officer shall be finally adjudged in such action, suit or proceeding to be liable for or guilty of gross negligence or willful misconduct. The foregoing rights shall be in addition to, and not exclusive of, all other rights to which such Director or Officers may be entitled.

16. Transactions in which Directors or Officers are Interested. No contract or transaction between Association and one (1) or more of its Directors or Officers or between Association and any other corporation, partnership, the Association, or other organization in which one (1) or more of its Officers or Directors are Officers, Directors or employees or otherwise interested shall be invalid, void or voidable solely for this reason, or solely because the Officer or Director is present at, or participates in, meetings of the Board thereof which authorized the contract or transaction, or solely because said Officers' or Directors' votes are counted for such purpose. No Director or Officer of the Association shall incur liability by reason of the fact that such Director or Officer may be interested in any such contract or transaction. Interested Directors shall disclose the general nature of their interest and maybe counted in determining the presence of a quorum at a meeting of the Board which authorized the contract or transaction.