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SECRETARY OF STATE
DIVISION OF CORPORATIONS
09 MAR -6 AM 11:22

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COVER LETTER

TO: Amendment Section
Division of Corporations

NAME OF CORPORATION: BRIAR PATCH HOMEOWNERS ASSOCIATION, INC.

DOCUMENT NUMBER: N14203

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

Please return all correspondence concerning this matter to the following:

Cliff & Lil Couse

(Name of Contact Person)

Briar Patch HOA, Inc.

(Firm/ Company)

6535 Cabbage Lane

(Address)

New Port Richey, FL 34653

(City/ State and Zip Code)

For further information concerning this matter, please call:

Cliff or Lil Couse

(Name of Contact Person)

at (727) 847-5898

(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

FILED
SECRETARY OF STATE
DIVISION OF CORPORATIONS

09 MAR -6 AM 11:22

BRIAR PATCH HOMEOWNERS ASSOCIATION, INC.
(Name of Corporation as currently filed with the Florida Dept. of State)

N14203

(Document Number of Corporation (if known))

Pursuant to the provisions of section 617.1006, Florida Statutes, this *Florida Not For Profit Corporation* adopts the following amendment(s) to its Articles of Incorporation:

A. If amending name, enter the new name of the corporation:

(No Change)

The new name must be distinguishable and contain the word "corporation" or "incorporated" or the abbreviation "Corp." or "Inc." "Company" or "Co." may not be used in the name.

B. Enter new principal office address, if applicable:

(Principal office address MUST BE A STREET ADDRESS)

(No Change)

C. Enter new mailing address, if applicable:

(Mailing address MAY BE A POST OFFICE BOX)

(No Change)

D. If amending the registered agent and/or registered office address in Florida, enter the name of the new registered agent and/or the new registered office address:

Name of New Registered Agent:

(No Change)

New Registered Office Address:

(Florida street address)

(No Change)

Florida

(City)

(Zip Code)

New Registered Agent's Signature, if changing Registered Agent:

I hereby accept the appointment as registered agent. I am familiar with and accept the obligations of the position.

Signature of New Registered Agent, if changing

(Attach additional sheets, if necessary)

<u>Title</u>	<u>Name</u>	<u>Address</u>	<u>Type of Action</u>
			<input type="checkbox"/> Add
			<input type="checkbox"/> Remove
			<input type="checkbox"/> Add
			<input type="checkbox"/> Remove
			<input type="checkbox"/> Add
			<input type="checkbox"/> Remove

The Articles of Incorporation are amended as follows:

Please see attached Exhibit "A"

The date of each amendment(s) adoption: February 9, 2009

Effective date if applicable: UPON FILING
(no more than 90 days after amendment file date)

Adoption of Amendment(s) **(CHECK ONE)**

- ☒ The amendment(s) was/were adopted by the members and the number of votes cast for the amendment(s) was/were sufficient for approval.
- ☐ There are no members or members entitled to vote on the amendment(s). The amendment(s) was/were adopted by the board of directors.

Dated _____

Signature _____
(By the chairman or vice chairman of the board, president or other officer-if directors have not been selected, by an incorporator – if in the hands of a receiver, trustee, or other court appointed fiduciary by that fiduciary)

Donald Thompson
(Typed or printed name of person signing)

President
(Title of person signing)

Return to Briar Patch HOA

6525 Thicket Trail

New Port Richey, Florida 34653

**ARTICLES OF AMENDMENT
TO
ARTICLES OF INCORPORATION
OF
BRIAR PATCH HOMEOWNERS ASSOCIATION, INC.**

(A DEED RESTRICTED SENIOR COMMUNITY AGE 55+)
(Document Number N14203)

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:

The undersigned hereby certify that they are forming an association for the purpose of becoming a corporation not for pecuniary profit, under and in accordance with the provisions of Chapter 617, Florida Statutes, providing for the formation, rights, privileges, and immunities of a corporation not for profit, and pursuant to the terms of said statute, we hereby make, subscribe, acknowledge, and file these Amendments to the Articles of Incorporation and further disclose as follows:

ARTICLE I

The name of this corporation shall be BRIAR PATCH HOMEOWNERS ASSOCIATION, INC., (a corporation not for pecuniary profit), whose registered office shall be at 6525 Thicket Trail, New Port Richey, Fl. 34653.

ARTICLE II

This corporation shall have the power and authority to forward the purposes and accomplish the objectives hereinafter set forth, and to do and perform the same in accordance with the law as follows:

- A. To provide for the maintenance, preservation, and architectural control of landscaping, building exteriors, (specific policies to maintain the building exteriors shall be adopted by the Board of Directors of this corporation), wetland retention areas (in accordance with the Southwest Florida Water Management District rules and regula-

tions), and recreation facilities, and for the providing of garbage collection and for the maintenance of insurance on the common elements within that certain tract of property in Pasco County, Florida, known as Briar Patch, a subdivision developed with facilities and policies designed to promote senior retirement living as per the Plat thereof recorded in Plat Book 24, Pages 79-81, and Plat Book 26, Pages 24-26 of the Public Records of Pasco County, Florida; pursuant to Restrictions recorded upon the aforesaid property, hereinafter referred to as the "Properties", and to promote the health, safety, and welfare of the senior residents within the above-described property and any additions thereto as may hereinafter be brought within the jurisdiction of this Association and for this purpose.

- B. To exercise all of the powers and privileges and to perform all the duties and obligations of the Association as set forth in the Restrictions applicable to the property and recorded in the Public Records of Pasco County, Florida, and as the same may be amended from time to time as provided.
- C. To fix, levy, collect and enforce payment by any lawful means, all charges or assessments (to include assessments and/or fines for violation of Deed Restrictions and By-Laws as permitted by Florida Statutes) pursuant to the terms of the Restrictions and By-Laws, to pay all expense in connection therewith and all office and other expenses incident to the conduct of the business of the Association, including all licenses, taxes, or governmental charges levied or imposed against the property of the Association.
- D. To improve facilities, operate, maintain, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Association, and as further outlined in the By-Laws, Article VII, Paragraph B, Duties, required in this regard must be approved by a majority of the voting members of the Association.
- E. To dedicate, sell, or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members. No such dedication or transfer shall be effective unless an instrument has been signed by fifty-one per cent (51%) of the aggregate of Voting Members agreeing to such dedication, sale, or transfer.
- F. To adopt and use a common corporate seal and alter the same, provided however, that such seal shall always contain the words "Corporation Not For Pecuniary Profit".

- G. To have and to exercise any and all powers, rights, and privileges which a corporation organized under Chapter 617, Florida Statutes, as the same may be amended as it may now or hereafter have or exercise.

ARTICLE III

All owners of lots within BRIAR PATCH, which lots are subject to assessment, shall be members of the Association. Membership shall be appurtenant to and may not be separated from ownership of any lot which is subject to assessment.

There shall be one (1) vote for each lot owned, subject to the following requirements: There shall be filed with the Board of Directors a "Voting Member Designation Certificate" which shall name one (1) primary and/or one alternate owner of such lot as the "Voting Member" for that lot. Such Certificate shall be signed by all of the owners of such lot and shall, upon filing with the Board of Directors, be effective until a new Certificate is subsequently duly executed by all owners of such lot and filed with the Board of Directors. Only the person named in such Certificate, or their duly appointed alternate shall be allowed to cast the vote for the subject lot. A lot which does not have on record with the Board of Directors a valid Voting Designation Certificate shall not be entitled to a vote.

ARTICLE IV

The BRIAR PATCH HOMEOWNERS ASSOCIATION, INC. (a corporation not for pecuniary profit), shall exist perpetually or until such time as the same becomes dissolved or merged. The Board of Directors of the Association shall provide for the following:

- A. Maintain Briar Patch as a Senior Community Age 55+. The Board of Directors of this corporation shall take such steps as are necessary to maintain a minimum of eighty percent (80%) of all units with at least one resident fifty-five (55) years of age or older, and permitting no one under the age of thirty (30), and no children to reside in Briar Patch. Specific policies to maintain Briar Patch as an age fifty-five (55) and older community may be adopted by the Board of Directors.
- B. After *one* year of continuous residency by the unit owner, unit owners may rent or lease their unit. The Board of Directors of the Corporation shall be charged with the obligation and duty of ensuring that all rental property leasing contracts are for a minimum period of one (1) year, and only one (1) lease per year per renter. A copy of each such lease is to be filed with the Board of Directors. Tenants shall be re-

quired to comply with all Community governing documents. Specific policies to maintain this restriction shall be adopted by the Board of Directors of this Corporation.

ARTICLE V

- A. The affairs of this Association shall be managed by not less than three (3) nor more than seven (7) directors, the number of which shall be set by the Board of Directors. The Board of Directors shall select the officers of the corporation. Officers are permitted, but not required, to be Directors. Each Officer and Director must be a member of the association, with the exception of the Secretary/Treasurer and Assistant Treasurer. The corporation shall have such Officers as the Board of Directors shall determine.
- B. Term of Office. At each Annual Meeting voting members shall elect Directors for staggered terms of two (2) years so that no more than a simple majority of Directors are to be elected at an Annual Meeting.

ARTICLE VI

The initial By-Laws of a corporation shall be adopted by its Board of Directors. The power to alter, amend, or repeal the By-Laws or adopt new By-Laws shall be vested in the Board of Directors unless otherwise provided in the By-Laws. The By-Laws may contain any provision for the regulation and management of the affairs of the corporation not inconsistent with law or the Articles of Incorporation.

ARTICLE VII

These Articles of Incorporation may be amended, from time to time, by the assent of fifty-one per cent (51%) of the aggregate of Voting Members duly qualified to vote at the time such amendment is made. Such amendment shall be proposed by a majority vote of the Board of Directors or by written resolution executed by not less than a majority of Voting Members.

ARTICLE VIII

No person, firm, or corporation shall ever receive any dividends or profits for the undertaking of this corporation. No owner or resident shall be employed by this Association, and

upon dissolution of this organization, all its assets remaining after payment of all costs and expenses of such dissolution shall be distributed to organizations which have qualified for exemption under Section 501(c)(3) of the Internal Revenue Code or to the Federal Government or to a state or local government for a public purpose, and none of these assets will be distributed to any member, officer, or director of this corporation.

ARTICLE IX

The Board of Directors of this corporation shall maintain equipment and other implements essential for the carrying out of the purposes as set forth in these Articles of Incorporation and the By-Laws of this corporation; shall maintain proper books of account and inventories with regard to dues, receipts, disbursements, and property of this corporation.

ARTICLE X

The Board of Directors of this corporation shall carry out the general policy of this corporation with respect to the purposes for which it is formed.

ARTICLE XI

Notwithstanding any other provision of these Articles of Incorporation, this corporation will not carry on any activities not permitted to be carried on by (a) a corporation exempt from Federal Income Tax under Sections 501(c)(3) of the Internal Revenue Code of 1954 or the corresponding provision of any future United States Internal Revenue Code; or (b) a corporation, contributions to which are deductible under Section 179(c)(2) of the Internal Revenue Code of 1954, or any other corresponding provision of any future United States Internal Revenue Code.

ARTICLE XII

This corporation is organized exclusively for charitable, religious, educational and scientific purposes, including for such purposes the making of distributions to organizations that qualify as exempt organizations under Section 50(c)(3) of the Internal Revenue Code of 1954 or the corresponding provision of any future United States Internal Revenue Code.

ARTICLE XIII

The names and addresses of the incorporators of this corporation are:

Michael J. Ryan, 6905 Cabbage Lane, New Port Richey, Florida 33552

Jacqueline G. Clowes, 6905 Cabbage Lane, New Port Richey, Florida 33552

Lucille Gage, 6905 Cabbage Lane, New Port Richey, Florida 33552

Dated 3/4/09

WITNESS:

Briar Patch Homeowners Association, Inc.

Clifford L. Luse

Donald Thompson (LS)

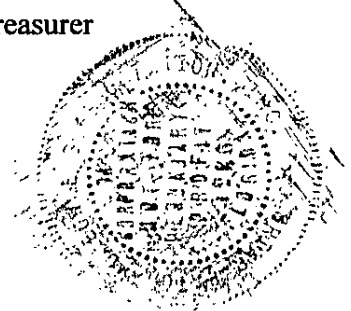
Donald Thompson, President

Lillian Couse

Marlene J. Winchester (LS)

Marlene Winchester, Secretary/Treasurer

Corporate Seal



State of Florida

County of Pasco

Before me, the undersigned authority, personally appeared Donald Thompson, as President and Marlene Winchester, as Secretary/Treasurer, of BRIAR PATCH HOMEOWNERS ASSOCIATION, INC., a Florida corporation, who are either personally known to me, or who produced a Florida Drivers' License as identification, and who acknowledged executing the foregoing instrument as their own free act and deed as such officer, for the uses and purposes therein mentioned.

WITNESS my hand and official seal in the County and State aforesaid, this 4 day of March, 2009.

Ronald S. Jazwa

Signature of Notary Public - State of Florida



Printed, Typed or Stamped Commissioned Name of Notary Public

Seal

My Commission Expires:

3/3/2009

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