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# COR AMND/RESTATE/CORRECT OR O/D RESIGN THE DAVID AND LYNARE ANINOWSKY FOUNDATION, INC.

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May 31, 2022

### FLORIDA DEPARTMENT OF STATE

THE DAVID AND LYNARE ANINOWSKY FOUNDATION, INC. 450 MARINER DRIVE
JUPITER, FL 33477

SUBJECT: THE DAVID AND LYNARE ANINOWSKY FOUNDATION, INC.

REF: N21000011621

We received your electronically transmitted document. However, the document has not been filed. Please make the following corrections and refax the complete document, including the electronic filing cover sheet.

If there are MEMBERS ENTITLED TO VOTE on a proposed amendment, the document must contain: (1) the date of adoption of the amendment by the members and (2) a statement that the number of votes cast for the amendment was sufficient for approval.

If there are NO MEMBERS OR MEMBERS ENTITLED TO VOTE on a proposed amendment, the document must contain: (1) a statement that there are no members or members entitled to vote on the amendment and (2) the date of adoption of the amendment by the board of directors.

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Diane Cushing Senior Section Administrator FAX Aud. #: H22000188267 Letter Number: 222A00012170 Page: 2 of 4

2022-05-31 15:12:54 EDT

Holland & Knight, LLP

From; Carr, Pam (JAX - X25430)

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# ARTICLES OF AMENDMENT TO THE ARTICLES OF INCORPORATION OF

2022 HAY 31 AM 9: 56

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## THE DAVID AND LYNARE ANINOWSKY FOUNDATION, INC.

Pursuant to Sections 617.1001 through 617.1006 of the Florida Not For Profit Corporation Act, the Articles of Incorporation of The David and Lynare Aninowsky Foundation, Inc., a Florida not-for-profit corporation (the "Corporation"), are hereby amended pursuant to the unanimous agreement of the Corporation's Board of Directors, as the Corporation currently has no members, according to these Articles of Amendment adopted as of May 27, 2022:

FIRST: The name of the Corporation is The David and Lynare Aninowsky Foundation, Inc.

SECOND: The date of filing of the Articles of Incorporation of the Corporation was October 1, 2021.

THIRD: Article 5 of the Articles of Incorporation of the Corporation is amended to read as follows:

#### "ARTICLE 5 MEMBERS

The Corporation may have one or more members. A designation of the class or classes of members, the qualifications and rights of the members of each class, and the names of the initial member or members, shall be set forth in the Bylaws."

FOURTH: Article 8, Section 8.3 of the Articles of Incorporation of the Corporation is amended to read as follows:

- **\*8.3** Private Foundation Rules. In the event that, and for so long as, the Corporation is characterized as a private foundation within the meaning of Section 509(a) of the Internal Revenue Code, the Corporation:
- (a) shall make distributions for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Internal Revenue Code:
- (b) shall not engage in any act of self-dealing as defined in Section 4941(d) of the Internal Revenue Code;
- (c) shall not retain any excess business holdings as defined in Section 4943(c) of the Internal Revenue Code:
- (d) shall not make any investments in such manner as to subject it to tax under Section 4944 of the Internal Revenue Code; and
- (e) shall not make any taxable expenditures as defined in Section 4945(d) of the Internal Revenue Code."

Prepared by Peter Blumeyer Florida Bar No. 118099 904-353-2000 Holland & Knight LLP 50 N. Laura St., Suite 3900 Jacksonville, FL 32202

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(e) shall not make any taxable expenditures as defined in Section 4945(d) of the Internal Revenue Code."

IN WITNESS WHEREOF, the undersigned executes this instrument on 5/27/2022 | 8:58:07 AM EDT

David Aninowsky

David Aninowsky, President