

# N33732

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(Address)

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(City/State/Zip/Phone #)

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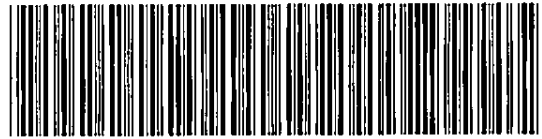
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SECRETARY OF STATE  
TALLAHASSEE, FL

*Amend*

MAY 16 2023

D CUSHING



**WRIGHT & CASEY** P.A.  
SURFCOASTLAW.COM

January 27, 2023

**Via First Class U.S. Mail**

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

RE: Second Amendment to Articles of Incorporation of Bounty Lane Homeowners Assn., Inc.  
Document #N33732

To Whom It May Concern:

The enclosed Second Amendment to the Articles of Incorporation for Bounty Lane Homeowners Association, Inc. is submitted for filing along with our firm's check in the sum of \$35.00. Please return all correspondence concerning this matter to the undersigned and do not hesitate to contact me with any questions.

Thank you for your attention to this matter.

Sincerely,

Barbara C. Reid, Esquire  
[breid@surfcoastlaw.com](mailto:breid@surfcoastlaw.com)  
BCR:hcc

Enclosures per above

FILED  
2023 APR 26 PM 4:39  
SECRETARY OF STATE  
TALLAHASSEE, FL

**COVER LETTER**

TO: Amendment Section  
Division of Corporations

NAME OF CORPORATION: Bounty Lane Homeowners Association, Inc.

DOCUMENT NUMBER: N33732

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

Please return all correspondence concerning this matter to the following:

Barbara C. Reid, Esq.

(Name of Contact Person)

Wright & Casey, P.A.

(Firm/ Company)

340 North Causeway

(Address)

New Smyrna Beach, FL 32169

(City/ State and Zip Code)

bountylanehoa@gmail.com

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

For further information concerning this matter, please call:

Barbara C. Reid, Esq.

(Name of Contact Person)

at (386) 428-3311

(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 &<br>Certificate of Status | <input type="checkbox"/> \$43.75 Filing Fee &<br>Certified Copy<br>(Additional copy is<br>enclosed) | <input type="checkbox"/> \$52.50 Filing Fee<br>Certificate of Status<br>Certified Copy<br>(Additional Copy is<br>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

2023 APR 26 PM 4:39  
SECRETARY OF STATE  
TALLAHASSEE, FL 32303

FILED



FLORIDA DEPARTMENT OF STATE  
Division of Corporations

April 7, 2023

BARBARA C. REID, ESQ.  
WRIGHT & CASEY P.A.  
340 NORTH CAUSEWAY  
NEW SMYRNA BEACH, FL 32169

SUBJECT: BOUNTY LANE HOMEOWNERS ASSOCIATION, INC.  
Ref. Number: N33732

We have received your document for BOUNTY LANE HOMEOWNERS ASSOCIATION, INC. and your check(s) totaling \$35.00. However, the enclosed document has not been filed and is being returned for the following correction(s):

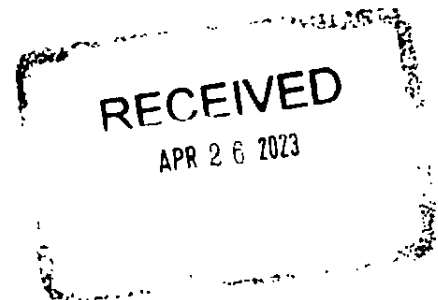
You have submitted 2 amendments and you cannot do that. You need to either submit just our form or just your form with all requirements contained in it. If you submit your filing you will need to correct the wording in the top paragraph. You state this First Amendment and it should say Second Amendment just like the heading.

Please return your document, along with a copy of this letter, within 60 days or your filing will be considered abandoned.

If you have any questions concerning the filing of your document, please call (850) 245-6050.

Diane Cushing  
Senior Section Administrator

Letter Number: 723A00007919



This Instrument Prepared By:  
Barbara C. Reid, Esq.  
Wright & Casey, P.A.  
340 North Causeway  
New Smyrna Beach, FL 32169

**SECOND AMENDMENT TO THE ARTICLES OF INCORPORATION OF  
BOUNTY LANE HOMEOWNERS ASSOCIATION, INC.**

This <sup>Second</sup> Amendment to the Articles of Incorporation of Bounty Lane Homeowners Association, Inc., (the "Amendment") is made this 12<sup>th</sup> day of JANUARY, 2023, by Bounty Lane Homeowners Association, Inc., a Florida not-for-profit corporation.

**WITNESSETH**

**WHEREAS**, the Articles of Incorporation of Bounty Lane Homeowners Association, Inc. (hereafter "the Articles") were originally filed with the Secretary of State for the State of Florida on August 16, 1989; and

**WHEREAS**, the Articles were amended by Amendment to Articles of Incorporation of Bounty Lane Homeowners Association, Inc. executed on February 24, 2010 and filed with the Secretary of State on November 1, 2011; and

**WHEREAS**, the Board of Directors proposed amendments to Article VII of the Articles, as amended; and

**WHEREAS**, Article IX of the Articles provides that the Articles may be amended only be an affirmative vote of three-fourth (3/4) of the members of the Association, unless otherwise provided; and

**WHEREAS**, the proposed amendments were approved by the affirmative vote of all members of Association.

**NOW, THEREFORE**, the Articles are hereby amended to read as follows (additions are indicated by underline; deletions by ~~strikeout~~):

**ARTICLE VII**

The business of the association shall be conducted by its Board of Directors, which shall consist of three (3) lot owners in the Elbers Minor subdivision (the "Subdivision"), one (1) of whom must be at all times be the owner of a non-interior waterfront lot in the Subdivision. The Board of Directors shall conduct the regular affairs of the HOA by majority vote; provided, however, that the following business (the "Restricted Business") of the HOA shall be done only by the unanimous vote of all three (3) members of the Board of Directors:

- a) The hiring or retention of an attorney for any purpose other than the placement or enforcement of a lien against an HOA member for non-payment of HOA assessments;
- b) The filing of any lawsuit or claim to enforce the Declaration of Covenants and Restrictions for the Subdivision; and
- c) Special assessments of the members of the HOA.

In the event that the Board of Directors is unable to reach a unanimous vote with respect to a matter of Restricted Business, the issue shall first be put to a vote (the "First Vote") of the membership of the HOA with each lot in the Subdivision having one vote. The vote of not less than seventy-five percent (75%) of the HOA members voting on a matter of Restricted Business shall be binding. In the event that a seventy-five percent (75%) vote of the HOA members cannot be attained on either side of the matter of Restricted Business, then a certified mediator shall be selected by the Board of Directors acting by majority vote and a mediation conducted within fourteen (14) days between all HOA members. Any lot owner may at their sole discretion elect to be represented by counsel at such mediation.

In the event that a seventy-five percent (75%) vote of the HOA members cannot be attained on either side of the matter of Restricted Business at or following mediation (the "Second Vote"), the matter shall immediately be submitted to binding arbitration before a single arbitrator. The Homeowners Association shall advocate for the position taken by the majority of its members at the Second Vote (the "Majority Owners") and the members of the HOA voting in the minority all the Second Vote (the "Minority Owners") shall be the opposing party. The Homeowners Association and the Minority Owners shall attempt to mutually select an arbitrator. If they are unable to agree, an arbitrator shall be selected using the strike and rank method set forth in R-11 of the American Arbitration Association's Commercial Arbitration Rules and Mediation Procedures. The other provisions contained in the American Arbitration Association's Commercial Arbitration Rules and Mediation Procedures shall also apply. The arbitrator shall make a determination as reasonableness and necessity of the item of Restricted Business. The Majority Owners shall bear the initial costs and attorneys' fees of the HOA with respect to the arbitration and the Minority Owners shall initially bear their own costs and attorneys' fees in connection with the arbitration. The non-prevailing party shall pay the costs of arbitration as well as the reasonable attorneys' fees and costs of the prevailing party.

For purposes of this provision, in the event that a member of the Board of Directors refuses or fails to vote on a matter of Restricted Business, it shall be conclusively presumed that the non-voting Board Member voted in favor of proceeding with the item of Restricted Business. Notwithstanding anything to the contrary contained herein, any member of the HOA shall have right to invoke the arbitration provision set forth herein with respect to any matter of Restricted Business not unanimously agreed by the Board of Directors.

All meetings of the membership of the HOA, the Board of the HOA or any committee or body of the HOA shall be held in a public location and shall be noticed to all members of the HOA by U.S. Mail, hand delivery, or electronic mail at an address so designated by the member.

☒ The amendment(s) was/were adopted by the members and the number of votes cast for the amendment(s) was/were sufficient for approval.

IN WITNESS WHEREOF, Bounty Lane Homeowners Association, Inc. has hereby duly adopted and executed this First Amendment as set forth in the Articles of Incorporation on the day and year first written above.

Mary K. Kennedy

Mary K. Kennedy

(Name and signature of witness No. 1)

Patricia M Corley

PATRICIA M CORLEY

(Name and signature of witness No. 2)

**Bounty Lane Homeowners Association,  
Inc., a Florida not-for-profit corporation**

By: [Signature]

Herbert Epstein, President

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 12<sup>th</sup> day of JANUARY, 2023, by Herbert Epstein, the President of Bounty Lane Homeowners Association, Inc., a Florida not-for-profit corporation, on behalf of the corporation. He is personally known to me or has produced FL DLV as identification.



NOTARY PUBLIC:

Sign: [Signature]

Print: \_\_\_\_\_

State of Florida At Large  
(Seal)

My Commission Expires:

Title/Rank: \_\_\_\_\_

Commission Number: \_\_\_\_\_