

N44151

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COVER LETTER

TO: Amendment Section
Division of Corporations

NAME OF CORPORATION: EAGLE WATCH HOMEOWNERS' ASSOCIATION, INC.

DOCUMENT NUMBER: N44151

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

Please return all correspondence concerning this matter to the following:

Douglas G. Christy

(Name of Contact Person)

The Law Office of Douglas G. Christy, PLLC

(Firm/ Company)

P.O. Box 49471

(Address)

Sarasota, FL 34230

(City/ State and Zip Code)

dchristy@christylegal.com

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

For further information concerning this matter, please call:

Pamela Washburn

727

868-8680

at

(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:

- | | | | |
|---|--|---|--|
| <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

Articles of Amendment
to
Articles of Incorporation
of

EAGLE WATCH HOMEOWNERS' ASSOCIATION, INC.

(Name of Corporation as currently filed with the Florida Dept. of State)

N44151

(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:

N/A

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**)*

N/A

C. Enter new mailing address, if applicable:

*(Mailing address **MAY BE A POST OFFICE BOX**)*

N/A

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: N/A

New Registered Office Address:

N/A

(Florida street address)

(City)

Florida

(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

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CLERK OF DISTRICT COURT
STATE OF FLORIDA

If amending the Officers and/or Directors, enter the title and name of each officer/director being removed and title, name, and address of each Officer and/or Director being added:

(Attach additional sheets, if necessary)

Please note the officer/director title by the first letter of the office title:

P = President; V= Vice President; T= Treasurer; S= Secretary; D= Director; TR= Trustee; C = Chairman or Clerk; CEO = Chief Executive Officer; CFO = Chief Financial Officer. If an officer/director holds more than one title, list the first letter of each office held. President, Treasurer, Director would be PTD.

Changes should be noted in the following manner. Currently John Doe is listed as the PST and Mike Jones is listed as the V. There is a change, Mike Jones leaves the corporation, Sally Smith is named the V and S. These should be noted as John Doe, PT as a Change, Mike Jones, V as Remove, and Sally Smith, SV as an Add.

Example:

<input checked="" type="checkbox"/> Change	<u>PT</u>	<u>John Doe</u>
<input checked="" type="checkbox"/> Remove	<u>V</u>	<u>Mike Jones</u>
<input checked="" type="checkbox"/> Add	<u>SV</u>	<u>Sally Smith</u>

<u>Type of Action</u> (Check One)	<u>Title</u>	<u>Name</u>	<u>Address</u>
1) <input type="checkbox"/> Change <input type="checkbox"/> Add <input type="checkbox"/> Remove	_____	_____	_____ _____ _____
2) <input type="checkbox"/> Change <input type="checkbox"/> Add <input type="checkbox"/> Remove	_____	_____	_____ _____ _____
3) <input type="checkbox"/> Change <input type="checkbox"/> Add <input type="checkbox"/> Remove	_____	_____	_____ _____ _____
4) <input type="checkbox"/> Change <input type="checkbox"/> Add <input type="checkbox"/> Remove	_____	_____	_____ _____ _____
5) <input type="checkbox"/> Change <input type="checkbox"/> Add <input type="checkbox"/> Remove	_____	_____	_____ _____ _____
6) <input type="checkbox"/> Change <input type="checkbox"/> Add <input type="checkbox"/> Remove	_____	_____	_____ _____ _____

E. If amending or adding additional Articles, enter change(s) here:

(attach additional sheets, if necessary). (Be specific)

See attached Exhibit "A"

The date of each amendment(s) adoption: January 26, 2021, if other than the date this document was signed.

Note: If the date inserted in this block does not meet the applicable statutory filing requirements, this date will not be listed as the document's effective date on the Department of State's records.

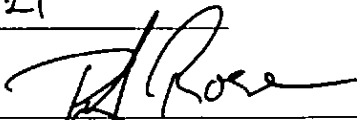
☒ The amendment(s) was/were adopted by the members and the number of votes cast for the amendment(s) was/were sufficient for approval.

- ☐ 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

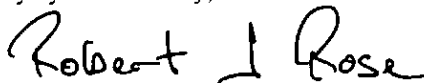
4/6/21

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)

Robert Rose



(Typed or printed name of person signing)

President of EAGLE WATCH HOMEOWNERS' ASSOCIATION, INC.

(Title of person signing)

AMENDED AND RESTATED ARTICLES OF INCORPORATION
OF
EAGLE WATCH HOMEOWNERS' ASSOCIATION, INC.

**SUBSTANTIAL REWORDING. SEE ARTICLES OF INCORPORATION OF EAGLE
WATCH HOMEOWNERS' ASSOCIATION, INC. FOR CURRENT TEXT.**

Pursuant to Section 617.1007, Florida Statutes, the Articles of Incorporation of Eagle Watch Homeowners' Association, Inc., a Florida corporation not for profit, which were originally incorporated under the same name on June 27, 1991. Amendments included have been added pursuant to Chapter 617, Florida Statutes (2019).

For historical reference, the street address of the initial principal office and the initial mailing address of Eagle Watch Homeowners' Association, Inc. were not included in the Articles of Incorporation of Eagle Watch Homeowners' Association, Inc. The street address of the initial registered office of Eagle Watch Homeowners' Association, Inc. was 8515 Riverview, Riverview, Florida 33569, and the name of the initial registered agent of Eagle Watch Homeowners' Association, Inc. was Glenn E. Cross. The current registered agent of Eagle Watch Homeowners' Association, Inc. is Premier Community Consultants, Inc. and the street address of the current registered office of Eagle Watch Homeowners' Association, Inc. is 18215 Branch Road, Hudson, FL 34667. The Board of Directors may, from time to time, change the designation of the principal office, the mailing address, the registered office and the registered agent of Eagle Watch Homeowners' Association, Inc. in the manner provided by law.

All terms defined in the Declaration of Covenants, Conditions, Restrictions and Easements of Eagle Watch (the "Declaration") to which these Amended and Restated Articles of Incorporation of Eagle Lakes Homeowners' Association, Inc. are attached as an exhibit, shall be used with the same meanings as defined therein.

The Amended and Restated Articles of Incorporation of Eagle Watch Homeowners' Association, Inc., shall henceforth be as follows:

ARTICLE I

NAME: The name of the corporation is Eagle Watch Homeowners' Association, Inc. (the "Association").

ARTICLE II

PRINCIPAL OFFICE: The principal office of the corporation shall be located at 8932 Eagle Watch Drive, Riverview, FL 33569 and subsequently at such other location in Hillsborough County, Florida, as shall be determined by the board of directors of the Association.

ARTICLE III

Amended and Restated Articles of Incorporation

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LAW OFFICE OF DOUGLAS G. CHRISTY, PLLC
P.O. BOX 49471 • SARASOTA, FL 34230

PURPOSE AND POWERS: The purpose for which the Association is organized is to provide an entity for the operation of Eagle Watch, a residential development, located in Hillsborough County, Florida.

The Association is organized and shall exist upon a non-stock basis as a Florida corporation not for profit, and no portion of any earnings of the Association shall be distributed or inure to the private benefit of any Member, Director or Officer of the Association. For the accomplishment of its purposes, the Association shall have all of the common law and statutory powers and duties of a Florida corporation not for profit, except as limited or modified by these Articles, the Declaration of Covenants, Conditions and Restrictions for Eagle Watch (the "Declaration"), the Bylaws of this Association, or Section 720, Florida Statutes (2019), all as amended from time to time and subject to the provisions of Article 3.1 of the Declaration; and it shall have all other powers and duties reasonably necessary to operate Eagle Watch, and effectuate the purposes for which the Association is organized pursuant to the Declaration as it may hereafter be amended, including, without limitation, the following:

- (A) To levy and collect Assessments and Charges against the Members of the Association to defray the costs, expenses and losses of the Association, and to use the proceeds of Assessments in the exercise of its powers and duties.
- (B) To own, lease, maintain, repair, replace or operate the Common Areas.
- (C) To purchase insurance for the protection of the Association and its Members.
- (D) To reconstruct improvements after casualty and to make further improvements of the Community.
- (E) To make, establish, amend and enforce reasonable Rules and Regulations governing the use of all property within the Community (including Parcels and Common Areas), the conduct thereon, and the operation of the Association.
- (F) To contract, and to sue and be sued; and to enforce the covenants and restrictions in the Governing Documents.
- (G) To employ accountants, attorneys, architects, or other professional personnel, and to contract for services necessary to perform the services required for proper operation and maintenance of the properties.
- (H) To acquire, own and convey real property, and to enter into agreements, or acquire leaseholds, easements memberships, and other possessory or use interests in lands or facilities such as country clubs, golf courses, marinas, and other recreational facilities. It has this power regardless of whether the lands or facilities are contiguous to the lands of Eagle Watch, or if they are intended to provide enjoyment, recreation, or other use or benefit to the Members.

(I) To borrow or raise money for any purposes of the Association; to draw, make, accept, endorse execute and issue promissory notes, drafts, bills of exchange, warrants, bonds, debentures and other negotiable or non-negotiable instruments and evidences of indebtedness; and to secure the payment of any thereof, and of the interest therein, by mortgage pledge, conveyance or assignment in trust, of the whole or any part of the rights or property of the Association, subject to any limitations in the Declaration.

(J) To be responsible in perpetuity for maintenance of the conservation areas (i.e.. all preserved, restored, or created wetlands areas and uplands buffer zones); and to take action against Parcel Owners, if necessary, to enforce the conditions of the conservation easements and the permit issued by Southwest Florida Water Management District for the Community.

(K) To be the responsible entity to operate and maintain the Surface Water Management System as permitted by Southwest Florida Water Management District, including but not limited to, all lakes, retention areas, culverts and related appurtenances.

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

ARTICLE IV

MEMBERSHIP AND VOTING RIGHTS: The Owners of each residential Parcel in Eagle Watch shall constitute a class of voting members. Membership and voting rights shall be as set forth in Article 2 of the Declaration, to which these Articles are an exhibit, and in the Bylaws of the Association.

ARTICLE V

TERM: The term of the Association shall be perpetual. If the Association is dissolved, the property consisting of the Surface Water Management System shall be conveyed to an appropriate agency of local government. If it is not accepted, those properties must be dedicated or conveyed to a similar non-profit corporation to assure continued maintenance in perpetuity.

ARTICLE VI

BYLAWS: The Bylaws of the Association may be altered, amended or rescinded in the manner provided therein.

ARTICLE VII

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 Directors or by written petition of at least ten percent (10%) of the Voting Interests. An amendment so proposed shall be submitted to a vote of the Members not later than the next annual meeting for which proper notice can be given.

(B) **Vote Required.** Except as otherwise required by Florida law, a proposed amendment to these Articles of Incorporation shall be adopted if it is approved by a majority of the Voting Interests present, in person or by proxy, and voting at any annual or special meeting of the Members of the Association, provided that notice of any proposed amendment has been given to the Members, and that the notice contains the full text of the proposed amendment or a summary of the changes.

(C) **Effective Date.** An adopted amendment shall become effective upon filing with the Secretary of State and recording a certified copy in the Public Records of Hillsborough County, Florida with the same formalities as required in the Bylaws for recording an amendment to the Bylaws.

ARTICLE VIII

DIRECTORS AND OFFICERS:

(A) The affairs of the Association will be administered by a Board of Directors consisting of the number of Directors determined by the Bylaws, but not less than three (3) Directors, and in the absence of such determination shall consist of three (3) Directors.

(B) Directors of the Association are elected by the Members in the manner described in the Bylaws. Directors may be removed and vacancies on the Board of Directors shall be filled in the manner provided in the Bylaws.

(C) The business of the Association shall be conducted by the Officers designated in the Bylaws. The Officers shall be elected by the Board of Directors at the Board's first meeting following the annual meeting of the Members of the Association, and shall serve at the pleasure of the Board.

ARTICLE IX

INDEMNIFICATION:

To the fullest extent permitted by Florida law, the Association must 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 on him in connection with any legal proceeding (or settlement or appeal of such proceeding) to which he is or may become a party by reason of 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 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 action was unlawful or had reasonable cause to believe his action was lawful.

(C) A transaction from which the Director or Officer derived an improper personal benefit.

In the event of an out-of-court settlement of litigation, the right to indemnification shall not apply unless a majority of the disinterested Directors approves the settlement and indemnification 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.