

N94000005684

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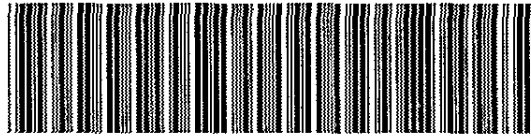
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SECRETARY OF STATE
TALLAHASSEE, FLORIDA

T. Roberts OCT 04 2006

LAW OFFICES OF ROBERT L. CEMOVICH, P.A.

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September 28, 2006

Department of State
Division of Corporations
Clifton Building
2661 Executive Center Circle
Tallahassee, FL 32301

Re: Corporation #N94000005684

To Whom It May Concern:

Please find enclosed a check in the amount of \$35.00 representing the filing fee for amendments to the Articles of Incorporation for Lemon Bay Estates Association, Inc.

Sincerely,



Mitzi Cemovich
Assistant

ARTICLES OF AMENDMENT TO
ARTICLES OF INCORPORATION OF
LEMON BAY ESTATES ASSOCIATION, INC.
(AS FIRST AMENDED ON JUNE 16 1995)

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SECRETARY OF STATE
TALLAHASSEE, FLORIDA

Pursuant to provisions of Section 617.1006 and 720.306(1)(b), Florida Statutes, the undersigned corporation adopts the following articles of amendment to its articles of incorporation.


FIRST: Articles III, V, IX, XVII, and XVIII are amended to read as set forth in Exhibit "A" attached hereto and by this reference incorporated herein.

SECOND: The date of adoption of the amendments was: 9-27-06

THIRD: The amendments were adopted by the Developer.

FOURTH: The amendments were approved by the members, and the number of votes cast for the amendments was sufficient for approval.

LEMON BAY ESTATES ASSOCIATION, INC.



Clement Grasland, President

Date signed: 09/27/06

EXHIBIT "A"

ARTICLE III has been amended to read as follows:

ARTICLE III
OBJECTS AND PURPOSES

The objects and purposes of Lemon Bay Estates Association, Inc. shall be as follows:

- A. To promote the collective and individual property and civic interests and rights of all persons, firms, and corporations owning lot(s) in Lemon Bay Estates Subdivision in Sarasota County, Florida.
- B. To operate and maintain common property, specifically the surface water management systems, as permitted by the Southwest Florida Water Management District, including all lakes, retention areas, water management areas, ditches, culverts, structures and related appurtenances.
- C. To ensure to all property owners in Lemon Bay Estates Subdivision that the development shall at all times be occupied by a colony of compatible and congenial persons and, in addition, to ensure such grantees and owners of property in this development of a continuing and concerted program for the repair, maintenance, replacement, and management of the common properties and facilities in the development, including enforcement of the development restrictions and covenants adopted by the Developer or the Association wherever applicable and appropriate, so as to establish, protect, and preserve the quality of the development; provided, however, that the restrictions shall not be construed or applied so as to preclude anyone from membership in the Association applied so as to preclude anyone from membership in the Association based upon race, color, creed, or national origin. Any applicant for membership shall submit such information as may reasonably be deemed appropriate by the Association.
- D. To levy reasonable assessments to collect revenues for payment of necessary Association expenses, as approved and/or consented to by the Association's members in accordance with the provisions set forth in Article XVII of these amended Articles of Incorporation.
- E. To cooperate with the owners of all improved and unimproved lots now or hereafter existing in keeping them in good order and condition, and to take any action with reference to such improved and unimproved lots as may be necessary or desirable for such purpose.
- F. To cooperate with all property owners in the enforcement of conditions, covenants, and restrictions on and appurtenant to their property.

G. To acquire, own and lease such real and personal property as may be necessary for the accomplishment of the Association's purposes.

H. To appoint members of the Architectural Control Committee as permissible under the Lemon Bay Estates Association.

ARTICLE V has been amended to read as follows:

ARTICLE V.
MEMBERS

All persons owning any interest in the fee title to any lot in Lemon Bay Estates Subdivision developed upon the real property described as Lemon Bay Estates a subdivision according to the plat thereof recorded in Plat Book 40, page 38-38A, Public Records of Sarasota County, Florida, as evidenced by a duly recorded deed or other instrument of conveyance shall be eligible for membership in the Association and shall become a member of the Association, and shall, during the term of such membership, pay assessments prescribed by the Association in accordance with Articles III and XVII of these Articles. Notwithstanding anything herein contained to the contrary, membership in the Association shall terminate automatically and immediately when a member's vested interest in the fee title terminates. In the event any lot is owned by a legal entity other than a natural person, the officer, director, or other official so designated by such legal entity shall exercise its membership rights. Change of membership in the Association shall be evidenced in the Association's records by delivery to the Secretary of a true and correct copy of the deed or other instrument of conveyance. Once a lot is sold by the Developer, such lot shall thereafter be liable only for those assessments allocable to the period subsequent to the date of closing prorated as of closing date.

ARTICLE IX has been amended to read as follows:

ARTICLE IX.
PRINCIPAL OFFICE AND MAILING ADDRESS

The principal office and mailing address of this Association shall be 4195 Tamiami Trail S., Unit 164, Venice, FL 34293, with the privilege of having a branch or other offices at other places within Sarasota County.

ARTICLE XVII has been amended to read as follows:

ARTICLE XVII.
DUES, ASSESSMENTS, COLLECTION AND
ENFORCEMENT OF LIEN RIGHTS

A. The Association shall not require its members to make any form of periodic payments, including but not limited to dues, fees, costs, charges, or assessments, unless at least two-thirds of the Association's members provide written consent thereto. The term for any scheme of periodic payments shall not exceed one year, unless an extension thereof, not to exceed one year, is consented to in writing by at least two-thirds of the Association's members. The Association may levy special assessments as approved by at least two-thirds of the Association's members present at a membership meeting called for such purpose. Each member of the Association shall be obligated to pay promptly, when due, any membership dues, fees, costs, charges or assessments for operating or expense funds of the Association, provided such assessments shall be reasonable, shall be consented to or approved by the Association's members in accordance with this Article XVII, and shall cover only such duties and activities of the Association as are or have been authorized under its Articles of Incorporation, Bylaws, or the Declaration of Covenants and Restrictions or are reasonably necessary to preserve, maintain, enforce and carry on the covenants, conditions, reservations, restrictions, duties and obligations which have been assigned to the Association by the Developer.

B. Each lot owned by a member of the Association shall be encumbered by an automatic lien right on behalf of the Association which shall attach immediately upon demand by the Association for payment of such assessments in cured by the Association for performance of its mandatory duties and activities and in the event any such member shall fail to pay same within 30 days from date of demand, the Association shall be entitled to proceed to foreclose this lien by institution of suit in any competent court having jurisdiction in the premises to foreclose such lien and to receive such fees and costs for such prosecution of suite as are provided for within the Declaration of Covenants and Restrictions.

C. If the Board of Directors, in its discretion, shall determine that the funds produced from the assessments as provided by this Article are inadequate to enable the Association to accomplish its mandatory objectives, duties, purposes and activities, then the Board of Directors may require each member to pay an additional assessment as provided by the Bylaws of the Association.

ARTICLE XVIII has been amended to read as follows:

ARTICLE XVIII.
INDEBTEDNESS

In execution and performance of its authorized powers, the Association shall not incur indebtedness, and the Board of Directors shall not incur, approve or consent to any indebtedness by the Association.

IN WITNESS WHEREOF, the Developer has caused Articles of Amendment to Articles of Incorporation of Lemon Bay Estates, Inc. (as first amended on June 16 1995) to be duly executed on the 28 day of August, 2006.

Stevan J. Mileusnic
Witness

DEVELOPER

Name printed: Stevan J. Mileusnic

M.E.R.C.R.E.D.I. Inc., a Florida Corporation

Mitzi Cemovich
Witness

By: Clement Grasland
Clement Grasland, President

Name printed: Mitzi Cemovich

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 28th day of August 2006, by Clement Grasland, as President of M.E.R.C.R.E.D.I. Inc., a Florida corporation, on behalf of the corporation. He is personally known to me.

Robert L. Cemovich
Robert L. Cemovich, Notary Public

(seal)



Robert L. Cemovich
Commission # DD256675
Expires Oct. 7, 2007
Asst Notary
1-800-350-5161