

1798000006549

(Requestor's Name)

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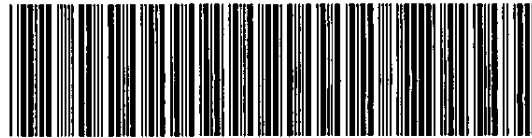
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2017 JUN -5 P 4:43  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

FILED

JUN 08 2017  
T. LEMIEUX



Joseph E. Adams, Esq.  
Phone: (239) 433-7707 Fax: (239) 433-5933  
jadams@bplegal.com

Six Mile Corporate Park  
12140 Carissa Commerce Court, Suite 200  
Fort Myers, Florida 33966

4001 Tamiami Trail North, Suite 410  
Naples, Florida 34103

June 2, 2017

Florida Department of State  
Division of Corporations  
Corporate Filings  
Post Office Box 6327  
Tallahassee, FL 32314

**Re: Morningside at the Brooks Condominium Association, Inc. (Document No. N98000006549)**

To Whom It May Concern:

Enclosed please find Articles of Amendment to Articles of Incorporation for the above-referenced Corporation along with check number 1570 in the amount of \$35.00 to cover the cost of filing.

Please return a copy of the filed document to my attention. An extra copy of the document is enclosed herewith for your use.

Thank you for your attention to this matter.

Very truly yours,

Joseph E. Adams  
For the Firm

JEA/sdi  
Enclosures (as stated)  
ACTIVE: 9806219\_1

**ARTICLES OF AMENDMENT  
TO  
ARTICLES OF INCORPORATION**

Pursuant to the provision of Chapter 617, Florida Statutes, the undersigned corporation adopts the following Articles of Amendment to its Articles of Incorporation.

FIRST: The name of the corporation is Morningside at the Brooks Condominium Association, Inc.

SECOND: The attached amendment to the Articles of Incorporation was adopted by the membership.

THIRD: The attached amendment to the Articles of Incorporation was adopted by the required vote of the members on the 21<sup>st</sup> day of March 2017.

FOURTH: The number of votes cast were sufficient for approval.

WITNESSES:  
(TWO)

MORNINGSIDE AT THE BROOKS  
CONDOMINIUM ASSOCIATION, INC.

Ethan A. Loschiano  
Signature  
Ethan A. Loschiano  
Printed Name

BY: G. Sicotte Hamilton, President

Date: 5/8/2017

Patricia A. Burke  
Signature  
PATRICIA A. BURKE  
Printed Name

(CORPORATE SEAL)

STATE OF Florida )  
COUNTY OF Lee ) SS:

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of May 2017 by G. Sicotte Hamilton as President of Morningside at the Brooks Condominium Association, Inc., a Florida Corporation, on behalf of the corporation. He is personally known to me or has produced (type of identification) \_\_\_\_\_ as identification.



My commission expires: August 3, 2018

Stacy D. Moore  
Notary Public  
Stacy D. Moore  
Printed Name

\*\*\*\*\*

Additions indicated by underlining.  
Deletions indicated by striking through.

**Amendment: Article XII, Articles of Incorporation**

ARTICLE XII  
BYLAWS

The Bylaws of the Association ~~shall be adopted by the First Board and thereafter~~ may be altered, amended or rescinded ~~by the affirmative vote of not less than a majority of the Members present at an Annual Members' Meeting or special meeting of the membership and the affirmative approval of a majority of the Board at a regular or special meeting of the Board in the manner provided in the Bylaws.~~ In the event of a conflict between the provisions of these Articles and the provisions of the Bylaws, the provisions of these Articles shall control.

\*\*\*\*\*

**Amendment: Article XIII, Articles of Incorporation**

ARTICLE XIII  
AMENDMENTS

A. ~~Prior to the recording of a Declaration amongst the Public Records, these Articles may be amended by an instrument in writing signed by the President (or a Vice President) and the Secretary (or Assistant Secretary) and filed in the Office of the Secretary of State of the State of Florida. The instrument amending these Articles shall identify the particular Article or Articles being amended, give the exact language of such amendment and give the date of adoption of the amendments by the Board. A certified copy of each such amendment shall always be attached to any certified copy of these Articles or a certified copy of the Articles as restated to include such Amendments and shall be an exhibit to each Declaration upon the recording of each Declaration. This Article XIII is intended to comply with Chapter 617, Florida Statutes.~~ **Proposal of Amendments.** An amendment may be proposed by the President of the Association, the Directors, or by twenty-five percent (25%) of the entire Voting Interests.

B. ~~After the recording of the first Declaration amongst the Public Records, these Articles may be amended in the following manner:~~ **Proposed Amendment Format.** Proposals to amend existing Articles of Incorporation shall contain the full text of the Article to be amended. New words shall be underlined and words to be deleted shall be lined through with hyphens. If the proposed change is so extensive that this procedure would hinder rather than assist understanding, a notation must be inserted immediately preceding the proposed amendment saying, **"SUBSTANTIAL REWORDING OF ARTICLE. SEE ARTICLE NUMBER \_\_\_\_\_ FOR PRESENT TEXT."**

~~1. The Board, as a whole, shall adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of Members, which may be either the Annual Members' Meeting or a special meeting. Any number of amendments may be submitted to the Members and voted upon by them at one meeting;~~

~~2. Written notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each Member of record entitled to vote within the time and in the manner provided in the Bylaws for the giving of notice of Meetings of Members ("Required Notice");~~

~~3. At such meeting a vote of the Members and of the Developer Class shall be taken on the proposed amendments. The proposed amendment shall be adopted upon receiving the affirmative vote of a majority of the votes of all Members entitled to vote thereon unless any Class of Members is entitled to vote thereon as a Class pursuant to Article IV and/or Paragraph XIII.B hereof, in which event the proposed amendment shall be adopted upon receiving the affirmative vote of a majority of the votes of Members of each Class entitled to vote thereon as a Class, the affirmative vote of a majority of the votes of all Members entitled to vote thereon and the approval of the Developer Class; or~~

~~4. An amendment may be adopted by a written statement signed by all Directors and written consent of Members representing the Voting Interests sufficient to pass the amendment at a meeting where all members are present and setting forth their intention that an amendment to the Articles be adopted. Where an amendment is passed by written consent in lieu of meeting, those Members not submitting written consent shall be notified in writing of the passage thereof.~~

C. ~~The Developer Class shall be entitled to vote as a Class on all amendments made pursuant to Paragraph XIII.B. above.~~ Notice. Written notice setting forth the proposed amendment or a summary of the changes shall be included in the notice of any meeting at which a proposed amendment is to be considered or in connection with documentation for action without a meeting.

D. ~~No amendment may be made to the Articles which shall in any manner reduce, amend, affect or modify the terms, conditions, provisions, rights and obligations set forth in the applicable Declaration.~~ **Adoption of Amendments.** A resolution for the adoption of a proposed amendment may be adopted by a vote of two-thirds (2/3) of the Voting Interests of the Association present (in person or by proxy) and voting at a duly noticed meeting at which a quorum is present, or by the written agreement of two-thirds (2/3) of the entire Voting Interests. Amendments correcting errors, omissions, scrivener's errors, violations of applicable law, or conflicts between the Condominium Documents, may be executed by the officers of the Association, upon Board approval, without need for Association membership vote.

E. ~~A copy of each amendment shall be certified by the Secretary of State of the State of Florida and, after the recordation of a Declaration(s), recorded amongst the Public Records as an amendment to each Declaration.~~ **Effective Date.** An amendment when adopted shall become

effective after being recorded in the Lee County Public Records according to law and filed with the Secretary of State according to law.

F. ~~Notwithstanding the foregoing provisions of this Article XIII, there shall be no amendment to these Articles which shall abridge, amend or alter the rights of Developer, including the right to designate and select Directors as provided in Article IX hereof, without the prior written consent thereto by Developer nor shall there be any amendment to these Articles which shall abridge, alter or modify the rights of the Additional Owner, or the holder, guarantor or insurer of a first mortgage on any Home or of any "Institutional Mortgagee" (as defined in each Declaration) without such party's prior written consent.~~ Automatic Amendment. These Articles shall be deemed amended, if necessary, so as to make the same consistent with the provisions of the Declaration. Whenever the Act, Chapter 617, Florida Statutes or other applicable statutes or administrative regulations, as amended from time to time, are amended to impose procedural requirements less stringent than set forth in these Articles, the Board may operate the Association pursuant to the less stringent requirements without the need to change these Articles. The Board of Directors, without a vote of the Members, may also adopt by majority vote, amendments to these Articles of Incorporation as the Board deems necessary to comply with such operational changes as may be enacted by future amendments to Chapters 607, 617, and the Act, or such other statutes or administrative regulations as required for the operation of the Association, all as amended from time to time.

G. Proviso. No amendment shall change the configuration of any Home or the share in the Common Elements appurtenant to it, or increase the Owner's proportionate share of the Common Expenses, unless the record Owner of the Home concerned and all record Owners of the mortgages on such Home shall join in the execution of the amendment, and all other Home Owners approve the amendment.

\*\*\*\*\*

ACTIVE: 9630821\_2

FILED

ARTICLES OF AMENDMENT  
TO  
ARTICLES OF INCORPORATION

2017 JUN -5 P 4:43

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THIRD: The attached amendment to the Articles of Incorporation was adopted by the required vote of the members on the 21<sup>st</sup> day of March 2017.

FOURTH: The number of votes cast were sufficient for approval.

WITNESSES:  
(TWO)

MORNINGSIDE AT THE BROOKS  
CONDOMINIUM ASSOCIATION, INC.

Ethan D. Loschiano  
Signature  
Ethan D. Loschiano  
Printed Name

BY: G. Sicotte Hamilton  
G. Sicotte Hamilton, President

Date: 5/8/2017

Patricia A. Burke  
Signature  
PATRICIA A. BURKE  
Printed Name

(CORPORATE SEAL)

STATE OF Florida  
COUNTY OF Lee ) SS:

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of May 2017 by G. Sicotte Hamilton as President of Morningside at the Brooks Condominium Association, Inc., a Florida Corporation, on behalf of the corporation. He is personally known to me or has produced (type of identification) \_\_\_\_\_ as identification.



Stacy D. Moore  
Notary Public  
Stacy D. Moore  
Printed Name

My commission expires: August 3, 2018

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TO  
ARTICLES OF INCORPORATION

FILED

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CONDOMINIUM ASSOCIATION, INC.

Ethan A. Loschiano  
Signature  
Ethan A. Loschiano  
Printed Name

BY: G. Sicotte Hamilton  
G. Sicotte Hamilton, President

Date: 5/8/2017

Patricia A. Burke  
Signature  
PATRICIA A. BURKE  
Printed Name

(CORPORATE SEAL)

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Printed Name



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Additions indicated by underlining.  
Deletions indicated by striking through.

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~~4. An amendment may be adopted by a written statement signed by all Directors and written consent of Members representing the Voting Interests sufficient to pass the amendment at a meeting where all members are present and setting forth their intention that an amendment to the Articles be adopted. Where an amendment is passed by written consent in lieu of meeting, those Members not submitting written consent shall be notified in writing of the passage thereof.~~

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ACTIVE: 9630821\_2