

N 98 00000 6854

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

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☐ WAIT

☐ MAIL

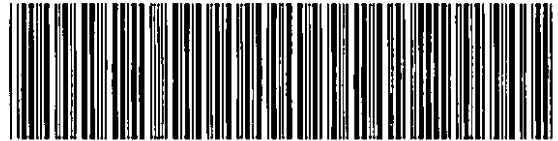
(Business Entity Name)

(Document Number)

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TALLAHASSEE, FLORIDA

APR 09 2020  
M. SOLOMON

**COVER LETTER**

TO: Amendment Section  
Division of Corporations

NAME OF CORPORATION: Debary Plantation Unit 17 Homeowners Association, Inc.

DOCUMENT NUMBER: N98000006854

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

Please return all correspondence concerning this matter to the following:

Chelsea Bono

(Name of Contact Person)

Bono and Associates, LLC

(Firm/ Company)

640 East State Road 434, Suite 3000

(Address)

Longwood, Florida 32750

(City/ State and Zip Code)

chelsea@bonomgmt.com

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

For further information concerning this matter, please call:

David McLean

386

717-2764

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 &<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

Articles of Amendment  
to  
Articles of Incorporation  
of

Debary Plantation Unit 17 Homeowners Association, Inc.

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

N98000006854

\_\_\_\_\_  
(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:**

\_\_\_\_\_  
*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)*

**C. Enter new mailing address, if applicable:**

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

**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: \_\_\_\_\_

\_\_\_\_\_  
(Florida street address)

New Registered Office Address:

\_\_\_\_\_, Florida \_\_\_\_\_  
(City) (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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TALLAHASSEE, FLORIDA

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**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 PT 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	_____	_____	_____

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 JEFFERSON COUNTY, FLORIDA

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

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

See attached Amended and Restated Articles of Incorporation

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The date of each amendment(s) adoption: February 17, 2020, if other than the date this document was signed.

Effective date if applicable: \_\_\_\_\_  
(no more than 90 days after amendment file date)

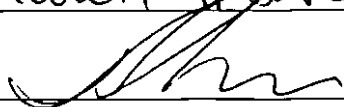
**Note:** If the date inserted in this block does not meet the applicable statutory filing requirements, this date will not be listed as the document's effective date on the Department of State's records.

Adoption of Amendment(s) (CHECK ONE)

- ☒ 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 March 4, 2020

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)

DAVID MCLEAN

(Typed or printed name of person signing)

PRESIDENT

(Title of person signing)

This instrument was prepared by:  
Paul J. Milberg, Esquire,  
Milberg Klein, P.L.  
5550 Glades Road, Suite 500  
Boca Raton, Florida 33341

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TALLAHASSEE, FLORIDA

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**CERTIFICATE OF RECORDING OF THE AMENDED AND RESTATED  
ARTICLES OF INCORPORATION FOR DEBARY PLANTATION  
UNIT 17 HOMEOWNERS ASSOCIATION, INC.  
D/B/A VILLAS OF WESTRIDGE**

**WHEREAS, DEBARY PLANTATION UNIT 17 HOMEOWNERS ASSOCIATION, INC. D/B/A VILLAS OF WESTRIDGE** is the Florida not-for-profit corporation required by the provisions of Florida Statutes §720 (the "Association"), to operate and maintain the Association according to the Supplemental Declaration of Covenants, Conditions and Restrictions for Debary Plantation Unit 17 as recorded in Official Records Book 4409 at Page 3670, *et. seq.* of the Public Records of Volusia County, Florida, as amended from time to time; and

**WHEREAS,** the Association is required by §720.303(4), Florida Statutes to maintain copies of the Declaration of Covenants, Conditions and Restrictions, Articles of Incorporation, By-Laws and amendments to these Documents (the "Governing Documents"), as recorded in the Volusia County Public Records, as part of the Association's Official Records; and

**WHEREAS,** on March 5, 2020, the Association recorded a certificate of amendment recording the Amendment and Restatement of the Articles of Incorporation for Debary Plantation Unit 17 Homeowners Association, Inc. d/b/a Villas of Westridge, as recorded in Official Record Book page 7824, page 3029, *et. seq.* of the Public Records of Volusia County, Florida.; and

**WHEREAS,** the Association is desirous of recording the attached unmarked version of the Amended and Restated Articles of Incorporation for Debary Plantation Unit 17 Homeowners Association, Inc. d/b/a Villas of Westridge. in order to have the document available in an easy to read format for prospective and current owners, and in order for the unmarked version to constitute Official Records in accordance with §720.303(4), Florida Statutes; and

**WHEREAS,** the Amended and Restated Articles of Incorporation for Debary Plantation Unit 17 Homeowners Association, Inc. d/b/a Villas of Westridge, fully completely and accurately reflect the previously recorded version of these documents; and

**NOW THEREFORE,** the Association submits the attached Amended and Restated Articles of Incorporation for Debary Plantation Unit 17 Homeowners Association, Inc. d/b/a Villas of Westridge for recording in the Volusia County Public Records.

IN WITNESS WHEREOF, we have set our hands and seals this 17 day of March, 2020.

WITNESSES

DEBARY PLANTATION UNIT 17  
HOMEOWNERS ASSOCIATION, INC.  
D/B/A VILLAS OF WESTRIDGE

Sign [Signature]

By: [Signature]  
David McLean, President

Print Name Michael Bush

Sign [Signature]

Print Name: DAVID GASKINS

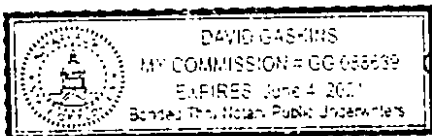
STATE OF FLORIDA )

COUNTY OF VOLUSIA )

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TALLAHASSEE, FLORIDA

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of March, 2020 by David McLean as President of **DEBARY PLANTATION UNIT 17, INC. D/B/A VILLAS OF WESTRIDGE** who is personally known to me or has produced FLDS as identification.

NOTARY PUBLIC - STATE OF FLORIDA



[Signature]  
Notary Public

DAVID GASKINS  
Printed Name

My commission expires: 06/04/2021



AMENDED ARTICLES OF INCORPORATION  
OF  
DEBARY PLANTATION UNIT 17 HOMEOWNERS ASSOCIATION, INC.  
(A Corporation Not for Profit)

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The undersigned, as a Director and on behalf of the Board of Directors of Debary Plantation Unit 17 Homeowners Association, Inc., in compliance with the requirements of Chapter 617 (Part I) of the Florida Statutes, submits and approves these Amended Articles of Incorporation and states as follows:

ARTICLE I

The name of the corporation is DEBARY PLANTATION UNIT 17 HOMEOWNERS ASSOCIATION, INC., d.b.a. as Villas of Westridge, and a.k.a. Westridge.

ARTICLE II

The principal office of the Association is located at 640 E. State Road 434, Suite 3000, Longwood, FL, 32750, USA or as may be amended by the Board of Directors in the future.

ARTICLE III

Paul Milberg, Esq. , whose address is 5550 Glades Road, Suite 500, Boca Raton, Florida, 33431 , is hereby appointed the registered agent of this Association. The registered agent may be periodically changed by the Board of Directors without the need to amend these Articles.

ARTICLE IV

DUTIES, PURPOSES AND POWERS OF THE ASSOCIATION

This association does not contemplate pecuniary gain or profit to the members thereof, and the specific purposes for which it is formed are to provide for maintenance, preservation and control of the residential lots and Common Area, and to promote the health, safety and welfare of the residents within the DEBARY PLANTATION UNIT 17 HOMEOWNERS ASSOCIATION, INC. and any additions thereto as may hereafter be brought within the jurisdiction of this Association. The real property in the Association is subject to all current provisions of the Florida Statutes as they exist as of the date of the recording of this amendment, as well as, all future amendments to the Florida Statutes, it being the intent of the Association to be governed by all current provisions of the Florida Statutes, as amended from time to time.

In furtherance of their purposes, the Association shall:

- a) Have the duty to operate, maintain and manage the surface water or stormwater management system(s) in a manner consistent with the St. Johns River Water Management District permitting requirements and applicable District rules, and shall assist in the enforcement of the restrictions, conditions and covenants contained herein.
- b) Have the power to levy and collect adequate assessments against members of the Association for costs of maintenance and operation of the surface water or stormwater management system.
- c) Have the power to exercise all of the powers and privileges and to perform all of the duties and obligations of the Association as set forth in the Second Amended and Restated Declaration of Covenants, Conditions, and Restrictions, hereinafter called the "Second Declaration," applicable to DEBARY PLANTATION UNIT 17 HOMEOWNERS ASSOCIATION, INC., and which is recorded in the Official Public Records of Volusia County, Florida, and as the same may be amended from time to time as herein provided, said Second Declaration being incorporated herein as if set forth at length.

d) Have the power to fix, levy, collect and enforce payment by any lawful means all charges or assessments pursuant to the terms of the Second Declaration; to pay all expenses in connection therewith and all office and other expenses incident to the conduct of the business of the Association, including all licenses, taxes or governmental charges levied or imposed against the property of the Association. The assessments shall also be used for the maintenance and repair of the surface water or stormwater management systems including, but not limited to, work within retention areas, drainage structures and drainage easements.

e) Have the power to acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Association.

f) Have the power to borrow money, mortgage, pledge, deed in trust, or hypothecate any or all its real or personal property as security for money borrowed or debts incurred.

g) Have the power to dedicate, sell or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members.

h) Have the power to have and to exercise any and all powers, rights and privileges which a corporation organized under the Non-Profit Corporation Law of the State of Florida by law may now or hereafter have or exercise.

i) Have the power to maintain, repair, replace, and operate property owned by the Association and to maintain the Common Area, including but not limited to the storm water management system located therein, as required under the Second Declaration, and grant such easements over, upon, across, and under Common Area as the Board of Directors deems to be in the best interest of the Association and its Members.

j) Have the power to procure and maintain adequate comprehensive general liability, workman's compensation and hazard insurance for the protection of the Association and its property, as well as Directors and Officers liability insurance for the protection of the Directors.

k) Have the power to make and amend regulations governing the use of the property owned by the Association, including but not limited to the Common Area, so long as such regulations or amendments thereto do not conflict with the restrictions and limitations which may be placed upon the use of such property by local government, State of Florida or the Federal government and under the terms of the Amended Articles of Incorporation and the Second Declaration.

l) Have the power to contract the management of the Association assigning administrative responsibilities but not the signing of contracts or dispersing of funds without prior board approval.

m) Have the power to enforce by legal means the provisions of the Amended Articles of Incorporation, the Amended and Restated By-Laws of the Association and the Second Declaration.

n) Have the power to pay all taxes and assessments which liens against the Common Area and other property of the Association, and to assess the same against the members and their respective lots.

o) Have the power to employ personnel and engage professionals for reasonable compensation to perform the services required for proper administration of the Association.

p) Have the power to suspend the right of any member of the Association to vote in Association matters, upon such failure to pay when due, any monetary obligation duly assessed upon such member's lot by the Association or upon such member's violation of any covenant or restriction of the Second Declaration. Voting rights of a member shall only be suspended by a majority of the Board of Directors at a meeting occurring no earlier than fifteen (15) days after mailing by certified U.S. Mail a notice of such meeting to the affected member. Such notice shall include the specific amount owed and that needs to be repaid to avoid the suspension, state the time, place, and purpose of the meeting together with a description of the defaults and/or violations charged. The voting rights of any member suspended in accordance herewith shall be automatically reinstated upon full payment of amounts owed to the Association and compliance with all applicable covenants, conditions and restrictions.

q) The Board of Directors shall be responsible for the maintenance of the Association's official records, and for adopting rules and procedures regulating the inspection and copying of Association records.

ARTICLE V  
MEMBERSHIP

Every person or entity who is a record owner of a fee or undivided fee interest in any lot which is subject by covenants of record to assessment by the Association shall automatically be a member of the Association.

The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant to and may not be separated from ownership of any lot which is subject to assessment by the Association.

ARTICLE VI  
VOTING RIGHTS

Members shall consist of all the Owners. Members shall be entitled to one (1) vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be members, the vote for such Lot shall be exercised as they determine, but in no event shall more than one (1) vote be cast with respect to any Lot. In the event that multiple parties are not in agreement on a voting issue, that vote will not be counted.

ARTICLE VII  
BOARD OF DIRECTORS

The Board of Directors of the Association shall consist of at least five (5) persons, but no more than seven (7) as determined by the board from time to time. Directors must be members of the Association. The directors shall be elected as stated in the By-Laws of the Association.

ARTICLE VIII  
DISSOLUTION

The Association may be dissolved with the assent given in writing and signed by not less than three-fourths (3/4) of the members. Upon dissolution of the Association, other than incident to a merger or consolidation, the assets of the Association shall be dedicated to an appropriate public agency to be used for purposes similar to those for which this Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to any non-profit corporation, association, trust or other organization to be devoted to such similar purposes.

In the event of termination, dissolution or final liquidation of the Association, the responsibility for the operation and maintenance of the surface water or stormwater management system must be transferred to and accepted by an entity which would comply with Section 40C42.027, F.A.C. and be approved by the St. Johns River Water Management District prior to such termination, dissolution or liquidation.

ARTICLE IX  
DURATION

Existence of the Association shall commence with the filing of these Articles of Incorporation with the Secretary of State, Tallahassee, Florida. The Association shall exist in perpetuity.

ARTICLE X  
AMENDMENTS

These Articles of Incorporation may be amended, modified, or rescinded in whole or in part only by the membership and only by the process expressed in this document.

These Articles may be amended in the following manner:

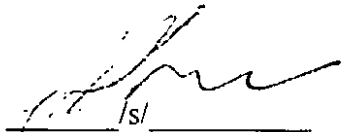
a) Amendments to these Articles may be proposed by the Board of Directors of the Association acting upon vote of the majority of the Directors, or by members of the Association owning a majority of the Lots subject to the Second Declaration, whether meeting as members or by instrument in writing signed by them.

b) Upon any amendment to these Articles being so proposed, such proposed amendment shall be transmitted to the President of the Association, or other officer of the Association in absence of the President, who shall thereupon call a special joint meeting of the members of the Board of Directors of the Association and the membership for a date not sooner than (14) days or later than sixty (60) days from the receipt by such officer of the proposed amendment. It shall be the duty of the Secretary to give to each member written notice of such meeting stating the time and place of the meeting and reciting the proposed amendment in reasonably detailed form. Notice shall be mailed to, transmitted electronically to, or presented personally to each member not less than fourteen (14) days before the date set for such meeting. If mailed, such notice shall be deemed to be properly given when deposited postage prepaid in the United States mail, addressed to the member at his post office address as it appears on the records of the Association. Any member may, by signed waiver, waive such notice, and such waiver when filed in the records of the Association, whether before or after the holding of the meeting, shall be deemed equivalent to the giving of notice to such member. At such meeting the amendment or amendments proposed must be approved by the affirmative vote of not less than 66.67 percent of all votes eligible to be cast by a quorum of members in attendance or by proxy, in order for such amendment or amendments to become effective.

c) At any meeting held to consider any amendment or amendments of these Articles, the written vote of any member of the Association shall be recognized if such member is not in attendance at such meeting or represented thereat by proxy, provided such written vote is delivered to the Secretary of the Association at or prior to such meeting.

d) In the alternative to the above procedure, an amendment may be made by an agreement signed and acknowledged by the record owners of 66.67 percent of the Lots described under the Second Declaration and any supplement thereto.

By Westridge Board of Directors on February 17, 2020.



David McLean, President.

APPROVED BY HOA MEMBERS FEBRUARY 17, 2020

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