

THIS IS NOT A  
ARTICLES OF AMENDMENT  
TO THE  
ARTICLES OF INCORPORATION  
OF  
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LUMSDEN POINTE HOMEOWNERS ASSOCIATION, INC.

The name of the corporation is Lumsden Pointe Homeowners Association, Inc.

The following Articles of Amendment have been approved in writing by two-thirds of the Lot Owners, a number sufficient for approval, on June 11, 2001.

The text of each of the three amendments is as follows:

- 1. Article III is deleted in its entirety and the following Article III inserted in place thereof:

**ARTICLE III**  
**POWERS**

The Association shall have all of the powers given to corporations not for profit by the Florida Statutes and all of the powers expressly conferred upon it by the Declaration, together with all powers necessary to fulfill all such stated powers and the duties expressly given to it by such Declaration. These powers include, but are not limited to, the power to:

- 1. Maintain, repair, improve and insure the Common Area as defined in the Declaration and other real or personal property which the Association owns or which it has assumed the obligation to maintain, including without limitation the surface water management system which includes the lakes, retention areas, culverts and related appurtenances;
- 2. Make and collect assessments from its Members;
- 3. Pay all Association expenses;
- 4. Acquire title to and exercise all rights of ownership in and to any real or personal property;
- 5. Own and convey real or personal property;

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6. Make, amend and enforce reasonable rules and regulations for the use of the property it owns or maintains;

7. Enforce the terms of the Declaration, these Articles, and the By-Laws of the Association.

8. Sue and be sued;

9. Contract for operation and maintenance services, including operation and maintenance of the Surface Water Management System Facilities.

10. Require all Owners to be members of the Association.

11. Exist in perpetuity, but in the event that the Association is dissolved, the Common Area including the surface water management system facilities shall be conveyed to an appropriate agency of local government, or if not accepted to a nonprofit corporation with similar purposes.

12. Take any other action necessary for the purposes for which the Association is organized;

13. Operate and maintain the surface water management system facilities, including all inlets, ditches, swales, culverts, water control structures, retention and detention areas, ponds, lakes, floodplain compensation areas, wetlands and any associated buffer areas, and wetland mitigation areas.

2. Article IV is deleted in its entirety and the following Article IV inserted in place thereof:

**ARTICLE IV**  
**MEMBERS**

1. Every record owner of a fee interest in any Lot, as defined in the Declaration, including contract Sellers, shall be a Member of the Association. The foregoing is not intended to include persons or entities that hold an interest merely as security for the performance of

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an obligation. Membership shall be appurtenant to, and may not be separated from, ownership of a Parcel.

2. Change of membership in the Association shall be established by the recording, in the Public Records of Hillsborough County, Florida, of a deed or other instrument establishing a record of title to a Lot, and shall be evidenced by delivery to the Association of a copy of such instrument. The membership of the prior owner shall be terminated as of the date of delivery of such deed or other instrument.

3. The share of a Member in the funds and assets of the Association cannot be assigned, hypothecated or transferred in any way.

4. There shall be two (2) classes of membership as follows:

(a) Class A. As long as there is a Class B membership, Class A Members shall be all Owners, as defined in the Declaration, other than the Declarant, as defined in the Declaration, and shall be entitled to one vote for each Lot owned. Upon termination of Class B membership, Class A Members shall be all owners, including the Declarant, as long as the Declarant is an Owner and each Owner shall be entitled to one vote for each Lot owned. If more than one (1) person owns an interest in any Lot, all such persons shall be Members, but there shall be only one (1) vote cast with respect to such Lot. Such vote may be exercised as the Owners determine among themselves, but no split vote shall be permitted.

(b) Class B. The Class B Member shall be the Declarant and as long as there is a Class B voting membership the Declarant shall be entitled to three (3) votes for each Lot owned. The Class B membership shall cease and be converted to Class A membership on the happening of the following events, whichever occurs earlier:

(a) when the total votes outstanding in the Class A membership equal the total votes outstanding in the Class B membership; or

(b) on the anniversary date eight years from the date when the first Lot is conveyed to an individual purchaser; or

(c) on a date when Declarant shall record a notice terminating its Class B membership status.

3. Article IX is deleted in its entirety and the following Article IX inserted in place thereof:

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## ARTICLE IX

### DISSOLUTION OF THE ASSOCIATION

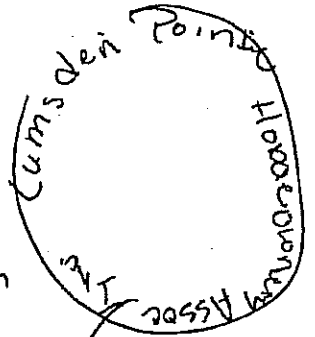
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The term of the Association shall be perpetual unless dissolved by the unanimous written consent of the Members and all mortgagees.

Upon dissolution of the Association, other than incident to a merger or consolidation, the assets of the Association (including without limitation the surface water management system facilities in the Common Area) shall be dedicated to an appropriate governmental unit or public utility and if not accepted, then the surface water management system facilities shall be conveyed to a nonprofit corporation similar to the Association. In no event shall such assets inure to the individual benefit of any Member or other private individual. The Article is subject to the provisions of Section 617.05 Florida Statutes.

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Executed this 11<sup>th</sup> day of June, 2001.



*Robert Appleyard*

Robert Appleyard,  
President,  
Lunden Pointe Homeowners  
Association, Inc.

State of Florida  
County of Hillsborough

The foregoing instrument was acknowledged before me this 11th day of June 2001 by Robert Appleyard.

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Sanjiv L. Jais  
Notary Public, State of Florida  
My Comm. exp. June 8, 2003  
Comm. No. CC873614

*Sanjiv L. Jais*

Community First Title

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RICHARD AKE CLERK OF COURT  
HILLSBOROUGH COUNTY  
DEPUTY CLERK J Anglin

**This Represents the Validation  
Required Pursuant to Florida Statute  
695.26.(1)(e) and/or Rule 2.055 (c) of  
the Rules of Judicial Administration  
for the recordation of the following  
document in the Official Records of  
Hillsborough County, Florida**