

4 ✓ This instrument prepared by and return to:
Chad M. McClenathen, Esq.
1820 Ringling Boulevard
Sarasota, FL 34236



RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2013069408 4 PGS
2013 MAY 17 01:35 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
DCOURSEY Receipt#1622573

**CERTIFICATE OF AMENDMENT
TO THE ARTICLES OF INCORPORATION AND BYLAWS
OF TUSCANY LAKE CONDOMINIUM ASSOCIATION, INC.**

The undersigned officer of **Tuscany Lake Condominium Association, Inc.**, the corporation in charge of the operation and control of Tuscany Lake, a Condominium, according to the Declaration of Condominium thereof as recorded in Official Records Instrument # 2004070012, 79 pages, Public Records of Sarasota County, Florida, as amended, hereby certify that the following amendments to the Articles of Incorporation and Bylaws, which Articles and Bylaws were originally recorded as exhibits to the foregoing Declaration, were proposed and approved by vote of the Board of Directors and by vote of not less than two-thirds of the voting interests of the entire membership of the Association at a membership meeting held on January 31, 2013. The undersigned further certify that the amendments were proposed and approved in accordance with the condominium documentation, and applicable law.

(Additions indicated by underlining, deletions by ---, omitted, unaffected language by...)

ARTICLES OF INCORPORATION

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**ARTICLE VI
BOARD OF DIRECTORS**

A. ~~A governing board called the Board of Directors, who shall be elected and serve in accordance with the Bylaws, shall manage the affairs of this corporation. The affairs of the Association shall be managed by a Board of Directors consisting initially of three (3) Directors. The number of Directors comprising succeeding Boards of Directors shall be provided from time to time in the By-Laws of the Association, but in no event shall there be less than three(3) nor more than nine (9) Directors. The Directors (other than those appointed by the Developer) must be members of the Association, but need not be residents of the State of Florida.~~

B. ~~Initial Directors shall be appointed by and shall serve at the pleasure of TUSCANY LAKE OF VENICE, INC., a Florida corporation, its successors or assigns (hereinafter referred to as the "Developer").~~

C. ~~All Directors who are not subject to appointment by Developer shall be elected by the members. Election of the Directors shall be conducted according to the provisions of the Condominium Act, as amended from time to time.~~

D. ~~All Directors, whether appointed or elected shall serve for terms of one (1) year in accordance with the provisions of the By-Laws. Any elected Director may be removed from office according to the provisions of the Condominium Act, as amended from time to time. Similarly, in no event may a Director appointed by the Developer be removed except by action of the Developer.~~

E. ~~The names and addresses of the members of the initial Board of Directors who shall hold office until their successors are elected or appointed and have qualified are as follows:~~

JAYNE E. PARRISH
395 Commercial Court, Suite A, Venice, Florida 34292

PAUL DISTEFANO
395 Commercial Court, Suite A, Venice, Florida 34292

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BYLAWS

**ARTICLE IV
DIRECTORS**

4.1 Number and Terms of Directors. The affairs of the Association shall be managed by a Board of Directors of not less than three (3) nor more than nine (9) Directors, and shall be fixed at five (5) members until changed by adoption of a Board resolution. Five (5) directors shall be elected at the annual membership meeting in 2013. The three (3) directors receiving the most votes shall receive two-year terms, and the other two (2) directors shall receive a one-year term. (In the event there is no contested election, the terms shall be determined by agreement of the elected directors, or failing agreement, decided by lot). Commencing with the annual membership meeting in 2014, all directors shall serve two-year terms, provided however, that either the Board of Directors or the membership shall have the authority to temporarily assign a one-year term to one or more director positions if necessary to implement or continue a scheme of staggering the Board, to promote continuity of leadership, so that approximately one-half of the Board members are elected each year. A Director's term ends at the annual election at which his or her successor is to be duly elected, or at such other time as may be provided by law. the exact number to be determined from time to time prior to the election of Directors at each annual meeting.

4.2 Election of Directors: The election of Directors shall be conducted in the following manner:

(a) Any eligible person desiring to be a candidate may submit a self-nomination, in writing, not less than forty (40) days prior to the scheduled election and shall automatically be entitled to be listed on the ballot.

(b) The ballot prepared for the annual meeting shall list all Director candidates in alphabetical order. Ballots shall be mailed to all voting interests with notice of the annual meeting and may be returned to the Association prior to the meeting, or cast at the meeting.

(c) There shall be no nominations from the floor on the date of the election.

(d) The election shall be by plurality vote (the nominees receiving the highest number of votes are elected). Tie votes shall be broken by agreement among the candidates who are tied, or if there is no agreement, by lot, such as the flipping of a coin by a neutral party.

(e) No election shall be necessary if the number of candidates is less than or equal to the number of vacancies. The candidates shall automatically be elected and their names announced at the annual meeting.

~~(a) Election of Directors shall be held at the annual meeting of the members. Directors shall be elected according to the provisions of the Condominium Act, as amended from time to time.~~

~~(b) The Developer shall be vested with the power to designate the initial Board of Directors. The members of the initial Board of Directors need not be owners of the units in the Condominium.~~

~~4.3 Transfer of Association Control:~~

~~(a) When unit owners other than the Developer own fifteen percent (15%) or more of the units in the Condominium, they shall be entitled to elect no less than one-third (1/3) of the members of the Board of Directors.~~

~~(b) — Unit owners other than the Developer are entitled to elect not less than a majority of the members of the Board of Directors at the earliest of:~~

~~(1) — Three (3) years after fifty percent (50%) of the units that will be ultimately operated by the Association have been conveyed to purchasers; or~~

~~(2) — Three (3) months after ninety percent (90%) of the units that will be ultimately operated by the Association have been conveyed to purchasers; or~~

~~(3) — When all units that ultimately will be operated by the Association have been completed, some of them have been conveyed to purchasers and none of the other are being offered for sale by the Developer in the ordinary course of business; or~~

~~(4) — When some of the units have been conveyed to purchasers and none of the others are being constructed or offered for sale by the Developer in the ordinary course of business; or~~

~~(5) — Seven (7) years after recordation of the Declaration of Condominium. The Developer is entitled to elect at least one member of the Board of Directors of the Association as long as the Developer holds for sale in the ordinary course of business at least five percent (5%) of the units in the Condominium operated by the Association. Following the time the Developer relinquishes control of the Association, the Developer may exercise the right to vote any Developer-owned units in the same manner as any other unit owner except for purposes of reacquiring control of the Association or selecting the majority of member of the Board of Directors.~~

~~(c) — Pursuant to the Condominium Act, as amended from time to time, within seventy-five (75) days after unit owners other than the Developer are entitled to elect a member or members of the Board, the Association shall call and give notice not less than sixty (60) days notice of an election for the members of the Board of Directors. The election shall proceed as provided in Section 718.112(2)(d), Florida Statutes. Such meeting may be called and the notice given by any unit owner if the Association fails to do so.~~

~~(d) — At the time that unit owners other than the Developer elect a majority of the member of the Board of Directors, the Developer shall relinquish control of the Association, and the unit owners shall accept control. Simultaneously, or for the purpose of financial records including financial statements, not more than ninety (90) days thereafter, the Developer shall furnish and deliver to the Association, at the Developer's expense, all property of the unit owners and of the Association which is held or controlled by the Developer, all of those items required by the Condominium Act, as amended from time to time.~~

~~(e) — Nothing contained in this Section shall be deemed to prevent the Developer from transferring control of the Association to unit owners other than Developer before the occurrence of the events described in this Section.~~

4.3 Qualifications. Every director must be at least 18 years of age and a member of the Association.

~~4.4 — Term: Term of each Director's service shall extend to the next annual meeting of the members and thereafter until his successors are duly elected and qualified or until he is removed in the manner elsewhere provided.~~

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The remaining subsections of this Article IV shall remain unchanged but shall be renumbered to be in sequential order.

THE SIGNATURE PROVISIONS FOLLOW ON THE NEXT PAGE

In witness whereof, Tuscany Lake Condominium Association, Inc., has caused this Certificate to be executed in its name this 22nd day of April, 2013.

Sonia T. Boatright
Witness Signature
Sonia T. Boatright
Printed Name of Witness
Sheena PALACIOS
Printed Name of Witness
Karin
Witness Signature

Tuscany Lake Condominium Association, Inc.
Kathie Rementer
By: Kathie Rementer, President

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 22nd day of April 2013, by Kathie Rementer, President of Tuscany Lake Condominium Association, Inc., a Florida corporation, on behalf of the corporation. She is personally known to me or has produced _____ as identification. If no type of identification is indicated, the above-named person is personally known to me.

Lisa M. Martin
Notary Public



LISA M. MARTIN
MY COMMISSION # DD 949275
EXPIRES: December 30, 2013
Bonded Thru Budget Notary Services