

**PROPOSED AMENDMENTS TO BYLAWS**  
**Additions indicated by underlining, deletion by ~~striketthrough~~.**

**Proposed Amendment to Bylaws Article 2.1**

**NUMBER AND TERM:** The Association shall be governed by a Board of Directors consisting of five (5) directors.

Commencing with the March 1995 election, three (3) directors shall be elected for a term of two (2) years and two directors shall be elected for a term of one (1) year by the members entitled to vote at said meeting. Annually thereafter, all directors will be elected to two (2) year terms in the voting membership shall elect directors to the board to fill only those seats for which the term of office is then expiring. Provided, however, that the minimum number of directors shall be three.

After the date of the first annual meeting of the voting membership, the Board shall have the right at any annual or special meeting called for that purpose to change the number of directors constituting the Board of Directors within the limits set forth herein and in the Articles of Incorporation. Any additional seats created shall be filled at the next annual meeting of the voting membership. Reduction in the number of members of the Board shall not affect the terms of those members duly elected to the Board.

Persons seeking to be members of the Board of Directors must be members in good standing of Rotonda Sands Conservation Association, Inc., ~~ninety (90)~~ forty (40) days prior to the ~~notice of~~ election, with all current and past assessments, fees, penalties or other charges paid in full. Further, no member shall serve as an officer or director of this Association while such member is employed by the Association. All applications and resumes for the Board must be received by the Secretary ~~ninety (90)~~ at least forty (40) days prior to the election or as directed in an election notice. Nominations from the floor are prohibited.

Election to the Board of Directors shall be by written ballot and/or electronic ballot. This balloting procedure may apply to amendments of the Bylaws as well. The Board may, in its sole discretion, utilize a numbered ballot voting system in which each member is assigned a ballot and the record of such assignment is kept confidential and only available to the Board. The ballot vote counting process will focus on vote privacy. At such election the members may cast, in person or by absentee ballot in respect to each such vacancy, as many votes as they are entitled to exercise under the provisions of the Declaration. The persons and/or amendment receiving a majority of the votes cast shall be elected. Cumulative voting is not permitted.

**Proposed Amendment to Bylaws Article 5.2B**

The Board shall cause the Secretary to give a first written notice of annual meetings (to each member entitled to vote at such meeting) at least ~~sixty (60)~~ thirty (30) ~~but not more than ninety (90)~~ days before the date of such meeting. ~~All members of record ninety (90)~~ At least fourteen (14) days prior to the meeting, all members entitled to vote shall receive a second notice of the meeting. Such notice shall state the purpose ~~of or~~ purposes of the proposed meeting.

**Proposed Amendment to Bylaws Article 8**

**ASSESSMENTS:** The procedure for collection of delinquent assessments shall be as follows:

- A. Any assessment payment not received within THIRTY (30) days after the due date shall be termed delinquent.
- B. At the time an assessment becomes delinquent, a late charge in the maximum amount permissible under Florida law, or such lesser amount as the Board may from time to time determine in its sole discretion, will be added to the

account. Delinquent assessments shall bear interest at the highest rate allowed by law, calculated from the date due until paid.

- C. At the time an assessment becomes delinquent, a notice of delinquency shall be mailed to the owner by certified return receipt mail which notice shall include the amount of the delinquent payment, the late charge, the costs of the certified or registered mail and the total amount remaining unpaid.
- D. If ~~within SIXTY (60) days of the delinquency date~~ the account still remains delinquent THIRTY (30) days after mailing the notice of delinquency, a list of the properties in question and the names of the owners shall be turned over to the counsel for the Association, who shall cause the liens to be recorded and shall take other appropriate legal action as directed by the Board.
- E. ~~If a lien is placed on a property, interest at the rate of eighteen percent (18%) per annum will be calculated as of the date of delinquency and will be added to the assessments and other charges. All payments on account shall be applied first to interest, then to late payment fees, court costs and attorney's fees, and finally to delinquent Assessments.~~
- F. The Association shall have the right to place a lien on the property for any unpaid assessments, late fees, interests on the outstanding balance, administrative fees, attendance fees, reasonable attorney's fees, and other charges incurred by the Association which are incident to the collection of the assessment or enforcement of the lien

Prepared by and return to:  
Association Legal Services  
12600 World Plaza Ln # 63  
Fort Myers, FL 33907  
(239) 298-1238 (Telephone)

**CERTIFICATE OF AMENDMENT TO THE BYLAWS OF THE ROTONDA SANDS  
CONSERVATION ASSOCIATION, INC.**

This Amendment to the Bylaws Article 2.1, Article 5.2B and Article 8 of the Rotonda Sands Conservation Association, Inc. ("Amendment") is made this 18<sup>th</sup> day of April, 2022 by the Rotonda Sands Conservation Association, Inc., a Florida non-profit corporation.

RECITALS

**WHEREAS**, the Rotonda Sands Conservation Association, Inc., a Florida non-profit corporation ("Association"), is the Association governed by the Bylaws executed on February 24, 1995 and recorded in the Official Records of Charlotte County, Florida on March 9, 1995 at O.R. Book 1390, Page 1966 (the "Bylaws").

**WHEREAS**, the Amended Bylaws Article 2.1, Article 5.2B and Article 8, are recorded as an exhibit hereto; and

**WHEREAS**, at a duly called Annual Meeting of ROTONDA SANDS CONSERVATION ASSOCIATION, INC on the 16th day of March 2022 at which a quorum was present, the Members approved the Amendment the following Amendment was adopted by a vote of the Members.

**WHEREAS**, the Board has adopted this Amendment in accordance with the requirements of its Bylaws and intends that the Bylaws and all amendments thereto, including but not limited to all amendments and restatements identified in these recitals, shall be further amended by this instrument.

**NOW, THEREFORE**, it is declared that the Amendment shall be and is as follows:

**SEE ATTACHED**

WITNESS my signature hereto this 18<sup>th</sup> day of APRIL, 2022,

ROTONDA SANDS CONSERVATION ASSOCIATION, INC

By: *Barbara Thomas*  
*Barbara Thomas*

(President)

*Barbara Thomas*

Witness Name: *Barbara Thomas*

Witness Name: *Brenda W. Hummelhaus*



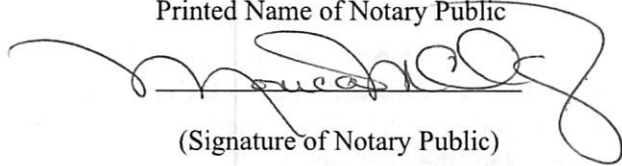
STATE OF FLORIDA )  
 ) SS:  
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 20 day of APRIL, 2022 by Darlene Brooks, President of ROTONDA SANDS CONSERVATION ASSOCIATION, INC a Florida corporation, on behalf of the corporation. He/she is personally known to me or has produced \_\_\_\_\_ as identification.



Seal:

MONICA M CLAY  
Printed Name of Notary Public

  
(Signature of Notary Public)

Attest: \_\_\_\_\_

  
(Vice President or Secretary)

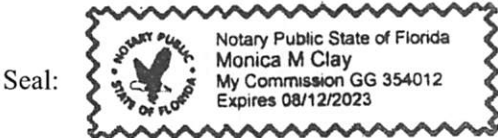
Barbara Thomas

Witness Name: Barbara Thomas

Witness Name: Brenda W. Himmelfarb

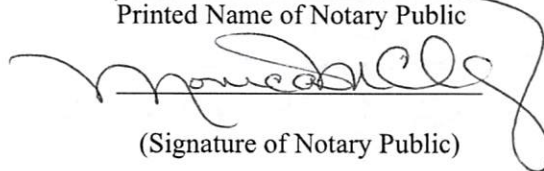
STATE OF FLORIDA )  
 ) SS:  
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 20 day of APRIL, 2022 by ARTHUR K. Cote Vice President or Secretary of ROTONDA SANDS CONSERVATION ASSOCIATION, INC a Florida corporation, on behalf of the corporation. He/she is personally known to me or has produced \_\_\_\_\_ as identification.



Seal:

MONICA M CLAY  
Printed Name of Notary Public

  
(Signature of Notary Public)