INSTR # 2022317005
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12/07/2022 11:55:48 AM
STACY M. BUTTERFIELD,
CLERK OF COURT POLK COUNTY
RECORDING FEES 27.00

Prepared by and return to:
H. Web Melton, III, Esq.
Bush Ross, P.A.
Post Office Box 3913
Tampa, FL 33601-3913

CERTIFICATE OF AMENDMENT TO THE BYLAWS OF SOLIVITA COMMUNITY ASSOCIATION, INC.

WHEREAS, the Amended and Restated Bylaws of Solivita Community Association, Inc. were originally recorded as Exhibit "4" to the Amended and Restated Master Declaration for Solivita recorded in Official Records Book 9142, Page 1843 of the Public Records of Polk County, Florida, as amended (the "Bylaws"); and

WHEREAS, Section 12.3 of the Amended and Restated Bylaws of Solivita Community Association, Inc., provides that the Bylaws may be amended by 66 and 2/3rds percent of the Board of Directors and seventy-five percent (75%) of the votes present, present in person or by proxy at a duly noticed meeting where a quorum is present; and

NOW THEREFORE, Brenda Taylor, as President, and Glenn Larson, as Secretary, of Solivita Community Association, Inc., do hereby certify and attest that the following amendments to the Bylaws was duly approved at a meeting of the members by not less than 66 and 2/3rds percent vote of the Board of Directors and seventy-five percent (75%) of the voting interests, at a properly called meeting:

I. **Section 3.2 of the Amended and Restated Bylaws of Solivita Community Association, Inc. is hereby amended as follows:**

3.2 Annual Meetings. The annual meeting of the Members (the "Annual Members Meeting") for 2023 shall be held in December 2022. The Annual Members Meeting for the year 2024 shall be held between January 1, 2024 and March 31, 2024. Thereafter, the Annual Members Meeting shall be held in the first three (3) months of the following ~~at least once every calendar~~ year. The Annual Members Meeting shall be, on a date, at a time and at a place to be determined by the Board. The Annual Members Meeting shall be for the purpose of electing Directors, and for the transaction of other such business as may be required.

II. **Section 4.1 of the Amended and Restated Bylaws of Solivita Community Association, Inc. is hereby amended as follows:**

4.1 Number. The affairs of the Association shall be managed ~~initially~~ by a Board of Directors (the "Board") consisting of ~~no less than three (3) persons. After the Turnover Date the Board shall consist of either three (3) or~~ five (5) persons. However, the Board may expand the Board to seven (7) persons ~~as determined by~~ with the express approval of 2/3rds of the Board members, at least sixty (60) days in advance of any Annual Members Meeting. Each Director shall serve for a term of two (2) years on a staggered basis. In order to implement staggered terms,

there shall be five (5) Director positions open for election at the 2023 Annual Members Meeting. The three (3) candidates receiving the highest number of votes at the 2023 Annual Members Meeting shall serve two (2) year terms. The two candidates receiving the next highest number of votes at the 2023 Annual Members Meeting shall serve a one (1) year term. If the Board of Directors is increased to seven (7) directors, as authorized herein, the two (2) additional directors shall be added on a staggered basis. The Board of Directors shall establish the procedure to implement the staggered terms for the two (2) additional board seats, so that there shall be four (4) directors and three (3) directors in consecutive years. ~~Board members appointed by the Developer need not be members of the Association.~~ Board members ~~elected by other Members~~ must be Members of the Association.

III. **Section 4.2 of the Amended and Restated Bylaws of Solivita Community Association, Inc. is hereby deleted in its entirety. This Section 4.2 is reserved for future use.**

4.2 ~~Term of Office. The election of the Directors shall take place after Developer no longer has the authority to appoint the Board and shall take place at the Annual Members meeting or on the Turnover Date. Directors shall be elected for a term on the date of the next Annual Meeting. Directors appointed by Developer shall serve for such term determined by the Developer.~~

CODING: Stricken language is marked with a ~~strikethrough~~. New language is marked with a double-underline.

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Witnesses:

SOLIVITA COMMUNITY ASSOCIATION, INC.

Print Name: BARRY K. TAYLOR
Witness No. 1

BY: Brenda Taylor, President

Print Name:
Witness No. 2

Witnesses:

SOLIVITA COMMUNITY ASSOCIATION, INC.

Print Name: Shelley Destefano
Witness No. 1

BY: Glenn Larson, Secretary

Print Name:
Witness No. 2

STATE OF FLORIDA
COUNTY OF POLK

The foregoing Certificate of Amendment was acknowledged before me ☐ in person or ☐ by remote notarization, this 6th day of December, 2022, by Brenda Taylor, President, and Glenn Larson, Secretary, of Solivita Community Association, Inc. who are ☒ personally known to me or ☐ who have produced ____ as identification, who executed the foregoing Certificate of Amendment and severally acknowledge the execution thereof to be their free act and deed as such officers, for the uses and purposes therein mentioned, and that they have affixed thereto the seal of said corporation, and the said instrument is the act and deed of said corporation.

[NOTARY SEAL]

NOTARY PUBLIC
Print Name:
My Commission Expires: 4/21/2024

RAJMATEE HANOOMAN
MY COMMISSION # GG 942179
EXPIRES: April 21, 2024
Bonded Thru Notary Public Underwriters

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