INSTR # 2024083136
BK 13074 Pgs 0262-0266 PG(s)5
04/11/2024 12:54:45 PM
STACY M. BUTTERFIELD,
CLERK OF COURT POLK COUNTY
RECORDING FEES 44.00

Prepared by and return to:
Solivita Community Association, Inc.
270 W. Plant Street, Suite 340
Winter Garden, FL 34787

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, Larry Anson, as President, and Jim Edge, 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:

Section 3.1.1 of the Amended and Restated By-laws of Solivita Community Association, Inc. is hereby DELETED in its entirety and replaced as follows:

~~3.1.1 Home Owned By Husband and Wife. Either the husband or wife (but not both) may exercise the Voting Interest with respect to a Home. In the event the husband and wife cannot agree, neither may exercise the Voting Interest.~~

3.1.1 Home owned by more than one individual – Any one of said individuals (but not more than one) may exercise the Voting Interest with respect to a Home. In the event the Owners cannot agree, no Voting Interest may be exercised.

Sections 3.1.2 through 3.1.5 of the Amended and Restated By-laws of Solivita Community Association, Inc. are hereby DELETED in their entirety and replaced as follows:

~~3.1.2 Trusts. In the event that any trust owns a Home, the Association shall have no obligation to review the trust agreement with respect to such trust. The Association shall be governed by the following examples with respect to the trusts:~~

~~3.1.2.1 If the Home is owned by Robert Smith, as Trustee, Robert Smith shall be deemed the Member of the Home for all the Association purposes.~~

~~3.1.2.2 If the Home is owned by Robert Smith, as Trustee for the Laura Jones Trust, then Robert Smith shall be deemed the Member of the Home for all the Association purposes.~~

~~3.1.2.3 If the Home is owned by the Laura Jones Trust, and the deed does not reference a trustee, then Laura Jones shall be deemed the Member with respect to the Home for all the Association purposes.~~

~~3.1.2.4 If the Home is owned by the Jones Family Trust, the Jones Family Trust may not exercise its Voting Interest unless it presents to the Association, in the form of an attorney opinion letter or affidavit reasonably acceptable to the Association, the identification of the person who should be treated as the Member with respect to the Home for all Association purposes.~~

~~3.1.2.5 If Robert Smith and Laura Jones, as Trustees, hold title to a Home, either trustee may exercise the Voting Interest associated with such Home in the absence of a designation signed by both trustees that only one such trustee is authorized to vote. In the event of a conflict between trustees, the Voting Interest for the Home in question shall not be exercised while such conflict is ongoing.~~

~~In the event that any other form of trust ownership is presented to the Association, the decision of the Board as to who may exercise the Voting Interest with respect to any Home shall be final. The Association shall have no obligation to obtain an attorney opinion letter in making its decision, which may be made on any reasonable basis whatsoever.~~

~~3.1.3 Corporations. If a Home is owned by a corporation, the corporation shall designate a person, an officer, employee or agent of such corporation, who shall be treated as the Member who will be entitled to exercise the Voting Interest associated with such Home.~~

~~3.1.4 Partnerships. If a Home is owned by a limited partnership, any one of the general partners of such limited partnership may exercise the Voting Interest associated with such Home. By way of example, if the general partner of a limited partnership is a corporation, then the provisions hereof governing corporations shall govern which person is entitled to act on behalf of the corporation as general partner of such limited partnership. If a Home is owned by a general partnership, any one of the general partners of such general partnership may exercise the Voting Interest associated with such Home. In the event of a conflict among general partners entitled to exercise a Voting Interest, the Voting Interest for such Home shall not be exercised while such conflict is ongoing.~~

~~3.1.5 Multiple Individuals. If a Home is owned by more than one individual, any one of such individuals may exercise the Voting Interest with respect to such Home. In the event that there is a conflict among such individuals, the Voting Interest for such Home shall not be exercised while such conflict is ongoing.~~

3.1.2 Home Owned By a Legal Entity. In the event that one or more legal entities (including joint ownership with one or more persons) owns a home (including, but not limited to, a corporation, company, partnership, or trust), said Owner(s) shall designate one Person as the Member for all the Association purposes, including exercise of the Voting Interest for said home. This designation shall be done by submission of a signed document to the Association, in a form reasonably acceptable to the

Stacy M. Butterfield POLK
CFN# 2024083136 OR BK 13074 PG 263 Pgs 0262-0266 04/11/2024 12:54:45 PM

Association. The Association shall have no obligation to review the creation or management documents for any such entity, nor shall the Association have any obligation to obtain an Attorney Opinion letter with respect to this Member designation document. If an acceptable document is not submitted, then no Voting Interest may be exercised. In the event the owners cannot agree, then no Voting Interest may be exercised.

Section 3.5 of the Amended and Restated Bylaws of Solivita Community Association, Inc. is hereby amended as follows:

3.5 Quorum of Members. ~~Until and including the Turnover Date, a quorum shall be established by Developer's presence, in person or by proxy, at any Meeting. After the Turnover Date,~~ A quorum shall be established by the presence, in person, by proxy, by written ballot pursuant to Section 4.6 of the Bylaws (if applicable to said vote), or by the prior electronic vote of the Members entitled to cast twenty percent (20%) of the Voting Interests, except as otherwise provided in the Articles, the Declaration, or these By-Laws.

Section 4.3 of the Amended and Restated By-laws of Solivita Community Association, Inc. is hereby amended as follows:

4.3 Vacancies; Removal. ~~Any vacancy created by the resignation or removal of a Board member appointed by Developer may be replaced by Developer. Developer may replace or remove any Board member appointed by Developer in Developer's sole and absolute discretion.~~ In the event of death or resignation of a Director ~~elected by the Members other than Developer~~, the remaining Directors may fill such vacancy. Directors ~~elected by Members~~ may be removed, with or without cause, by the vote or agreement in writing of Members holding a majority of the Voting Interests. If a person is selected to fill a vacant Director position, said person shall serve until the election to be held at the next Annual Members Meeting. If the vacancy occurs after the First Notice of Annual Members Meeting has been mailed to Members, the vacancy shall not be filled until after that Annual Members Meeting.

Section 4.5 of the Amended and Restated By-laws of Solivita Community Association, Inc. is hereby amended as follows:

4.5 Appointment and Election of Directors. ~~Until the Turnover Date, Developer shall have the unrestricted power to appoint all Directors of the Association. From and after the Turnover Date (or such earlier date determined by Developer in its sole and absolute discretion),~~ The Members shall elect all Directors of the Association at or in conjunction with the Annual Members Meeting, except as provided in Section 4.3.

Section 9.2 of the Amended and Restated Bylaws of Solivita Community Association, Inc. is hereby amended as follows:

9.2 Architectural Control Committee (ACC) (also referred to as the Architectural Review Committee/ARC). ~~Developer shall have the sole right to appoint the members of the ACC until the Turnover Date. Upon expiration of the right of Developer to appoint members of the ACC as provided in the Declaration, t~~ The Board shall appoint the members of the ACC and have the power to remove or replace the same. As provided under the Declaration, the Association shall have the authority and standing to seek enforcement in courts of competent jurisdiction any decisions of the ACC.

Stacy M. Butterfield POLK
CFN# 2024083136 OR BK 13074 PG 264 Pgs 0262-0266 04/11/2024 12:54:45 PM

Section 12.2 of the Amended and Restated By-laws of Solivita Community Association, Inc. is hereby DELETED in its entirety and reserved for future use.

~~12.2 Amendments prior to and including the Turnover Date. Prior to and including the Turnover Date, Developer shall have the right to amend these By-Laws as it deems appropriate, without the joinder or consent of any Member, person or entity whatsoever. Developer's right to amend under this provision is to be construed as broadly as possible. In the event that the Association shall desire to amend these By-Laws prior to and including the Turnover Date, the Association must first obtain Developer's prior written consent to any proposed amendment, such consent to be at Developer's sole and absolute discretion. Thereafter, an amendment identical to that approved by Developer may be adopted by the Association pursuant to the requirements for amendments after the Turnover Date. Thereafter, Developer shall join in such identical amendment so that its consent to the same will be reflected in the Public Records.~~

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

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

Stacy M. Butterfield POLK
CFN# 2024083136 OR BK 13074 PG 265 Pgs 0262-0266 04/11/2024 12:54:45 PM

Witnesses:

Print Name: Yahinirre Hilario
Print Address: 395 Village Dr Kissimmee, FL 34759
Witness No. 1

Print Name: Tinisha Ramos
Print Address: 395 Village Dr Kissimmee FL 34759
Witness No. 2

SOLIVITA COMMUNITY ASSOCIATION, INC.

BY: Larry Anson, President
270 W. Plant St., Suite 340
Winter Garden, FL 34787

Witnesses:

Print Name: Yahinirre Hilario
Print Address: 395 Village Dr Kissimmee, FL 34759
Witness No. 1

Print Name: Tinisha Ramos
Print Address: 395 Village Dr Kissimmee FL 34759
Witness No. 2

SOLIVITA COMMUNITY ASSOCIATION, INC.

BY: Jim Edge, Secretary
270 W. Plant St., Suite 340
Winter Garden, FL 34787

STATE OF FLORIDA
COUNTY OF POLK

The foregoing Certificate of Amendment was acknowledged before me ☑ in person or ☐ by remote notarization, this 9th day of April, 2024, by Larry Anson, President, and Jim Edge, 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] RAJMATEE HANOOMAN MY COMMISSION # GG 942179 EXPIRES: April 21, 2024 Bonded Thru Notary Public Underwriters

NOTARY PUBLIC
Print Name: Rajmatee B. Hanooman
My Commission Expires: 4/21/2024

Stacy M. Butterfield POLK
CFN# 2024083136 OR BK 13074 PG 266 Pgs 0262-0266 04/11/2024 12:54:45 PM