ROGER D. EATON, CHARLOTTE COUNTY CLERK OF CIRCUIT COURT, PAGE: 1 OF 4
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This instrument prepared by:
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CERTIFICATE OF AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BABCOCK NATIONAL

THIS AMENDMENT is made this 28 day of March, 2024, by Lennar Homes, LLC, a Florida limited liability company ("Declarant"), to the Declaration of Covenants, Conditions and Restrictions for Babcock National.

WHEREAS, the original Declaration of Covenants, Conditions and Restrictions for Babcock National is recorded at Instrument Number 2781859 ("Declaration"), and as may have been subsequently amended, of the Public Records of Charlotte County, Florida; and

WHEREAS, pursuant to Section 18.10 of the Declaration, the Declarant, may, in its sole discretion, by an instrument filed of record, unilaterally modify, enlarge, amend, waive, or add to the covenants, conditions, restrictions, and other provisions of this Declaration, and any recorded Exhibit hereto; and

WHEREAS, Declarant is desirous of amending Section 4.3 of the Bylaws.

NOW THEREFORE, pursuant to the reserved rights recited above, the Declarant hereby amends the Declaration as set forth on the attached **Exhibit "A".**

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

WITNESSES (2)

Sign: _____
Print: Matthew Koratich
Address: ~~10481 BEN C PRATT / SIX MILE CYPRESS PKWY~~
FT MYERS, FL 33966

Sign: Landon Elam
Print: Landon Elam
Address: ~~10481 BEN C PRATT / SIX MILE CYPRESS PKWY~~
FT MYERS, FL 33966

LENNAR HOMES, LLC
a Florida limited liability company

By: _____
Print: Darin McMurray
Title: **Vice President**

STATE OF FLORIDA
COUNTY OF LEE

THE FOREGOING INSTRUMENT was acknowledged before me, by means of [X] physical presence OR [ ] online notarization, this 28 day of March, 2024, by Darin McMurray as **Vice President** of **Lennar Homes, LLC**, a Florida limited liability company, on behalf of the company, who is personally known to me.

(Notary Seal/Stamp)

MATTHEW KORATICH
Commission # HH 276859
Expires October 15, 2026

Notary Public
Sign: _____
Print: Matthew Koratich

EXHIBIT "A"

AMENDMENT TO BYLAWS OF BABCOCK NATIONAL

The Bylaws of Babcock National shall be amended as follows:

Note: Language to be added is underlined. Language to be deleted is ~~struck through~~.

* * * * * *

Amendment 1:

4.3 Election of Directors. Except as otherwise provided herein, and for the first Board of Directors and their Declarant-appointed replacements, Directors shall be elected by the Members at the Annual Meeting of the Association. Notwithstanding the foregoing, until such time as the Class B Membership in the Association terminates, the Class B Voting Member shall have the right to appoint Directors in accordance with the provisions of the Declaration and Chapter 720, Florida Statutes. At the Annual Meeting next following the date upon which ninety percent (90%) of the Lots to ultimately be located within the Lands have been conveyed to Class A Members, the Class A Members shall elect a majority of the Board of Directors as set forth below in Section 4.4.

(A) Directors shall be elected in accordance with Chapter 720, Florida Statutes, these Bylaws and the election rules, if any, and process established and utilized by the Board of Directors. Not less than sixty (60) days before a scheduled election, the Association shall mail, or deliver, whether by separate Association mailing or included in another Association mailing or delivery including regularly published newsletters, and including electronic transmission for those Members who have so consented, to each Member entitled to vote, a first notice of the date of the election. Any eligible person who nominates himself to be a candidate may do so no later than forty (40) days prior to the annual meeting and may also submit a resume by such deadline on one side of an 8 and ½" x 11" sheet of paper. As Members have been given the opportunity to nominate themselves in advance and prior to the annual meeting where the election will take place, nominations from the floor shall not be accepted. Not less than fourteen (14) days prior to the annual meeting, the Association shall send a Second Notice of Annual Meeting to all Members, along with either an election ballot for the election of Directors, any timely submitted candidates' resumes, a proxy and any other documents in the Board's discretion. The election ballot shall contain the names of all candidates who nominated themselves in a timely manner, listed alphabetically by surname. If a voter checks off the names of more candidates than the number of Directors to be elected, the election ballot shall not be counted for the election. Elections shall be determined by a plurality of the votes cast; a quorum of the Members need not cast a vote for a valid election to occur, so long as at least ten percent (10%) of the eligible Voting Interests cast a ballot. The candidates who are elected shall take office upon the adjournment of the annual meeting. The Board may require all ballots to be received by the Association at some point prior to the annual meeting so that votes can be tallied prior to the annual meeting and the results announced at the annual meeting. No election shall be necessary if the number of candidates is less than or equal to the number of

vacancies. In addition to the foregoing, to the extent that the Association wishes to provide for and allow Members to vote electronically, Members who have consented to vote electronically shall be permitted to do so as otherwise provided for by Florida Statute Section 720.317 (2018) or as later amended.

(B) Within 90 days after being elected or appointed to the Board, each Director shall certify in writing to the secretary of the Association that he or she has read the Association's declaration of covenants, articles of incorporation, bylaws and current written rules and policies; that he or she will work to uphold such documents and policies to the best of his or her ability; and that he or she will faithfully discharge his or her fiduciary responsibility to the Association's members. In lieu of the written certification, the newly elected or appointed director may submit a certificate of having satisfactorily completed the educational curriculum administered by a Division-approved education provider within 1 year before or 90 days after the date of election or appointment. The written certification or educational certificate is valid for the uninterrupted tenure of the director on the Board. A director who does not timely file the written certification or educational certificate is suspended from the Board until he or she complies with the requirement. The Board may temporarily fill the vacancy during the period of suspension. The Association shall retain each director's written certification or educational certificate for 5 years after the director's election; however, the failure to retain the certificate does not affect the validity of any Board action.

Amendment 2:

4.4 Term of Office. ~~Except as provided herein to the contrary, the term of each Director's service shall extend until the next Annual Meeting and subsequently until his successor is duly elected and has taken office, or until he is removed in the manner elsewhere provided.~~ In order to provide for a continuity of experience by establishing a system of staggered terms of office, in the first election in which owners other than the Class B Member elect at least a majority of the Directors, a majority number of the elected candidates shall each be elected for a term that expires at the final adjournment of the second Annual Meeting following the meeting at which such Director is elect (ie. two (2) year initial term). The other elected candidates shall be elected for a term that expires at the final adjournment of the next annual meeting (ie. a one (1) year initial term). Thereafter, all Directors shall be elected for two (2) year terms, ending at the final adjournment of the annual meeting at which successors are to be duly elected, or at such other time as may be provided by law. Notwithstanding the foregoing, any Director designated by the Class B Voting Member shall serve at the pleasure of the Class B Voting Member.