Kevin C. Karnes, Lee County Clerk of Circuit Court
INSTR. # 2023000146096, Doc Type RES, Pages 3, Recorded 4/25/2023 at 9:11 AM, Deputy Clerk NFERGUSON ERECORD
Rec Fees: $27.00

After recording, return to:

Valencia Bonita Homeowners Association, Inc.
1600 Sawgrass Corporate Parkway, Suite 400
Sunrise, Florida 33323

SPACE ABOVE THIS LINE FOR PROCESSING DATA

CERTIFICATE OF RECORDING THIRD AMENDMENT TO THE BYLAWS OF VALENCIA BONITA HOMEOWNERS ASSOCIATION, INC.

THIS CERTIFICATE OF RECORDING THIRD AMENDMENT TO THE BYLAWS OF VALENCIA BONITA HOMEOWNERS ASSOCIATION, INC. (this "Certificate") is made this 17th day of April, 2023 by **VALENCIA BONITA HOMEOWNERS ASSOCIATION, INC.**, a Florida not for profit corporation (the "Association"), as follows:

WHEREAS, on February 6, 2017, the Declaration of Covenants, Restrictions and Easements for Valencia Bonita was recorded in Official Records of Lee County, Florida as Instrument No. 2017000026294, as amended from time to time (the "Declaration"), to which the Articles of Incorporation of Valencia Bonita Homeowners Association, Inc., is attached as Exhibit B, as amended from time to time (the "Articles"), and to which the Bylaws of Valencia Bonita Homeowners Association, Inc. are attached as Exhibit C, as amended from time to time (the "Bylaws"); and

WHEREAS, pursuant to Section 13.3 of the Bylaws, until the "Turnover Date" (as such term is defined in the Declaration and the Articles), the Bylaws may be amended by the "First Board" (as such term is defined in the Articles), without the consent, approval, or vote of the "Members" (as such term is defined in the Declaration and the Articles); and

WHEREAS, pursuant to Section 4.15 of the Bylaws, prior to the Turnover Date and except as to assessments, any action required or permitted to be taken at a meeting of the Association's Board of Directors (the "Board") may be taken without a meeting if a consent in writing, specifically setting forth the action to be taken, is signed by all of the members of the Board entitled to vote with respect to the subject matter thereof, and such consent has the same force and effect as a unanimous vote of the Board; and

WHEREAS, the Turnover Date has not occurred as of the date of this Certificate; and the First Board remains as of the date of this Certificate; and

WHEREAS, on April 17, 2023, the Board approved an amendment to the Bylaws, as further set forth herein, by unanimous written consent of the Board made in accordance with Section 4.15 of the Bylaws.

NOW, THEREFORE, the Association, by and through the Board, hereby amends the Bylaws as follows:

1. **Preface.** The foregoing recitals are true and correct and are hereby incorporated as if fully set forth herein. All initially capitalized terms shall have such meaning as set forth in the Declaration and the Articles unless an alternative meaning is set forth herein.

2. **Amendment.** Section 3.7 of the Bylaws is hereby amended to provide the following:

(new language shown by underline;
deleted language shown by ~~strikeout~~;
" * *" shows unaffected language)*

3.7. Not less than sixty (60) days before any Meeting at which elections of Directors are to occur (an "Election Meeting"), the Association shall mail, deliver or electronically transmit, whether by separate Association mailing or included in another Association mailing, delivery or transmission, including regularly published newsletters, to each Member entitled to a vote, a first notice of the date of the Election Meeting. Any Member or other eligible person desiring to be a candidate for the Board must give written notice to the Association not less than forty (40) days before the Election Meeting. Together with an agenda, the Association shall mail, deliver or electronically transmit a second notice of the Election Meeting to all Members entitled to vote therein, together with a ballot which shall list all candidates. Upon request of a candidate, the Association shall include an information sheet, no larger than 8 ½ by 11 inches, which must be furnished by the candidate not less than thirty-five (35) days before the Election Meeting, to be included with the mailing, delivery or transmission of the ballot, with the costs of mailing, delivery or electronic transmission and copying to be borne by the Association. The Association shall not be liable for the contents of any information sheets prepared and supplied by the candidates. Elections shall be decided by a plurality of those ballots cast. There shall be no quorum requirement; however, at least twenty percent (20%) of the eligible voters must cast a ballot in order to have a valid election of Members of the Board. Members may not vote for Directors by Proxy. Voting by secret ballots by Members shall be conducted in accordance with Section 720.306(8)(b) of the Homeowners' Association Act. Furthermore, at any Election Meeting, the "Chairman" (as

hereinafter defined in Section 7.2 below) shall appoint an "Election Committee" consisting of at least three (3) Members, but no more than twelve (12) Members, to assist withsupervise the election, count and verify ballots, disqualify votes if such disqualification is justified under the circumstances as confirmed in consultation with the Association's legal counsel (if present), and certify the results of the election to the Board. ~~The Election Committee shall be able to determine questions within its jurisdiction by plurality vote of all three (3) members, but matters resulting in deadlocked votes of the Election Committee shall be referred to the entire Board for resolution.~~

IN WITNESS WHEREOF, the Association has executed this Certificate on the date set forth below:

WITNESSES:

Print Name: Lexus Benfield

Print Name: Colleen M. Colton

ASSOCIATION:

VALENCIA BONITA HOMEOWNERS ASSOCIATION, INC.,
a Florida not for profit corporation

By: _____
Dianna Betancourt, its President

[CORPORATE SEAL]

Attest: _____
Patricia Campbell, its Secretary

STATE OF FLORIDA)
) **ss:**
COUNTY OF Lee)

The foregoing instrument was acknowledged before me by means of ☒ physical appearance or ☐ online notarization, this 15th day of April, 2023, by Dianna Betancourt as President for **VALENCIA BONITA HOMEOWNERS ASSOCIATION, INC.**, a Florida not for profit corporation, who is personally known to me and did not take an oath.

[NOTARIAL SEAL]

Notary Public State of Florida
Colleen M. Colton
My Commission HH 032594
Expires 08/16/2024

Print Name: Colleen M Colton
Notary Public, State of Florida

VALENCIA
BONITA
BONITA SPRINGS

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1. Declaration of Covenants, Restrictions and Easements for Valencia Bonita recorded February 6, 2017 under Instrument No. 2017000026294 in the Public Records of Lee County, Florida

   Exhibit A Legal Description of Property

   Exhibit B Articles of Incorporation of Valencia Bonita Homeowners Association, Inc. and amendments thereto

   Exhibit C Bylaws of Valencia Bonita Homeowners Association, Inc.

2. First Amendment to Declaration of Covenants, Restrictions and Easements for Valencia Bonita recorded February 6, 2017 under Instrument No. 2017000026303 and re-recorded February 9, 2017 under Instrument No. 2017000030017, all in the Public Records of Lee County, Florida

3. Mortgagee Joinder and Consent to Declaration of Covenants, Restrictions and Easements for Valencia Bonita recorded February 17, 2017 under Instrument No. 2017000035581 in the Public Records of Lee County, Florida

4. Second Amendment to Declaration of Covenants, Restrictions and Easements for Valencia Bonita recorded March 6, 2017 under Instrument No. 2017000046919 in the Public Records of Lee County, Florida

5. Third Amendment to Declaration of Covenants, Restrictions and Easements for Valencia Bonita recorded May 15, 2017 under Instrument No. 2017000105218 in the Public Records of Lee County, Florida

6. Fourth Amendment to Declaration of Covenants, Restrictions and Easements for Valencia Bonita recorded June 30, 2017 under Instrument No. 2017000143587 in the Public Records of Lee County, Florida

7. Second Amendment to the Articles of Incorporation of Valencia Bonita Homeowners Association, Inc. recorded August 3, 2017 under Instrument No. 2017000167792 in the Public Records of Lee County, Florida, and filed July 28, 2017 with the Department of State of the State of Florida

8. Third Amendment to the Articles of Incorporation of Valencia Bonita Homeowners Association, Inc. recorded February 2, 2018 under Instrument No. 2018000026714 in the Public Records of Lee County, Florida, and filed January 18, 2018 with the Department of State of the State of Florida

9. Fifth Amendment to Declaration of Covenants, Restrictions and Easements for Valencia Bonita recorded January 22, 2018 under Instrument No. 2018000016243 in the Public Records of Lee County, Florida

10. Sixth Amendment to Declaration of Covenants, Restrictions and Easements for Valencia Bonita recorded May 16, 2019 under Instrument No. 2019000111463 in the Public Records of Lee County, Florida

11. Certificate of Filing Fourth Amendment to the Articles of Incorporation of Valencia Bonita Homeowners Association, Inc. filed January 22, 2021 with the Department of State of the State of Florida

VALENCIA BONITA
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12. Certificate of Recording Fourth Amendment to the Articles of Incorporation, First Amendment to the Bylaws, and First Amendment to the Second Amended and Restated Rules and Regulations for Valencia Bonita Homeowners Association, Inc. recorded January 22, 2021 under Instrument No. 2021000022844 in the Public Records of Lee County, Florida
13. Seventh Amendment to Declaration of Covenants, Restrictions and Easements for Valencia Bonita recorded June 28, 2021 under Instrument No. 2021000212592 in the Public Records of Lee County, Florida
14. Eighth Amendment to Declaration of Covenants, Restrictions and Easements for Valencia Bonita recorded December, 28 2021 under Instrument No. 2021000423872 in the Public Records of Lee County, Florida
15. Certificate of Recording Second Amendment to the Bylaws for Valencia Bonita Homeowners Association, Inc. recorded August 20, 2021 under Instrument No. 2021000276511 in the Public Records of Lee County, Florida
16. Certificate of Recording Third Amendment to the Bylaws of Valencia Bonita Homeowners Association, Inc. recorded April 25, 2023 under Instrument No. 2023000146096 in the Public Records of Lee County, Florida
17. Ninth Amendment to Declaration of Covenants, Restrictions and Easements for Valencia Bonita recorded April 25, 2023 under Instrument No. 2023000146097 in the Public Records of Lee County, Florida
18. Rules and Regulations of Valencia Bonita Homeowners Association, Inc.
19. Recreation Amenities Release and Waiver
20. Estimated Operating Budget of Valencia Bonita Homeowners Association, Inc.
21. Escrow Agreement
22. Dwelling Warranty
23. Informational Brochure Regarding Energy Efficiency
24. Receipt for Documents