

**PROPOSED AMENDMENT
TO
THE DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR TOWNHOMES OF SUMMERFIELD**

Section 4 of Article III of the By-Laws states:

Section 4. Quorum. The presence at the meeting of Members entitled to cast, or of proxies entitled to cast, one-tenth (1/10) of the votes of each class of the membership shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declaration, or these Bylaws. If, however, such quorum shall not be present or represented at any meeting, the Members entitled to vote at such meeting shall have power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum as aforesaid shall be present or be represented by proxy.

It is proposed that Sections 4 and 5 of Article VII of the Declaration shall be amended to read as follows:

Section 4. Special Assessments for Capital Improvements. In addition to the annual assessments authorized above, the Association may levy, in any assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement, including fixtures and personal property related thereto, provided that any such assessment shall have the assent of two-thirds (2/3) of the votes of each class of members who are voting in person or by proxy at a meeting duly called for this purpose. For the purposes of this Section a quorum for the meeting shall not be less than ~~thirty ten percent (130%)~~ of each class of voting members, as allowed under the By-Laws.

Section 5. Notice of Meeting and Quorum for Any Action Authorized Under Sections 3 and 4. Written notice of any members meeting called for the purpose of taking any action authorized under Section 3 and 4 of this Article shall be sent to all members not less than thirty (30) days nor more than sixty (60) days in advance of the meeting. At such meeting, the presence of members or of proxies entitled to cast a majority of all the votes of each class of membership shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement, and the required quorum at the subsequent meeting shall be the presence of members or of proxies entitled to cast one-third (1/3) of all the votes of each class of membership. No subsequent meeting shall be held more than sixty (60) days following the preceding meeting. If the minimum quorum cannot be achieved at the subsequent meeting, the vote shall be decided by a majority of the votes cast by the members present, in person, virtually, or by proxy, entitled to vote, at meeting called for that purpose.

It is proposed that Section 9 and Section 10 of Article VIII of the ByLaws of Townhomes of Summerfield Homeowners Association, Inc. shall be added to read as follows:

Section 9. Residency. The President must reside in the community while serving on the board of directors.

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Section 10. Qualification. Any member of the Association may serve as a board member providing the member is in good standing with the Association and meets all requirements under Florida Statutes for holding office. For purposes of this Section a member in good standing shall mean that all assessments are current and that there are no outstanding or pending covenant violations.

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Section 11. Minimum Number of Board Members. The Board of Directors shall comprise of a minimum of five (5). President, Vice-President, Treasurer, Secretary and At-Large.

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(a) In the circumstance when not enough owners volunteer to serve on the Board of Directors arise, this requirement can be temporarily lowered to three (3). President, Treasurer and Secretary.

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Section 12. Staggered Terms. Elections shall occur every six (6) months.

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(a) At the Annual Meeting – President, Secretary, At-Large.

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(b) Six (6) Months after Annual Meeting – Vice-President, Treasurer.

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It is proposed that Section 5 of Article XI of the Declaration shall be amended to read as follows:

Section 5. Amendment. This Declaration may be amended from time to time by recording among the Public Records of Hillsborough County, Florida by:

- (a) An instrument signed by the Declarant, as provided in Section 6 of this Article; or
- (b) A majority vote of ~~two-thirds (2/3)~~ of the Voting Members present, in person, virtually, or by proxy, entitled to vote, at a meeting called for such purpose; or
- (c) An instrument signed by the duly authorized officers of the Association provided such amendment by the Association officers has been approved in the manner provided in Paragraph (b) of this Section; or
- (d) An instrument signed by two-thirds (2/3) of the Voting Members approving such amendment.

Notwithstanding anything herein to the contrary, so long as the Declarant, or its assigns shall own any Lot no amendment shall diminish, discontinue or in any way adversely affect the rights of the Declarant under this Declaration, nor shall any amendment pursuant to (b) or (c) above be valid unless approved by Declarant, as evidenced by its written joinder. Any amendment to the Declaration which would affect any SWMS located within the Properties must have the prior approval of SWFWMD; such approval need not be recorded.

REVISION HISTORY

Revision	Date	Description
1	11/28/2023	Initial Draft
2	12/19/2023	Require that President, VP and Treasurer reside in the community.
3	12/24/2023	Changes from Counsel to address 2/3 vote to amend; Require only President to reside in community; Staggered terms; Minimum Board Members