

312 Snow
863-453-3536
POOL

3/97

BY-LAWS

OF

LAKE DAMON SOUTH HOMEOWNERS ASSOCIATION, INC.

(Revised 11/14/94, 03/06/95, 03/03/97)

ARTICLE ONE - ORGANIZATION

1. The name of this organization shall be:

LAKE DAMON SOUTH HOMEOWNERS ASSOCIATION, INC.

2. The fiscal year of this organization shall be:

January 1 through December 31

3. The organization shall have a seal which shall be in the following form:

4. The organization may at its pleasure by a vote of the membership body change its name.

A portion of Section 10, Township 33 South, Range 28 East, Highlands County, Florida, being more particularly described as follows: Begin at the Southwest corner of Lot 1 of Lake Damon Villas South, Phase V, as per plat recorded in Plat Book 15, page 99, of the Public Records of Highlands County, Florida, thence run North 89°49'29" West and along the North right of way line of Peabody Circle a distance of 194.00 feet to the East right of way line of Gaster Road; thence North 00°07'45" West and along said right of way line a distance of 90.00 feet; thence South 89°49'29" East a distance of 194.48 feet; thence South 00°10'31" West a distance of 90.00 feet to POINT OF BEGINNING.

all property in aforesaid subdivision. Location:

the membership of any party shall be automatically terminated upon his being divested of title to

membership. Membership shall be established by the acquisition of fee title to a property, and

LAKE DAMON VILLAS SOUTH, and no other persons or entities shall be entitled to

1. Membership in this organization shall be composed of all who are property owners in

ARTICLE THREE - MEMBERSHIP

business of common interest for the area.

To purchase and maintain clubhouse, pool and two (2) adjacent lots, and any other

1. The following are the purposes for which this organization has been organized:

ARTICLE TWO - PURPOSES

2. Any member intending to sell their unit must notify the board of the homeowners association so that the new purchaser may be properly informed regarding the homeowners association.

ARTICLE FOUR - MEETINGS

There shall be semi-annual membership meetings of this organization to be held on the **2nd Monday of November and the 1st Monday in March**. The election of the Board of Directors shall be held at the March meeting. The secretary shall cause to be mailed via first class to every member in good standing at his or her address, as it appears in the membership roll book of this organization, a notice telling the time and place of such semi-annual meetings and a proxy form.

The presence of not less than a **majority** of the membership shall constitute a quorum and shall be necessary to conduct the business of this organization; but a lesser number may adjourn the meeting for a period of not more than **2 weeks** from the date scheduled by these by-laws and the secretary shall cause a notice of this scheduled meeting to be sent to all those members who were not present at the meeting originally called. A quorum as hereinbefore set forth shall be required at any adjourned meeting.

Special meetings of this organization may be called by the president when he deems it for

At all votes by ballot, the chairman of such meeting shall immediately, prior to the commencement of balloting, appoint a committee of three who shall act as "inspectors of

upon in the manner and style provided for election of directors.

At any regular or special meeting if a majority so required any question may be voted

ballot.

place on such ballot any mark or marking that might tend to indicate the person who cast such

that for election of directors, ballots shall be provided and there shall not appear any

At all meetings, except for the election of directors, all votes shall be via voice, except

ARTICLE FIVE - VOTING

made in writing at least thirty days before the requested scheduled date.

organization, the president shall cause a special meeting to be called but such request must be

At the request of 3 members of the Board of Directors or 10 members of the

whom called.

reasons that such meeting has been called, the business to be transacted at such meeting and by

10 days before the scheduled date set for such special meeting. Such notice shall state the

members at their addresses as they appear in the membership roll book at least but not more than

the best interest of the organization. Notices of such meeting shall be mailed via first class to all

Election" and who shall at the conclusion of such balloting certify in writing to the chairperson the results and the certified copy shall be physically affixed in the minute book to the minutes of that meeting.

No inspector of election shall be a candidate for office or shall be personally interested in the question voted upon.

ARTICLE SIX - ORDER OF BUSINESS

1. Roll call.
2. Reading of the minutes of the preceding meeting.
3. Treasurer's report
4. Reports of committees.
5. Reports of officers.
6. Old and unfinished business.
7. New business.
8. Good and welfare.
9. Adjournments.

ARTICLE SEVEN - BOARD OF DIRECTORS

The business of this organization shall be managed by a Board of Directors consisting of **seven (7) members.**

The president of the organization by virtue of the office shall be chairperson of the Board

The Board of Directors may make such rules and regulations covering its meetings as it may in its discretion determine necessary. Vacancies in the Board of Directors shall be filled by a vote of the majority of the remaining of the Board of Directors for the balance of the year.

Each director shall have one vote and such voting may not be done by proxy.

is not available. In case of an emergency, telephone conference can suffice.

The Board of Directors shall have the control and management of the affairs and business of this organization. Such Board of Directors shall only act in the name of the organization when it shall be regularly convened by its chairman after due notice to all the directors of such meeting. Four (4) members of the Board of Directors shall constitute a quorum and the meetings of the Board of Directors shall be held regularly on the 1st Monday of each month, unless a quorum

years each.

and each year thereafter; two (2) or three (3) directors shall be elected to serve for three (3)

Two (2) directors for three (3) years

Two (2) directors for two (2) years

Three (3) directors for one (1) year

meeting of this organization. The 1st year they shall be elected to serve for terms as follows:

The directors to be chosen for the ensuing year shall be elected at the March semi-annual

of Directors. The Board of Directors shall appoint the President, Vice President, Secretary and Treasurer.

A director may be removed when sufficient cause exists for such removal. The Board of Directors may entertain charges against any director. A director may be represented by counsel upon any removal hearing. The Board of Directors shall adopt such rules as it may in its discretion consider necessary for the best interests of the organization, for this hearing.

ARTICLE EIGHT - OFFICERS

The officers of the organization shall be as follows:

President

Vice President

Secretary

Treasurer

The president shall preside at all membership meetings, by virtue of the office be chairperson of the Board of Directors, present at each semi-annual meeting of the organization a report of the work of the organization, appoint all committees, temporary or permanent, see that all books, reports and certificates as required by law are properly kept or filed, be one of the officers who may sign the checks or drafts of the organization, and have such powers as may be reasonably construed as belonging to the chief executive of any organization.

The vice president shall, in the event of the absence or inability of the president to

Officers shall by virtue of their office be members of the Board of Directors. No officer or director shall for reason of the office be entitled to receive any salary or compensation, but nothing herein shall be construed to prevent an officer or director from receiving any compensation from the organization for duties other than as a director or

Office of Treasurer.

The treasurer shall render, at stated periods as the Board of Directors shall determine, a written account of the finances of the organization and such report shall be physically affixed to the minutes of the Board of Directors of such meeting and shall exercise all duties incident to the make it unnecessary for the treasurer to sign the checks issued upon it.

The treasurer shall have the care and custody of all moneys belonging to the organization, be solely responsible for such moneys or securities of the organization and be one of the officers who shall sign checks or drafts of the organization. No special fund may be set aside that shall

the office of Secretary.

The secretary shall keep the minutes and records of the organization in appropriate books, file any certificate required by any statute, federal or state, give and serve all notices to members of the organization, be the official custodian of the records and seal of the organization, be one of the officers required to sign the checks and drafts of the organization, present to the membership at any meetings any communication addressed to the secretary of the organization, submit to the Board of Directors any communications which shall be addressed to the secretary of the organization, attend to all correspondence of the organization and exercise all duties incident to

privileges and powers as if he or she had been the duly elected president.

exercise his or her office, become acting president of the organization with all the rights,

officer.

ARTICLE NINE - SALARIES

The Board of Directors shall hire and fix the compensation of any and all contractors or sub-contractors which they in their discretion may determine to be necessary in the conduct of the business of the organization. The organization shall not employ any individual as a paid employee. The board can not expend any one amount of more than \$5,000.00 without approval of the majority of the quorum of the membership.

ARTICLE TEN - COMMITTEES

All committees of this organization shall be appointed by the president and approved by the board and the term of office for committee chairman shall be for a period of one (1) year or less if sooner terminated by the action of the Directors.

The permanent committees shall be:

Pool Maintenance

Clubhouse and Grounds Maintenance

Nominating Committee

Auditing Committee

Sunshine Committee

not less than two-thirds (2/3) members.

These By-Laws may be altered, amended, repealed or added to by an affirmative vote of

ARTICLE TWELVE - AMENDMENTS

as budget dictates.

shall be \$1,500.00 or \$15.00 per month for a period of 15 years plus monthly maintenance fees

November 1, 1993. Membership fees for any newly constructed unit after November 1, 1993,

budget dictates. Charter Membership applies to any home or condo in existence prior to

month, payable quarterly for a period of fifteen (15) years. Plus monthly maintenance fees as the

The fees of this organization shall be \$1,375.00 for Charter membership or \$15.00 per

ARTICLE ELEVEN - MEMBERSHIP FEES

Association money for the sole purpose of the golf cart path.

present "Bunny Trail", with monies collected from resident golfers and set aside from

The function of the Cart Path Committee will be to take care of the maintenance of the

Cart Path Committee*

Activities Committee

ARTICLE THIRTEEN - ASSESSMENTS

Assessments. To defray the Association expenses, there is hereby imposed upon each lot and its owner, the affirmative covenant and obligation to pay to the Association; and upon the Association the obligation to assess, collect and expend an annual amount sufficient to cover all of the Association expenses. The Association shall assess and collect membership fees and maintenance fees equally from each member of the Association.

Method of Determining Assessments. Assessments for the Association expenses shall be levied and Association expenses shall be paid as follows:

- (a) All Association expenses shall be paid by the Association out of funds assessed and collected from and paid by all lot owners.
- (b) The Board shall prepare an estimated annual budget which shall reflect the estimated Association expenses. Thereupon the Board shall allocate the expenses of the Association equally among all lots.
- (c) Assessments may be adjusted as necessary by the Board from time to time to allow for any change in the amount of Association expense or revenue. The Board of Directors shall have the complete authority and responsibility for determining the amount of assessments and the method of payment.
- (d) Assessments shall be payable by the owners of all lots monthly, quarterly, annually, in advance, or otherwise as the Board may determine.

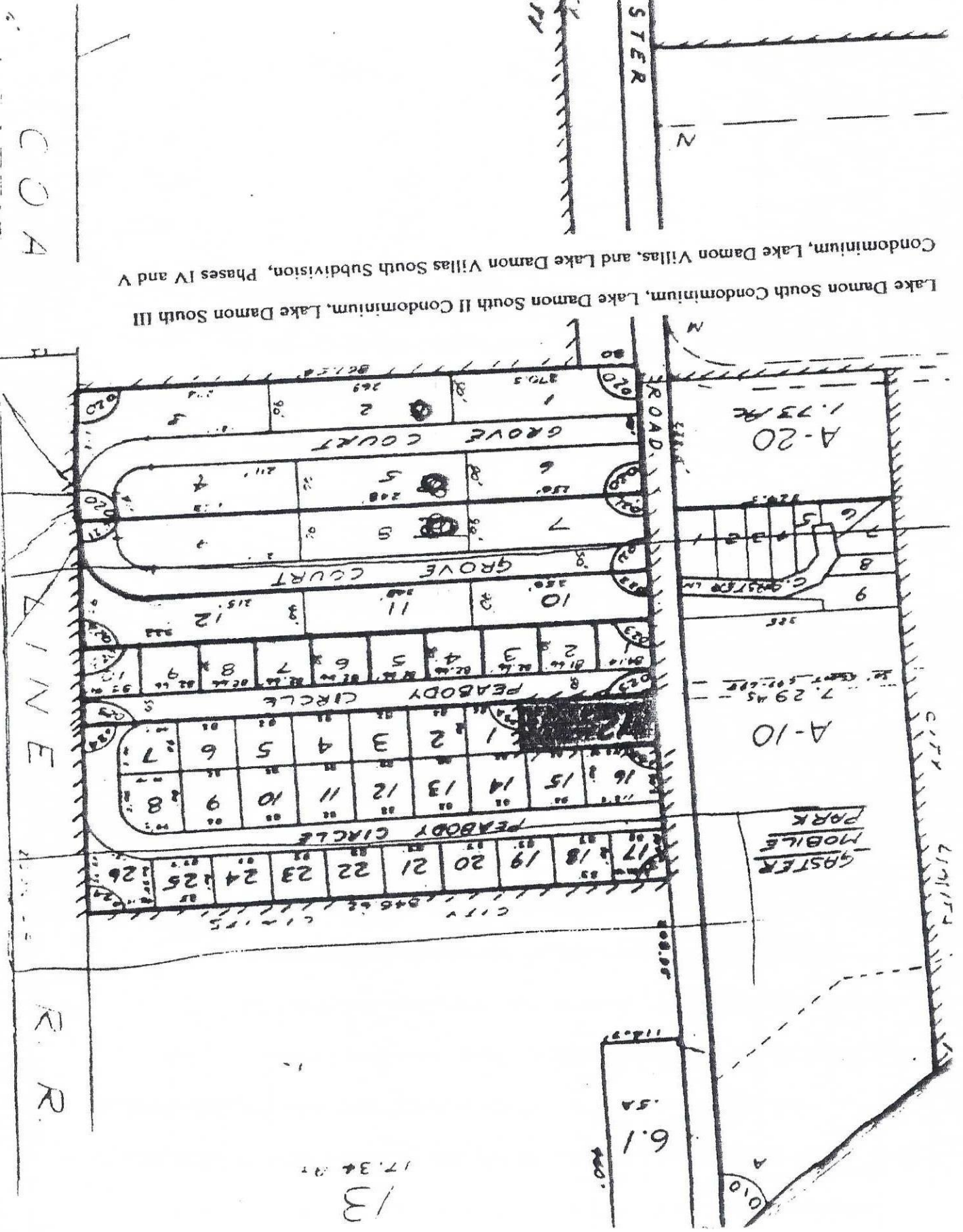
ARTICLE FOURTEEN - ESTABLISHMENT AND ENFORCEMENT OF LIENS

1. All assessments for Association Expenses, membership fees and maintenance fees including special assessments, (collectively, the "assessments") with interest thereon and costs of collection, including reasonable attorney's fees, are hereby declared to be a charge and continuing lien upon the lot against which such assessments are made. Each assessment against a lot, together with interest thereon at the highest rate allowed by law and costs of collection thereof, including attorney's fees, shall be the personal obligation of the person, persons or entity owning the lot so assessed. Said lien shall be effective only from and after the time of recordation among the Public Records of Highlands County, Florida, of a written, acknowledged statement by the Association setting forth the amount due to the Association. Upon full payment of all sums secured by that lien, and all costs and fees incurred, the party making payment shall be entitled to a recordable Satisfaction of Lien. When any institutional mortgagee obtains title to a lot as a result of a foreclosure or if a deed (or assignment) is given to any institutional mortgagee in lieu of foreclosure, such acquirer of title, its successors or assigns, shall not be liable for the share of assessments pertaining to such lot or chargeable to the former owner which became due prior to the acquisition of title as a result of the foreclosure or deed in lieu of foreclosure, unless such share is secured by a Claim of Lien for assessments recorded prior to the recordation of the mortgage. Such unpaid share of assessments for which a Claim of Lien has not been recorded prior to the recording of the foreclosed mortgage or deed given in lieu of foreclosure shall be deemed to be Association expense collectible from all other lot owners.

2. In the event any lot owner shall fail to pay an assessment, or any installment thereof, charged to his lot, within fifteen (15) days after the same becomes due, the Association, through its Board, shall have all of the following remedies to the extent permitted by law.

- (a) Accelerate the entire amount of any assessments for the remainder of the calendar year notwithstanding any provisions for the payment thereof in installments.
- (b) Advance on behalf of said owner funds to accomplish the needs of the Association and the amount or amounts of money so advanced, including reasonable attorney's fees and expenses which might have been reasonably incurred because of or in connection with such advance, including costs and expenses of the Association if it must borrow to pay expenses because of said owner, together with interest at the highest rate allowable by law, may be collected or enforced by the Association and such advance or loan by the Association shall not waive the default.
- (c) File an action in equity to foreclose its lien at any time after the effective date thereof. The lien may be foreclosed by an action in the name of the Association in a like manner as the foreclosure of a mortgage on real property.
- (d) File an action at law to collect said assessments, plus interest at the highest rate allowable by law plus court costs and attorney's fees, without waiving any lien rights and/or rights of foreclosure by the Association.

Lake Damon South Condominium, Lake Damon South II Condominium, Lake Damon South III Condominium, Lake Damon Villas, and Lake Damon South Subdivision, Phases IV and V



COA

VAINE

R R

13
17.34

6.1

0.0

GASTER
MOBILE
PARK

A-10

A-20
1.73 AC

STER

GROVE COURT

GROVE COURT

PEARBODY CIRCLE

PEARBODY CIRCLE

ROAD

N

N

CITY
LIMITS



FILED

RECORDER'S MEMO:
Legibility of Writing or Printing
Unsatisfactory in This Document When Received

ARTICLES OF INCORPORATION

OF

LAKE DAMON SOUTH HOMEOWNERS ASSOCIATION, INC. TALLAHASSEE, FLORIDA

MAR 29 PM 3:17

SECRETARY OF STATE

The undersigned, for the purpose of forming a not-for-profit corporation under the Florida General Cooperation Act, do hereby adopt the following Articles of Incorporation.

Article 1. Name. The name of the Corporation is : LAKE DAMON SOUTH HOMEOWNERS ASSOCIATION, INC.

Article 2. Duration. The duration of the Corporation is perpetual.

Article 3. Purpose. The general purpose for which the Corporation is organized are the following:

A. To maintain and operate certain real property in Highlands County in such a way as to protect the interests of Lake Damon South Homeowners, in accordance with the By-Laws of the Corporation.

B. To do such other things as are incidental to the purposes of the Corporation or necessary or desirable in order to accomplish them.

Article 4. Election of Directors. The directors of the Corporation are to be elected in accordance with the bylaws of the Corporation.

Article 5. Principal Office. The principal office and mailing address of the Corporation is located at 338 Grove Circle, Avon Park, Florida 33825.

Article 6. Initial Registered Office and Agent. The street address of the Initial Registered Office of the Corporation is 445 South Commerce Avenue, Sebring, Florida, and the name of its initial Registered Agent at that address is J. Wendell Whitehouse, Esq.

Article 7. Initial Board of Directors. The number of Directors constituting the initial Board of Directors is six. The number of Directors may be increased or decreased from time to time in accordance with the Bylaws but shall never be less than six. The name and address of each initial Director of the Corporation is as follows:

| | | |
|----------------------|--------------------|--------------------------|
| Glenn Nelson | 332 Grove Circle | Avon Park, Florida 33825 |
| Patricia A. Wiley | 302 Grove Circle | Avon Park, Florida 33825 |
| Gaylord Grande | 335 Grove Circle | Avon Park, Florida 33825 |
| Dorothy E. Witzke | 314 Peabody Circle | Avon Park, Florida 33825 |
| Georgiana L. Seifart | 340 Grove Circle | Avon Park, Florida 33825 |
| Richard Utzinger | 341 Grove Circle | Avon Park, Florida 33825 |

RECORDERS MEMO:
 Logbook of Writing or Printing
 Insatisfactory in This Document When Received



OFFICIAL RECORDS
 BK 1664 PG 744

Article 9. INCORPORATORS. The name and address of each incorporator is as follows:

| | | |
|----------------------|--------------------|--------------------------|
| Glenn Nelson | 332 Grove Circle | Avon Park, Florida 33825 |
| Patricia A. Willey | 302 Grove Circle | Avon Park, Florida 33825 |
| Gaylord Grande | 335 Grove Circle | Avon Park, Florida 33825 |
| Dorothy E. Witzke | 314 Peabody Circle | Avon Park, Florida 33825 |
| Georgiana L. Seifart | 340 Grove Circle | Avon Park, Florida 33825 |
| Richard Utzinger | 341 Grove Circle | Avon Park, Florida 33825 |

Article 9. Amendment. The Corporation reserves the right to amend or repeal any provisions contained in these Articles of Incorporation or any amendment to them, and any right conferred upon the Shareholders is subject to this reservation

IN WITNESS WHEREOF, the undersigned have signed these Articles of Incorporation on this 17 day of June, 1993.

[Signature]
 GLENN NELSON, Director

[Signature]
 PATRICIA A. WILLEY, Director

[Signature]
 GAYLORD GRANDE, Director

[Signature]
 DOROTHY E. WITZKE, Director

[Signature]
 GEORGINA L. SEIFART, Director

[Signature]
 RICHARD UTZINGER, Director

RECORDER'S MEMO:
Legibility of Writing or Printing
Unsatisfactory in This Document When Received

FILED

MAR 29 PM 3:10

SECRETARY OF STATE
TALLAHASSEE, FLORIDA

STATE OF FLORIDA
COUNTY OF HIGHLANDS

Before me personally appeared, GLENN NELSON, PATRICIA A. WILEY, GAYLORD GRANDE, DOROTHY E. WITZKE, GEORGIANA L. SEIF-ART and RICHARD UTZINGER, to me well known and known to me to be the persons described in and who executed the foregoing Articles of Incorporation and acknowledged to and before me that they executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal this 9th day of March, 1993.

Janet W. Ruse
Notary Public



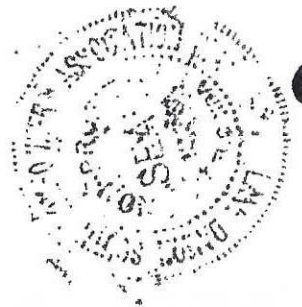
OFFICIAL SEAL
JANET W. RUSE
My Commission Expires
Jan. 21, 1997
Comm. No. CC 254217

ACCEPTANCE BY REGISTERED AGENT

The undersigned hereby accepts the appointment as Registered Agent of LAKE DAMON SOUTH HOMEOWNERS ASSOCIATION, INC., which is contained in the foregoing Articles of Incorporation.

Dated this 10th day of March, 1993.

Wendell Whitehouse
WENDELL WHITEHOUSE
Registered Agent



Prepared By: Jan Ruse
338 Grove Cir.
Avon Park, FL, 33825

Dated this 5th day of November, 2002

Pat Wiley
Pat Wiley, Director

Ron Keppler
Ron Keppler, Director

Glen Kegler
Glen Kegler, Director

Georgia Seifart
Georgia Seifart, Treasurer

Judy Wolff
Judy Wolff, Secretary

John Yoder
John Yoder, Vice President

Jerry Hemminger
Jerry Hemminger, President

LAKE DAMON SOUTH HOMEOWNERS ASSOCIATION, INC.

