

2/10/2021 11:33 AM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA

SIMPLIFILE

Receipt # 2626334

This instrument was prepared by and after recording return to:
Steven M. Falk, Esq.
Falk Law Firm, P.A.
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(239) 596-8400

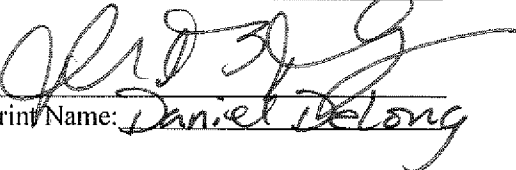
AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR ISLANDWALK AT THE WEST VILLAGES

THIS AMENDMENT is executed by DIVOSTA HOMES, L.P., a Delaware limited partnership authorized to do business in the State of Florida ("Declarant"). On January 26, 2006, Declarant recorded a Declaration of Covenants, Conditions and Restrictions for Islandwalk at the West Villages as Instrument #2006016370 of the Public Records of Sarasota County, Florida (the "Declaration"). Declarant reserved the right to amend the Declaration in Article XIII, Section 8 thereof.

NOW THEREFORE, Declarant hereby amends the Declaration as set forth in Exhibit "A" attached hereto.


In the presence of:


Print Name: STEVE PLATKE


Print Name: Daniel DeLong


DIVOSTA HOMES, L.P., a Delaware limited partnership

By: DiVosta Homes Holdings, LLC, a Delaware limited liability company, its General Partner

By: 
Michael Woolery
Its: Vice President-Land Acquisition
Southwest Florida Division

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 4th day of FEBRUARY, 2021, by () physical presence or () online notarization, by Michael Woolery, as Vice President-Land Acquisition, Southwest Florida Division of DiVosta Homes Holdings, LLC, General Partner of DiVosta Homes, L.P., on behalf of said limited liability company and limited partnership. He is personally known to me.

(SEAL) 
Notary Public State of Florida
Phyllis Hoffman Wilson
My Commission GG 983510
Expires 07/12/2024

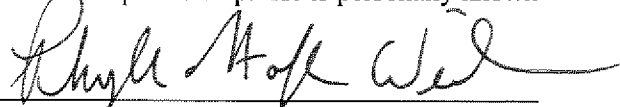

Notary Public
Print Name: Phyllis Hoffman Wilson
My Commission Expires: 7/12/24

EXHIBIT "A"

Additional language indicated by underlining.

Deleted language indicated by ~~hyphens~~.

Article I, Section 39 of the Declaration is amended as follows:

Section 39. "TURNOVER DATE" shall mean the date upon which "Class A Members" (as defined in Article V of the Articles), ~~including Declarant,~~ shall assume control of the Association and elect a majority of the Board, ~~as more particularly described in Article V of the Articles.~~ Notwithstanding anything to the contrary in the Articles and Bylaws, Directors shall be elected as set forth in this Article V, Section 4 of this Declaration.

Article V, Section 4 of the Declaration is amended as follows:

Section 4. BOARD. The Association shall be governed by the Board which shall be appointed or designated ~~or elected,~~ as the case may be, as set forth in the Articles. ~~Notwithstanding anything to the contrary in the Articles and Bylaws, Directors shall be elected as set forth in this Article V, Section 4 of this Declaration.~~ However, notwithstanding anything to the contrary in the Articles or the Bylaws, the Board shall consist of 4 Directors, provided that the number of Directors shall increase to seven (7) at the Members' meeting that will occur on the Turnover Date ("Turnover Meeting"). Directors shall be elected by secret ballot (using a double envelope system) in accordance with Chapter 720, Florida Statutes (the "Act") and this Article V, Section 4 at the Turnover Meeting and at subsequent Annual Meetings.

At the Turnover Meeting, Class "A" Members other than the Declarant shall elect the Board, provided that pursuant to Section 720.307(3) of the Act, the Declarant shall be entitled to elect (i.e., appoint) one (1) Director as long as the Declarant holds for sale in the ordinary course of business at least five percent (5%) of the Lots in all phases of IslandWalk at the West Villages. ~~Other than appointing one (1) Director (but only if permitted pursuant to Section 720.307(3) of the Act), the Declarant shall not cast any votes in the election.~~

At the Turnover Meeting, the four (4) Directors who receive the highest number of votes from the Class "A" Members other than the Declarant shall be elected to two (2) year terms, and the remaining three (3) Directors elected shall serve an initial one (1) year term, provided that if the Declarant has the right to elect (i.e., appoint) one (1) Director, the Declarant's appointee on the Board shall serve a one (1) year term. In the event of a tie vote, or if the number of candidates does not exceed the number of seats to be filled, the candidates shall mutually agree or shall draw lots to determine which candidate(s) shall serve and for what terms. Thereafter, all Directors (except a Director appointed by the Declarant) shall serve two (2) year terms. A Director's term will end at the annual election at which his successor is to be duly elected, unless he sooner resigns, is no longer qualified to serve on the Board or is recalled by the Members.

The First Notice of the Turnover or Annual Meeting, as the case may be, shall be mailed, hand-delivered or electronically transmitted to all Members at least sixty (60) days in advance of the meeting. Any person who wishes to qualify as a candidate shall notify the Association in writing of his or her desire to be a candidate at least forty (40) days prior to the meeting and must be eligible to serve on the Board at the time of such forty (40) day deadline in order to have his or her name listed as a proper candidate on the

election ballot or to serve on the Board. Notice shall be deemed effective when received by the Association. Any person indicating his or her desire to qualify as a candidate may also return a separate information sheet, no larger than 8 ½" by 11", which describes the candidate's background, education and qualifications for office, and any other information deemed relevant by the candidate, which information sheet must be furnished by the candidate at least forty (40) days prior to the election. The Association has no liability for the contents of the information sheets prepared by the candidates.

If the number of candidates does not exceed the number of vacancies, an election shall not be required. The Association shall mail, hand-deliver or electronically transmit a Second Notice at least fourteen (14) days in advance of the meeting. If an election is not required, the candidates become members of the Board at the meeting, regardless of whether a quorum is attained. However, if a quorum is attained, the candidates commence service on the Board effective upon the adjournment of the meeting.

If the number of candidates exceeds the number of seats to be filled, an election shall be required. The Association shall mail, hand-deliver or electronically transmit a Second Notice, together with any candidate information sheets, a ballot which shall list all candidates in alphabetical order by surname, and (unless the Second Notice is electronically transmitted), "inner" and "outer envelopes", at least fourteen (14) days in advance of the meeting. Directors shall be elected by a plurality of the ballots cast. A Member shall not permit any other person to vote his ballot, and any ballots improperly cast are invalid. In the election of Directors, there shall be appurtenant to each Lot as many votes for Directors as there are Directors to be elected, but no Lot may cast more than one (1) vote for any candidate, it being the intent hereof that voting for Directors shall be non-cumulative.

After indicating the name(s) of the candidate(s) for which the Member has voted, the ballot must be placed in an inner envelope with no identifying markings and mailed or delivered to the Association in an outer envelope bearing identifying information reflecting the name of the Member, the Member's address in IslandWalk at the West Village and the signature of the Member casting that ballot. If the eligibility of the Member to vote is confirmed and no other ballot has been submitted for that Lot, the inner envelope shall be removed from the outer envelope bearing the identification information, placed with the ballots which were personally cast, and opened when the ballots are counted. Nominations from the floor and write-in nominations are prohibited and there shall not be a nominating committee. If more than one (1) ballot is submitted for a Lot, the ballots for that Lot shall be disqualified. Upon receipt by the Association, no ballot may be rescinded or changed. Any vote by ballot received after the closing of the balloting may not be considered.

Notwithstanding anything to the contrary in this Article V, Section 4, the Association may conduct the election (other than the election that will occur at the Turnover Meeting) via an internet-based online voting system pursuant to Section 720.317 of the Act. In that case, any Member wishing to vote in that manner must consent in writing and comply with all requirements set forth in Section 720.317 of the Act and any procedures implemented by the Board.