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BARTOW, FL 33831



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POLK COUNTY
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This instrument prepared by:

Robert C. Chilton, Esq.
Boswell & Dunlap LLP
245 S. Central Avenue
Bartow, FL 33830

**CERTIFICATE OF AMENDMENT TO THE DECLARATION OF CONDOMINIUM AND BY-LAWS FOR
IMPERIAL SOUTHGATE VILLAS CONDOMINIUM ASSOCIATION (SECTION III), INC.**

WHEREAS, the Declaration of Condominium for Imperial Southgate Villas Condominium Apartments Section Three was originally recorded on April 10, 1972 in O.R. Book 1435, Page 422 et seq., and has been amended from time to time, through and including the Certificate of Amendment recorded on September 20, 2022 in O.R. Book 12426, Pages 1636 et seq., all in the public records of Polk County, Florida (“Declaration”);

WHEREAS, the By-laws of Imperial Southgate Villas Condominium Association (Section III), Inc. (“Association”) were originally recorded on April 10, 1972 in O.R. Book 1435, Pages 436 et seq., and have been amended from time to time, through and including the Certificate of Amendment recorded on March 14, 2023 in O.R. Book 12614, Pages 1848 et seq. and the Corrective Certificate of Amendment recorded on June 1, 2023 in O.R. Book 12711, Page 867 et seq., all in the public records of Polk County, Florida; (“By-Laws”);

WHEREAS, Article VIII of the Declaration originally provided that the same may be amended without the consent of the condominium’s Developer by the affirmative vote of 2/3rds of the total voting interest of the Association;

WHEREAS, Article VIII of the Declaration was amended in 1998 to provide that the Declaration may be amended by the affirmative vote of 51% of the Association members in attendance at a meeting in which a quorum is present and without the consent of the condominium’s Developer;

WHEREAS, pursuant to Article XIV of the By-Laws, the same may be amended by a majority vote of the members present and voting at a duly noticed membership meeting and without the consent of the condominium’s Developer;

WHEREAS, at the duly noticed membership meeting held on September 7, 2024 at which a quorum was present, the below-described amendments to the Declaration were duly and properly approved by more than a majority vote of the members present and voting; and

WHEREAS, at the duly noticed membership meeting held on September 7, 2024 at which a quorum was present, the below-described amendments to the By-Laws were duly and properly approved by more than a majority vote of the members present and voting;

NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS that the undersigned, on behalf of the Association, pursuant to the Condominium Act, the Declaration and the By-Laws, do hereby certify and attest that the foregoing recitals are true and correct and that the following amendments to the Declaration and By-Laws have been duly and properly approved and adopted by the Association's members (deletions are ~~lined through~~; additions are underlined and words already underlined in the instrument are underlined twice):

Article VIII of the Declaration is amended as follows:

~~This Declaration may be amended at any time during the first five (5) years from the date hereof by affirmative vote of fifty one (51%) percent of the Association, together with the written consent of the Developer, its successors or assigns. After the expiration of said period, the Declaration may be amended at any time by the affirmative vote of fifty-one (51%) of the Association in attendance at a duly noticed membership meeting at which a quorum is present, without the need of consent of Developer or any other third party. No amendment of this Declaration shall be effective unless evidenced by a certificate of the Association. Executed with the formalities required of a conveyance of real property and recorded in the Public Records of Polk County, Florida. Alternatively, this Declaration may be altered, amended, or repealed and new Declaration of Condominium Articles may be adopted by written consent of a majority of members without requirement of any meeting. All such amendments shall be certified by a certificate of amendment executed by two officers of the Association before two witnesses and a notary public and recorded in the Public Records of Polk County, Florida.~~

Article X(q) of the Declaration is created as follows:

(g) No Unit may be occupied by more than two persons per bedroom. Units exceeding this occupancy limit as of September 7, 2024 are not subject to this limitation, though this exception only applies to the individuals then in occupancy and to no others.

Article III § 1 of the Bylaws is amended as follows:

Section 1. Annual Meeting. An annual meeting of the members shall be held in Polk County, Florida, during the first quarter of each year at a date, time and location determined by the Board on the second Wednesday of February of each year at the hour of 7 o'clock P.M. for the purpose of electing Directors and for the transaction of such other business as may come before the meeting. If the election of Directors shall not be held on the day designated for any annual meeting, or at any adjournment thereof, for any reason, the Board of Directors shall cause the election to be held at a special meeting of the members as soon thereafter as possible.

Article XIV of the Bylaws is amended as follows:

These By-Laws may be altered, amended, or repealed and new By-Laws may be adopted by a majority vote of the members present and voting at a regular annual meeting, or a special meeting of members called for that purpose if at least fifteen (15) days written notice is given in

advance of such meeting of intention to alter, amend or repeal, or to adopt new By-Laws at such meeting. Alternatively, these By-Laws may be altered, amended, or repealed and new By-Laws may be adopted by written consent of a majority of members without requirement of any meeting. All such amendments shall be certified by a certificate of amendment executed by two officers of the Association before two witnesses and a notary public and recorded in the Public Records of Polk County, Florida.

Article XV of the Bylaws is created as follows:

ARTICLE XV

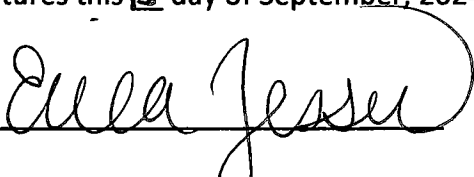
NOTICE

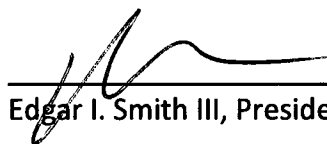
Whenever written notice is required to be furnished to members by these By-laws, the Articles of Incorporation, the Declaration of Condominium, the Association's rules and regulations or by applicable law, such notice shall be deemed to be delivered when emailed to the email address supplied by the member who has consented to receive notice by email, or when deposited in the U.S. mail, postage prepaid, addressed to the member's address last appearing on the books of the Association. It is the affirmative duty of each member to notify the Association, in writing, of the mailing or email address at which they wish to receive notice from the Association.

ALL OTHER PROVISIONS OF THE DECLARATION AND BYLAWS REMAIN IN FULL FORCE AND EFFECT.


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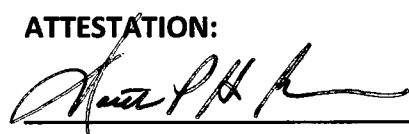
IN WITNESS WHEREOF, the undersigned, as officers of Imperial Southgate Villas Condominium Association (Section III), Inc., and on behalf of its members, have hereunto affixed their signatures this 3rd day of September, 2024.

Witness: 
Printed Name: **Erica Jesse**


Edgar I. Smith III, President

Address: 245 S. Central Ave., Bartow, FL 33830

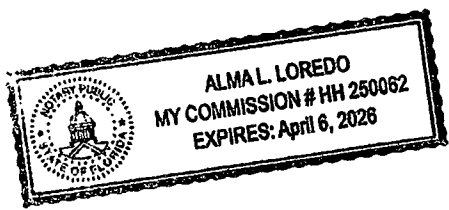
Witness: 
Printed Name: **Jessica Harnish**


ATTESTATION:

Doretha Brooks, Treasurer

Address: 245 S. Central Ave., Bartow, FL 33830

STATE OF FLORIDA
COUNTY OF POLK

The foregoing was executed and acknowledged before me by means of physical presence, this 3rd day of September, 2024, by Edgar I. Smith III, as President, and by Doretha Brooks, as Treasurer, of Imperial Southgate Villas Condominium Association (Section III), Inc.




Notary Public – State of Florida
 Produced Identification
Type of ID Produced: drivers' license