

 **Prepared By and Return To:**
THOMAS SLATEN, ESQ.
LARSEN & ASSOCIATES, P.A.
300 S. Orange Avenue
Suite 1200
Orlando, FL 32801
(407) 841-6555

**AMENDMENT TO BY-LAWS OF
CALABAY PARC AT TOWER LAKE HOMEOWNERS ASSOCIATION, INC.**

WHEREAS, Calabay Parc at Tower Lake Homeowners Association, Inc. (hereinafter "Association"), a not for profit corporation, is the governing homeowners' association pursuant to Chapter 720, Florida Statutes, for the real property which is subject to the Declaration of Covenants, Conditions and Restrictions for Calabay Parc at Tower Lake recorded at Official Records Book 6077, Page 1201, Public Records of Polk County, Florida; and

WHEREAS, the Association is governed by that certain By-Laws of Calabay Parc at Tower Lake Homeowners Association, Inc. which is attached as Exhibit "D" to the Declaration (hereinafter "By-Laws"); and

WHEREAS, pursuant to Article XII of the By-Laws, the By-Laws may be amended upon the approval of a majority of members present in person or by proxy at a duly called meeting of the membership; and

WHEREAS, the members of the Association desire to make amendments to the By-Laws governing the Association to permit the use of absentee ballots, and the necessary vote was obtained from the membership.

NOW, THEREFORE, pursuant to the Amendment procedure set forth in said By-Laws, the following amendments to the By-Laws are hereby adopted.

1. **Article II, Section 2.5 of the By-Laws is amended and shall read as follows:**

Section 2.5 Proxies & Ballots. At all meetings of Members, each Member may vote in person or by proxy or by absentee ballot. All proxies shall be in writing and filed with the secretary. Every proxy shall be revocable and shall automatically cease upon conveyance by the Member of his Lot. Absentee ballots may be used on all matters properly brought before the Members at a Members' meeting.

2. **Article IV, Section 4.1 of the By-Laws is amended and shall read as follows:**

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Section 4.1 Nomination. Nomination for election to the Board of Directors shall ~~may~~ be made by a Nominating Committee ~~or by the candidate~~ prior to the election as provided in Section 4.2, below. Nominations may also be made from the floor at the Annual Meeting unless the Members vote by absentee ballot. The Nominating Committee shall consist of a Chairman, who shall be a member of the Board of Directors, and one (1) or more Members of the Association. The Nominating Committee shall be appointed by the Board of Directors prior to each Annual Meeting of the Members, to serve from the close of such Annual Meeting until the close of the next Annual Meeting and such appointment shall be announced at each Annual Meeting. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies that are to be filled.

3. **Article IV, Section 4.2 of the By-Laws is amended and shall read as follows:**

Section 4.2 Election. Election to the Board of Directors shall be by secret written ballot. At such election the Members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Declaration. The persons receiving the largest number of votes shall be elected. Cumulative voting is not permitted.

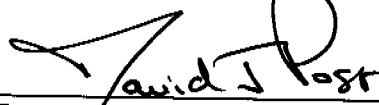
Absentee ballots may be used in the election of Directors, provided that not less than 60 days before a scheduled election, the Association mails, delivers or electronically transmits to each Member (if the Member consents to electronic transmission) a first notice of the date of the election along with notice that any Member desiring to be a candidate for the Board of Directors must give written notice to the Association not less than 40 days before the scheduled election of their candidacy. The first notice shall also state that each candidate may furnish an information sheet no larger than 8-1/2 inches by 11 inches along with their notice of candidacy. The Association shall not be liable for information provided by the candidates and submitted to the Members. Not less than 25 days before the scheduled election, the Association shall mail or deliver a second notice of the election to all Members together with an absentee ballot that lists all candidates and any information sheets furnished by the candidates. The notice shall state that all absentee ballots must be received by the Association prior to their counting at the scheduled election. The procedure for elections with absentee ballots shall be the same as provided for in Florida Administrative Code Rule 61B-23.0021, as amended from time to time. Members may also cast ballots in person or by proxy at the scheduled election, however, if absentee ballots are used, nominations may not be made from the floor at the meeting and the candidates are limited to those who submitted their notice of candidacy at least 40 days before the scheduled election.

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CERTIFICATE OF AMENDMENT

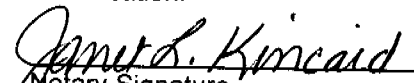
WE HEREBY CERTIFY that these Amendments to the By-Laws were duly adopted by the Association's membership at a meeting of the Members held on the 2nd day of November, 2011.

Calabay Parc at Tower Lake Homeowners Association, Inc.


Print Name: DAVID JAMES POST
President
c/o Morbitzer Communities
2430 S. Atlantic Avenue, Ste C
Daytona Beach, FL 32118


STATE OF FLORIDA
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 2nd day of November, 2011, by David James Post, as President of Calabay Parc at Tower Lake Homeowners Association, Inc. a not-for-profit Florida corporation, on behalf of the corporation, who is personally known to me or has produced _____ as identification.


Notary Signature
Stamp or Seal:

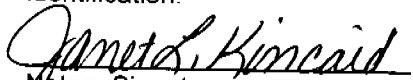


JANET L. KINCAID
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE177231
Expires 3/7/2016

ATTEST:

Print Name: RICHARD VAUGHAN
Secretary
c/o Morbitzer Communities
2430 S. Atlantic Avenue, Ste C
Daytona Beach, FL 32118

STATE OF FLORIDA
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 2nd day of November, 2011, by Richard Vaughan, as Secretary of Calabay Parc at Tower Lake Homeowners Association, Inc. a not-for-profit Florida corporation, on behalf of the corporation, who is personally known to me or has produced _____ as identification.


Notary Signature
Stamp or Seal:



JANET L. KINCAID
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE177231
Expires 3/7/2016

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