

Prepared by and return to:  
James R. Roberts, Treasurer  
Spring Meadow at Walden Lake HOA  
Post Office Box 4596  
Plant City, Florida 33563

**INSTRUMENT#: 2013147847, O BK 21814**  
**PG 1446-1449 04/15/2013 at 03:37:12 PM,**  
**DEPUTY CLERK: SMEANY Pat Frank, Clerk of**  
**the Circuit Court Hillsborough County**

**FOURTH AMENDMENT TO BY-LAWS**  
**OF**  
**SPRING MEADOW AT WALDEN LAKE HOMEOWNERS ASSOCIATION, INC.**

**THIS THIRD AMENDMENT** to the By-Laws of Spring Meadow at Walden Lake Homeowners Association, Inc., a Florida not-for-profit corporation hereinafter referred to as the "Association", is made as of March 11, 2013.

**WITNESSETH**

**WHEREAS**, the Association's By-Laws were recorded on July 14, 1998 in Official Records Book 9134 of the Public Records of Hillsborough County, Florida, beginning at page 859; and

**WHEREAS**, Article VII of the By-Laws authorizes the modification thereof by an affirmative vote of 2/3 of the Association's Board of Directors and after notice to the Association's members, by the majority vote of the Association's Class A members, and by the unanimous vote of the Association's Class B members, present at any regular or special meeting of the membership; and

**WHEREAS**, the Association's Class B membership terminated on March 5, 2002 in accordance with the Association's Articles of Incorporation; and

**WHEREAS**, the By-Laws were modified by a First Amendment recorded on February 28, 2005 in Official Records Book 14723 of the Public Records of Hillsborough County, Florida, beginning at page 312; and

**WHEREAS**, the By-Laws were modified by a Second Amendment recorded on October 8, 2012 in Official Records Book 21415 of the Public Records of Hillsborough County, Florida, beginning at page 1443 pursuant to actions adopted by the membership of the Association on February 11, 2006; and

**WHEREAS**, an untitled third amendment executed by the Association's President on April 8, 2008, and recorded on April 9, 2008 in Official Records Book 18558 of the Public Records of Hillsborough County, Florida, beginning at page 835, is inconsistent with the Second Amendment regarding quorum requirements; and

**WHEREAS**, the Association's Board of Directors, desiring to correct inconsistencies resulting from prior amendments, to eliminate conflicts with Florida law, to clarify the rights of Association members, and to ensure proper exercise of the Association's authority under the By-Laws, adopted a resolution by an affirmative vote of at least 2/3 of such Directors at a duly noticed meeting of the Board on January 22, 2013 proposing the further amendment of the By-Laws (the "Resolution"); and

**WHEREAS**, notice that the proposed amendment as described in the Resolution would be presented for consideration at the annual members' meeting to be conducted on the date first stated above was duly given to said members along with a copy of the Resolution; and

**WHEREAS**, a quorum of at least one fourth of the Association's members being duly established for the members' meeting on the date first stated above, the following proposed modifications to the By-Laws were adopted by a majority of the Association members present at said meeting or represented by proxy.

**NOW, THEREFORE**, the By-Laws as previously modified are further modified as set forth herein below.

1. The foregoing recitals are true and correct and are incorporated herein by this reference.
2. Article II (Definitions) shall read as follows:

Unless the context expressly requires otherwise, the terms used shall have the meanings set forth in the Declaration of Covenants, Conditions and Restrictions for Spring Meadow ("Declaration"). In addition, the following terms shall have the meanings ascribed thereto when used in these By-Laws:

(a) "Chapter 720, F.S." shall mean Chapter 720 of the Florida Statutes.

3. Section 2 of Article III (Meetings of Members) shall read as follows:

**Notice of Annual Meetings.** Annual meetings of the members of the Association shall be held in the first quarter of each fiscal year. Notice of the meeting, which shall include an agenda, shall be sent by first class mail to each member listed in the membership book of the Association at the last known address for that member ("Member of Record") at least 14 and no more than 60 days prior thereto. The notice shall be personally mailed by an officer of the Association who shall execute an unsworn written declaration confirming deposit of all notices for that meeting with the post office or its representative in accordance with the requirements of this Section.

4. Section 5 of Article III shall read as follows:

**Quorum.** Members present in person or represented by proxy, entitled to cast at least one tenth of the total votes entitled to be cast at a meeting of the Association Membership, shall constitute a quorum.

5. Section 1 of Article IV (Directors) shall read as follows:

The affairs of the Association shall be managed by the Board. The Board shall consist of at least 3 but not more than 9 directors. A director must be a member of the Association. Any member who is delinquent in the payment of any fee, fine, or other monetary obligation to the Association for more than 90 days (or any longer period prescribed by Chapter 720, F.S.) is not eligible to be a director; however, the validity of any action taken by the Board shall not be affected if it is later determined that any director at the time of that action was ineligible for Board membership.

6. A new section is added to Article VII (Amendments) and shall read as follows:

Section 2. **Recording of Amendments.** The Association shall cause each amendment adopted pursuant to this Article to be executed by an officer of the Association and recorded in the public records of the County. Each such amendment shall become effective as of the first day of the first month following its recording unless a later date was specified concurrent with its adoption. The Association shall cause a copy of each amendment adopted and recorded pursuant to this Article to be mailed to the last known address of each member.

7. Article VIII (Fines and Suspensions) shall read as follows:

#### **ARTICLE VIII – FINES, SUSPENSIONS, AND PAST-DUE AMOUNTS**

Section 1. **Fines.** The Association may levy a reasonable fine against any Lot for failure of the owner, tenant, or occupant of that Lot or any guest or invitee of said owner, tenant, or occupant to

comply with any provision of the Declaration, By-Laws, or reasonable rules of the Association. No fine may exceed the maximum amount allowed by Chapter 720, F.S. for any such violation. A fine may be levied for each day of a continuing violation, with a single notice and opportunity for appeal, except that the fine may not exceed in the aggregate, the maximum amount allowed by Chapter 720, F.S. for any such continuing violation. The Association shall provide written notice to the Lot owner by certified mail, return receipt requested, of the amount of the fine, the basis for its levy, and the process by which the fine may be appealed and reconsidered. An owner shall have 14 days following its receipt of such notice in which to file an appeal with the Association. A fine that is timely appealed shall be heard by a Board-appointed committee of three or more members who are neither directors, officers, or employees of the Association nor a relative of any director, officer, or employee; the Association shall provide at least 14 days' written notice to the owner of the time and place for such hearing. If a fine is not timely appealed by an owner, it shall be deemed upheld and shall be due as of the date that the Association's notice was received by the owner and shall be past-due 30 days thereafter. Each notice of a fine being levied shall be deemed received by the owner on the date that the return receipt was signed by or on behalf of said owner or if said notice is not accepted by or on behalf of the owner, on the final date that delivery of the notice was attempted by the postal service. If a fine is timely appealed by the owner and upheld by a majority of the committee hearing the appeal, the fine shall be due as of the date of such hearing and shall be past-due 30 days thereafter.

Section 2. **Suspensions.** The Association may suspend the voting rights of any member for nonpayment of any monetary obligation due the Association that has been past due longer than the minimum delinquency period allowed by Chapter 720, F.S. for such suspensions. Each such suspension must be approved at a properly noticed meeting of the Board and shall end upon full payment of such past-due amount. The Association shall cause written notice of such suspension to be mailed or hand delivered to the member's last known address. Any voting interest suspended in accordance with this Section shall not be counted towards the total number of member voting interests for any purpose that arises during the period of that suspension.

Section 3. **Past-Due Assessments.** Concurrent with the adoption of any assessment authorized under these By-Laws, the Association shall specify the respective dates that payment of the assessment shall be due and past due and may adopt a late fee to be imposed if payment of that assessment is not received by the Association before its prescribed past-due date. Notice of each late fee so adopted and the dates upon which the assessment shall become due and past due shall be provided by the Association concurrent with notice of the adoption of that assessment. Such notice shall be provided in writing to the owner of each Lot subject to that assessment at least 14 days in advance of the assessment's due date. The late fee applicable to each past-due assessment shall be the lesser of Ten Dollars (\$10.00) and the maximum late fee allowed by Chapter 720, F.S. for that purpose unless an alternate amount conforming to Chapter 720, F.S. is adopted by the Board in accordance with this Section. Notwithstanding Section 1 of this Article, the imposition of a late fee as a result of a past-due assessment shall require no advance notice beyond that specified in this Section and no Lot owner affected by such imposition shall be entitled to appeal the imposition through the hearing process established in Section 1.

Section 4. **Past-Due Fines.** The Association may impose a Specific Assessment against a defaulting Lot pursuant to Article V of the Declaration for recovery of a fine levied and upheld in accordance with this Article if the fine remains unpaid after its past-due date or any longer period of delinquency required by Chapter 720, F.S. for such an assessment and if the amount of the delinquent fine meets any threshold established by that Chapter for imposing the assessment. Each Specific Assessment so levied is secured by the continuing lien established in the Declaration against the defaulting Lot, and the Association may foreclose such lien in accordance with these By-Laws and the Declaration.

8. Except for any conflicting provisions which are hereby changed to conform to this FOURTH AMENDMENT, the By-Laws as previously modified are reaffirmed in their entirety.

(END OF PAGE)

IN WITNESS WHEREOF, the Association has caused this FOURTH AMENDMENT to be executed by its duly authorized representative.

SPRING MEADOW AT WALDEN LAKE  
HOMEOWNERS ASSOCIATION, INC.

James R Roberts  
Witness

JAMES R ROBERTS  
Print Name

Bette L Guarino  
Witness

Bette L. Guarino  
Print Name

By: Roy H. Berger  
Roy H. Berger, President  
4/15/2013  
Date

#### ACKNOWLEDGEMENT FOR CORPORATION

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

On this 15<sup>th</sup> day of Apr. 1, 2013, before me the undersigned authority, personally appeared Roy H. Berger, to me known to be the individual described in and who executed the foregoing instrument as President of Spring Meadow at Walden Lake Homeowners Association, Inc. (a Florida corporation), and who severally and duly acknowledged the execution of such instrument as such officer, for and on behalf of and as the act and deed of said corporation, and who, having knowledge of the several matters stated in said instrument, certified the same to be true in all respects. He/she is personally known to me [X] or has produced \_\_\_\_\_ as identification.

Bette L Guarino

Notary Public, State of Florida at Large

Bette L. Guarino  
Printed name of Notary Public

Commission Number: \_\_\_\_\_

Commission Expiration Date: \_\_\_\_\_

(SEAL)

