

This Instrument Prepared By:
Katherine Hurst Miller, Esq.
Wright & Casey, P.A.
340 North Causeway
New Smyrna Beach, FL 32169

**SECOND AMENDMENT TO THE BY-LAWS OF
THE ORMOND HERITAGE CONDOMINIUM MANAGEMENT ASSOCIATION, INC.**

This Second Amendment to the By-Laws of The Ormond Heritage Condominium Management Association, Inc., (the "Amendment") is made this 14th day of DECEMBER 2021, by the Ormond Heritage Condominium Management Association, Inc. ("Ormond Heritage"), a Florida not-for-profit corporation.

WITNESSETH

WHEREAS, the Bylaws of The Ormond Heritage were originally recorded among the Official Records of Volusia County, Florida, in Official Records Book 4045, Page 4655 et seq., together with the Declaration of Condominium of The Ormond Heritage, a Condominium, recorded in Official Records Book 4045, Page 4588, and said Bylaws were previously amended as recorded in Book 4543, Page 1417 et seq., of the Public Records of Volusia County, Florida; and

WHEREAS, the Board of Directors proposed amendments to Sections 1.1, 3.3, 4.2, 4.6, 7.6, 7.1(c), 7.4, 7.8(b), 7.8(c), and 9.3 of the Bylaws to correctly identify the principal address of the Ormond Heritage, make updates consistent with current Florida statutes, modify fidelity bond requirements, and remove references to the developer; and

WHEREAS, the Bylaws in Paragraph 9.2 state that upon an amendment being proposed, the secretary of the Association shall call a special meeting of the members of the Association to be held not sooner than twenty days nor later than sixty days thereafter for the purpose of considering said amendment, and that such amendment must be approved by the affirmative vote of sixty percent of a total number of Association members entitled to vote; and

WHEREAS, a special meeting of the members was held for the purpose of considering the proposed amendments on November 6, 2021, and was continued until November 20, 2021; and

WHEREAS, the proposed amendments were approved by the affirmative vote of sixty percent of the total number of Association voting interests.

NOW, THEREFORE, the Bylaws of The Ormond Heritage Condominium Management Association, Inc. are hereby amended as follows (Note: additions are indicated by underline; deletions by ~~strikeout~~):

- 1.1 Office.** The principal office of the Association shall be at ~~2430 South Atlantic Avenue, Suite E, Daytona Beach Shores, Florida~~ 1 John Anderson Drive, Ormond Beach, FL 32176, but the Association may maintain offices and transact business in such other places within Volusia County and the State of Florida as may from time to time be designated by the Board of Directors. The records of the Association shall be made available to a unit owner within ~~five (5)~~ ten (10) working days after receipt of written request by the Board or its designee. This Paragraph may be complied with by having a copy of the Official Records of the Association available for inspection or copying on the condominium property or Association property.
- 3.3 Notice.** Notice of all member meetings, including the annual meeting, stating the time and place and the object for which the meeting is called shall be given to each unit owner at least fourteen (14) continuous days prior to such meeting. Such notice shall be given in writing to each member at his address as it appears on the books of the Association, and shall be delivered via personal delivery, electronic mail, or mailed by regular mail. When a unit is owned by more than one person, the Association shall provide notice for meetings and all other purposes to that one address which the Developer initially identifies for that purpose, and thereafter, as one or more of the owners of the unit shall so advise the Association in writing, or if no address is given, or the owners of the unit do not agree, to the address provided on the deed of record. Notice of meetings shall be posted conspicuously on the condominium property not less than fourteen (14) continuous days preceding such meeting. Upon notice to the unit owners, the Board shall by duly adopted rule designate a specific location on the condominium property upon which all notices of unit owner meetings shall be posted. An officer of the Association, or the manager, or such other person providing notice of the Association meeting shall provide an affidavit or U.S. Postal Service Certificate of Mailing to be included in the Official Records of the Association affirming that the notice was mailed or hand delivered to each unit owner at the address last furnished to the Association.
- 4.2 Election of Directors.** Election of directors shall be conducted in the following manner, subject, however, to the provisions of section 718.112(2)(d)4. ~~Subsections (1) and (2) of Section 718.301~~ of the Florida statutes:
- 4.6 Regular Meetings.** Regular meetings of the board of directors may be held at such time and place as shall be determined, from time to time, by a majority of the directors. Notice of regular meetings shall be given to each director, personally or by mail, telephone or telegraph, or electronic mail at least three days prior to the day named for such meeting.

7.1(c) Notice of Meeting. A copy of the proposed annual budget and a meeting notice shall be mailed, emailed, or hand delivered to each Unit Owner not less than fourteen (14) days prior to the meeting at which the budget will be considered, together with a notice of that meeting indicating the time and place of such meeting.

7.4 Fidelity Bonds. The Association shall obtain and maintain adequate insurance or fidelity bonding of all persons who control or disburse funds of the association. The insurance policy or fidelity bond must cover the maximum funds that will be in the custody of the Association or its management agent at any one time. As used in this paragraph, the term "persons who control or disburse funds of the Association" includes, but is not limited to, those individuals authorized to sign checks and the president, secretary, and treasurer of the Association. The association shall bear the cost of bonding. Fidelity bonds shall be required by the Board of Directors for all persons who control or disburse funds of the Association or who are handling or responsible for Association funds including a management agent that handles funds for the Association. As used in this Article, the term "persons who control or disburse funds of the Association" means those individuals authorized to sign checks, and the President, Secretary, and Treasurer of the Association. The principal amount of such bonds shall not be less than the greater of: (1) a sum equal to three (3) months assessments on all units in the condominium building; (2) \$10,000.00 for each such person if the Association's annual gross receipts do not exceed \$100,000.00; (3) \$30,000.00 for each such person if the Association's annual gross receipts exceed \$100,000.00 but do not exceed \$300,000.00; or (4) \$50,000.00 is the Association's annual gross receipts exceed \$300,000.00. The bonds must include a provision that calls for ten (10) days written notice to the Association or insurance trustee before the bond can be cancelled or substantially modified for any reason. This same notice must be given to any mortgagee or servicer.

7.6 Financial Report. Within one hundred twenty (120) sixty (60) days following the end of the fiscal or calendar year or annually on such date as is otherwise provided in the bylaws of the association, the board of administration of the association shall mail or furnish by personal delivery or electronic mail to each unit owner and the Division of Florida Land Sales, Condominiums and Mobile Homes of the Department of Business Regulation, a complete financial report of actual receipts and expenditures for the previous twelve months. The report shall show the amounts of receipts by accounts and receipt classifications and shall show the amount of expenses by accounts and expense classifications, including, if applicable, but not limited to, the following:

7.8(b) The official records of the association shall be maintained within the state. The records of the association shall be made available to a unit owner within ten (10)-5 working days after receipt of written request by the board of its designee. This paragraph may be complied with by having a copy of the official records of the association available for inspection or copying on the condominium property or association property.

7.8(c) The official records of the association are open to inspection by any association member or the authorized representative of such member at all reasonable times. The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the association member. The association may adopt reasonable rules regarding the frequency, time location, notice, and manner of record inspections and copying. Notwithstanding the provisions of this paragraph, the following records shall not be accessible to unit owners:

1. A record which was prepared by an association attorney or prepared at the attorney's express direction, which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the association, and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or which was prepared in anticipation of imminent civil or criminal litigation or imminent adversarial administrative proceedings until the conclusion of the litigation or adversarial administrative proceedings.

2. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a unit.

3. Medical records of unit owners.

4. Employee records.

~~**9.3 Amendments Prior to Transfer of Control of Association.** Notwithstanding the provisions of Paragraph 9.2 hereof, until the first election of the members of the Board of Directors by Unit Owners, as provided in the Articles of Incorporation and By-Laws of the Association, proposal of an amendment other than an amendment described in Section 718.110(4) and (8) Florida Statutes shall be made by the Board of Directors. Approval thereof shall require only the affirmative vote of all of the Directors at any regular or special meeting thereof. Amendments relating to matters described under Florida Statutes 718.110(4) must be joined in execution by the record owner of any unit so affected and all record owners of liens on such unit. Additionally, the record owners of all other units must approve the amendment. No amendment may permit timeshare estates to be created unless the record owner and all lien holders on each unit join in the execution of such amendment as required under Florida Statutes 718.110(8).~~

IN WITNESS WHEREOF, Ormond Heritage has hereby duly adopted and executed this Amendment as set forth in Bylaws on the day and year first written above. Certified by the President and attested to by the Secretary of the Ormond Heritage.

CERTIFICATION

WE HEREBY CERTIFY that we are the President and the Secretary of The Ormond Heritage Condominium Management Association, Inc. and that the foregoing Amendment to the Declaration was adopted by the affirmative vote of sixty percent of the total number of Association members entitled to vote.

[Signature]
Tyler L Brown
(Name and signature of witness No. 1)

[Signature]
Patry Z Heffner
(Name and signature of witness No. 2)

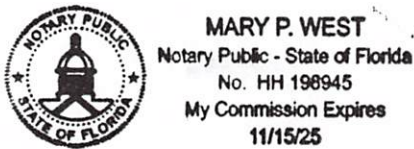
The Ormond Heritage Condominium Management Association, Inc., a Florida not-for-profit corporation

SIGNED [Signature]
WILLIAM AUCOIN, PRESIDENT

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 14th day of December 2021, by William Aucoin, the President of Ormond Heritage Condominium Management Association., a Florida not-for-profit corporation, on behalf of the corporation. He is personally known to me or has produced Known to Me as identification.

NOTARY PUBLIC:
Sign: [Signature]
Print: Mary P West
State of Florida At Large
(Seal)
My Commission Expires:
Title/Rank: FL Notary
Commission Number: _____



Tyler L. Brown
Tyler L. Brown
(Name and signature of witness No. 1)

Crisie J. Everett
CRISIE J. EVERETT
(Name and signature of witness No. 2)

**The Ormond Heritage Condominium
Management Association, Inc., a Florida
not-for-profit corporation**

ATTEST Raymond Panknin
RAYMOND PANKNIN, SECRETARY

STATE OF FLORIDA
COUNTY OF VOLUSIA

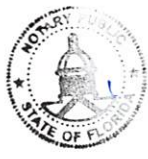
The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 14TH day of DECEMBER 2021, by Raymond Panknin, the Secretary of Ormond Heritage Condominium Management Association., a Florida not-for-profit corporation, on behalf of the corporation. She is personally known to me or has produced Known To Me as identification.

NOTARY PUBLIC:
Sign: Mary P West
Print: Mary P WEST

State of Florida At Large
(Seal)

My Commission Expires:
Title/Rank: FL NOTARY
Commission Number: _____

MARY P. WEST
Notary Public - State of Florida
No. HH 198945
My Commission Expires
11/15/25



MARY P. WEST
Notary Public - State of Florida
No. HH 198945
My Commission Expires
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