INSTR # 2007000282915, Doc Type RES, Pages 3, Recorded 09/12/2007 at 04:21 PM, Charlie Green, Lee County Clerk of Circuit Court, Rec. Fee \$27.00 Deputy Clerk AKLESH

Return to: (enclose self-addressed stamped envelope)

Name:

Jeffrey A. Rembaum, Esq.

Address:

Ruden, McClosky, Smith, Schuster & Russell, P.A. 222 Lakeview Ave., Suite 800 West Palm Beach, FL 33401

This Instrument Prepared by:

Jeffrey A. Rembaum, Esq. Ruden, McClosky, Smith, Schuster & Russell, P.A. 222 Lakeview Ave., Suite 800 West Palm Beach, FL 33401

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

## FIRST AMENDMENT TO THE BYLAWS OF BOTANICA LAKES HOMEOWNERS ASSOCIATION, INC.

THIS FIRST AMENDMENT to the BYLAWS OF BOTANICA LAKES HOMEOWNERS ASSOCIATION, INC. is made this day of Ulbert , 2007 by BOTANICA LAKES HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation (the "Association").

WHEREAS, Section 720.302(5) Florida Statutes sets forth, in part, that "unless expressly stated to the contrary, corporations not for profit that operate residential homeowners' association in this state shall be governed by and subject to chapter 617 and this chapter"; and

WHEREAS, Section 13.3 of the Association's Bylaws authorizes the First board to amend, modify, adopt and repeal any Bylaws without the requirement of any consent, approval or vote of the members; and

**NOW, THEREFORE**, pursuant to the terms of Section 617 Florida Statutes and Section 13.3 of the Association's Bylaws, the undersigned being all the Directors of the Association, hereby amend the Bylaws of the Association as follows:

(Words <u>underlined</u> are added; words struck through are deleted.)

SECTION 6. Late Fees

An Owner who fails to timely pay any Assessment shall be charged a late charge of Twenty-Five Dollars (\$25) by the Association for such late Assessment. Owners shall be responsible to pay all legal fees (including, but not limited to,

WPB:316150:1

WPB:316150:1

attorney and paralegal fees and court costs) incurred in connection with the collection of late Assessments whether or not an action at law to collect said Assessments and foreclose the Association's lien has been commenced. The Board has authorized the following initial schedule of fees for such circumstances:

- (a) One Hundred Fifty Dollars (\$150) for a Claim of Lien plus recording costs and sending of Notice of Intention to Foreclose;
- (b) One Hundred Dollars (\$100) for a Satisfaction of Lien plus recording costs;
- (c) Any further action would require an hourly computation of attorney and/or paralegal time spent pursuing collection of such unpaid Assessments.

IN WITNESS WHEREOF, the Association has hereunto set their hands and official seals on the day and year first above written.

STATE OF FLORIDA ) SS: COUNTY OF LEE I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was by Patricia acknowledged the VICE Projden **BOTANICA** HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation, Who is personally known to me or as identification. my hand and official seal in the County and State last aforesaid this 2 2007. RACHAEL L. MORGAN COMMISSION # DD 511688 **EXPIRES: May 29, 2008** 

My Commission Expires: May 28,2008	Typed, printed or stamped name of Notary Public
My Commission Expires. 111 3	
STATE OF FLORIDA ) SS:	
COUNTY OF LEE	
aforesaid and in the County aforesaid to take acknowledged the president performs of ASSOCIATION, INC., a Florida not-for-profit has produced as identification.	
WITNESS my hand and official seal in the Co	winty and State last aforesaid this 27th day of Notary Public
RACHAEL L. MORGAN MY COMMISSION # DD 511688 EXPIRES: May 29, 2008 Bonded Thru Notary Public Underwriters	Typed, printed or stamped name of Notary Public
My Commission Expires:	
STATE OF FLORIDA ) COUNTY OF BROWARD )	
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Norman Menendez the Octob of BOTANICA LAKES HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation, Who is personally known to me or has produced as identification.	
WITNESS my hand and official seal in the County and State last aforesaid this 27 day of	
	Notary Public
Michelle DeRosa Mulay Commission # DD405784 Expires March 10, 2009 Banded Troy Fain - Insurance, Inc. 800-386-7019 My Commission Expires:	Typed, printed or stamped name of Notary Public