

PREPARED BY:  
KRISTIE P. MACE, ESQ.  
ATTORNEY AT LAW  
2030 McGregor Blvd.  
FORT MYERS, FL 33901  
Tel: (239) 333-2992

**CERTIFICATE OF AMENDMENT TO THE AMENDED AND RESTATED  
DECLARATION OF RESTRICTIVE COVENANTS OF QUAIL CROSSING AND THE  
AMENDED AND RESTATED BYLAWS OF QUAIL CROSSING PROPERTY OWNERS  
ASSOCIATION, INC.**

THE UNDERSIGNED being the President of QUAIL CROSSING PROPERTY OWNERS ASSOCIATION, INC., a Florida non-profit corporation, do hereby certify that the attached Amendments to the Amended and Restated Declaration of Restrictive Covenants of Quail Crossing and the Amended and Restated Bylaws of Quail Crossing Property Owners Association, Inc., recorded in O.R. Book 4690, Page 1508-et seq. of the Public Records of Collier County, Florida, were duly approved, adopted and enacted by the affirmative vote of the required percentage of unit owners at a meeting called for that purpose at which a quorum was present held on the 12<sup>th</sup> day of March, 2020.

Dated this 22 day of June, 2020.

**WITNESSES:**

(Sign) [Signature]

(Print) Guillermo Ruiz

(Sign) [Signature]

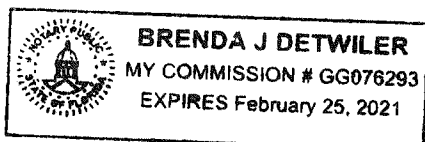
(Print) Maria Ulloa

**QUAIL CROSSING PROPERTY  
OWNERS ASSOCIATION, INC.**

BY: [Signature]  
**Bruce Markey, President of the  
Association**

**STATE OF FLORIDA  
COUNTY OF COLLIER**

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of June, 2020 by Bruce Markey, as President of Quail Crossing Property Owners Association, Inc., a Florida non-profit corporation, on behalf of said corporation. Said person is personally known to me or has produced FL Drivers License as identification and did (did not) take an oath.



**NOTARY PUBLIC:**

[Signature]  
**STATE OF FLORIDA (SEAL)**  
My Commission Expires: 2/25/2021

**PROPOSED AMENDMENT TO  
THE AMENDED AND RESTATED BYLAWS OF  
QUAIL CROSSING PROPERTY OWNERS ASSOCIATION, INC.**

*The Bylaws shall be amended as follows:*

**(Note: Words ~~stricken~~ are deletions; Words underlined are additions.)**

**3.2 Special Members' Meeting.** Special members' meetings must be held whenever called by the President or by a majority of the Directors and may also be called by members having at least ten percent (10%) of the voting interests. In the absence of any member(s) who have had their voting rights suspended, a Special members' meeting could be called by eight (8) of the voting interests. The business at any special meeting shall be limited to the items specified in the notice of meeting.

**3.4 Quorum.** A quorum at a members' meeting shall be attained by the presence, either in person or by proxy, of persons entitled to cast at least thirty percent (30%) of the votes of the entire membership. In the absence of any member(s) who have had their voting rights suspended, a quorum would require twenty-four (24) members to be present, either in person or by proxy.

**4.3 Nominations and Elections.** Nominations for election to the Board of Directors shall be made in writing at least thirty (30) days in advance of the day of election. ~~Nominations may also be made from the floor at the annual meeting but only if required by law.~~ Election to the Board Directors shall be by 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 and these Bylaws. The persons receiving the largest number of votes shall be elected, except that a run-off shall be held to break a tie vote. Cumulative voting is not permitted.

**4.5 Removal of Directors.** Any Director may be removed, with or without cause, by a majority vote of the voting interests, either by a written petition or at a meeting called for that purpose. If a special meeting is called by ten percent (10%) of the voting interests for the purpose of recall, the notice of the meeting must be accompanied by a dated copy of the signature list, stating the purpose of the signatures. In the absence of any member(s) who have had their voting rights suspended, a special meeting would require eight (8) members to call the meeting. The meeting must be held not less than fourteen (14) days nor more than sixty (60) days from the date that notice of the meeting is given. If removal is effected by petition, the vacancy or vacancies shall be filled as provided for in Section 4.4 above. If removal is effected at a meeting, any vacancies created thereby shall be filled by the members at the same meeting. Any director who is removed from office is not eligible to stand again for election to the Board until the next annual election, and must turn over to the Association within seventy-two (72) hours any and all records and other property of the corporation in his possession. If a Director who is removed does not

relinquish his office or turn over records as required, the circuit court in the county where the Association has its principal office may summarily order the Director to relinquish his office and turn over corporate records upon application of any member. In any such action, the prevailing party shall be entitled to recover its attorney fees and costs.

**9.1 Proposal.** Amendments to these Bylaws shall be proposed by a majority of the Board or upon petition of one-fourth (1/4<sup>th</sup>) of the voting interests, and shall be submitted to a vote of the members not later than the next annual meeting. In the absence of any member(s) who have had their voting rights suspended, one-fourth of the voting interests would require twenty (20) members to sign the petition.

**9.2 Vote Required.** Except as otherwise required by Florida law or as provided elsewhere in these Bylaws, these Bylaws may be amended if the proposed amendment is approved by the affirmative vote of at least two thirds (2/3rds) of the voting interests present and voting, in person or by proxy, at a duly called meeting of the members of the Association. In the absence of any member(s) who have had their voting rights suspended, approval of the proposed amendment would require fifty-two (52) members to be present, either in person or by proxy.

**PROPOSED AMENDMENT TO  
THE AMENDED AND RESTATED DECLARATION OF RESTRICTIVE  
COVENANTS OF QUAIL CROSSING**

*The Declaration shall be amended as follows:*

**(Note: Words ~~stricken~~ are deletions; Words underlined are additions.)**

**8. 7 Lot Structures.** Other than one single story, single family home, and related garage, no structure, trailer, house trailer, tent, shack, shed, barn or other outbuilding shall be used or placed on any lot or the Common Areas at any time either temporarily or permanently. Each single-family home lot structure shall have a minimum of 1,600 square feet of air-conditioned floor area exclusive of breezeways, porches, patios and garages. Each home shall also have a roof/truss covered screened lanai with minimum dimensions of 10 by 20 feet or a screened pool enclosure. In lieu of a screened pool enclosure, an Owner may install a safety fence around the pool which matches the existing pool cage footprint only after requesting and gaining HOA Board approval via the ARB process. All pool cage replacement fencing may not deviate by more than three inches (3") from the existing pool cage footprint. Pool fencing must be in compliance with the current Collier County Code, including but not limited to, the minimum and maximum height requirements for fencing and within the stated guidelines below and as shown in Exhibit "A" attached hereto. In the event the Collier County Code changes and is in conflict with current HOA requirements, it is the homeowner's responsibility to seek a waiver of compliance from the Board prior to removal of the pool cage and installation

of pool fence. The only acceptable pool fence that will be approved must adhere to the following specifications:

- Color: Bronze
- Material: Aluminum
- Height: (54")
- Horizontal Rails Required: 3 – (1") sq. with a flush bottom
- Fence Posts: (2") sq.
- Pickets: (5/8") sq.
- Picket Spacing (3-7/8")
- Panel: 4' to 6' length

Any current pool fences that were installed prior to the adoption of this amendment which do not meet the specifications hereinabove will be grandfathered as long as the pool fencing is compliant with Collier County Code.

All roofs shall be covered by architectural grade asphalt or metal shingles or concrete or metal tiles. Old Florida style metal roofs are prohibited. Any proposed roof replacement, in whole or in part, shall first be approved by the ARB.

#### **8.11 General**

**[Sections A through E shall remain unchanged]**

(G) No fences or walls shall be permitted on any portion of a Lot except for a fence maintained by the Association or as approved by the HOA Board via the ARB process only in accordance with Section 8.7 hereinabove. A lattice type structure or landscaping designed to enclose, and screen garbage cans is allowed with prior approval of the ARB.

**[Section H shall remain unchanged]**

**8.14 Mailboxes; Address Markers.** Mailboxes shall be maintained on each Lot and the maintenance, repair and replacement of them shall be by the Lot owner at his or her expense. Existing mailboxes shall only be replaced with mailboxes of a substantially similar mailbox of like kind, size and color. The Board is authorized to order that an Owner maintain, repair or replace a mailbox when the Board determines it is necessary and if the Owner fails to comply the Association may maintain, repair or replace the mailbox and charge the cost as an Individual Assessment against the Lot Owner/Lot. Notwithstanding the foregoing, the Association is authorized to replace all mailboxes at the same time and charge the cost as a special assessment. ~~All lots shall post an address sign within ten (10') feet of the front property line of the lot and visible from the adjacent roadway, displaying the address of the lot in Arabic numbers each of which is no smaller than six (6") inches nor greater than nine (9") inches in height. All lots must post an address sign, an owner may use three (3") inch numbers, which are solid in material and have reflective coating, affixed to the mailbox post. Examples of types of lettering that~~

are not approved include, but are not limited to: flexible vinyl adhesive backed items, hand painted, marked or stenciled. Either the address sign or numbers affixed to the mailbox post must be used with no other acceptable alternatives. The term mailbox as used herein includes the mailbox post.

**12.1 Duration.** The conditions of this Declaration of Covenants shall run with the land and shall inure to the benefit of and be enforceable by the Association or the owner of any real property subject to this Declaration of Covenants, their respective legal representatives, heirs, successors and assigns until 2040. On January 1, 2040, this Declaration of Covenants shall be automatically renewed and extended for successive ten (10) year periods. The number of ten (10) year renewal periods hereunder shall be unlimited with this Declaration of Covenants being automatically renewed and extended upon the expiration of each ten (10) year renewal period for an additional ten (10) year period; provided, however, and subject to existing laws and ordinances, that there shall be no renewal or extension of this Declaration of Covenants if prior to one (1) year in advance of an effective date of a proposed termination, at least two-thirds (2/3rds) of all owners of lots, which would require the vote of fifty-two (52) owners, in the absence of any owners who have had their voting rights suspended and two-thirds (2/3rds) of all Institutional Mortgagees on lots affirmatively vote, in person or by proxy, at a duly held meeting of members of the Association in favor of terminating this Declaration of Covenants. It shall be required that written notice of any meeting at which such proposal to terminate this Declaration of Covenants is to be considered, setting forth the fact that such a proposal will be considered, to be given at least ninety (90) days in advance of said meeting. If the Association votes to terminate this Declaration of Covenants, the President and Secretary shall execute a certificate which shall set forth the resolution of termination adopted by the Association, the date of the meeting of the Association at which such resolution was adopted, the date that notice of such meeting was given, the total number of votes of members of the Association, the total number of votes required to constitute a quorum at a meeting of the Association, the number of votes necessary to adopt a resolution terminating this Declaration of Covenants, and the total number of votes cast against such resolution. Said certificate shall be recorded in the Public Records of Collier County, Florida at least one (1) year prior to the effective date of termination, and may be relied upon for the correctness of the facts contained therein as they relate to termination of this Declaration of Covenants.

**12.2 Amendments by Members.** Except as otherwise provided herein or by law, this Declaration of Covenants may be amended at any time by the affirmative vote of at least a two-thirds (2/3rds) of the voting interests in the Association, present and voting in person or by proxy, at a duly called meeting of the members of the Association. In the absence of any member(s) who have had their voting rights suspended, an affirmative vote of fifty-two (52) members would be required, either in person or by proxy. A copy of each adopted amendment shall be attached to a certificate that the amendment was duly adopted as an amendment to the Declaration of Covenants, which certificate shall identify the Book and Page of the Public Records where the Declaration of Covenants is recorded, and shall be executed by the President of the Association with the formalities of a deed. The amendment shall be effective when the certificate and copy of the amendment are recorded in the Public Records of Collier County, Florida.

**PROPOSED AMENDMENT TO  
THE AMENDED AND RESTATED ARTICLES OF INCORPORATION OF  
QUAIL CROSSING PROPERTY OWNERS ASSOCIATION, INC.**

*The Articles shall be amended as follows:*

**(Note: Words ~~stricken~~ are deletions; Words underlined are additions.)**

**ARTICLE III**

**PURPOSE AND POWERS:** This Association will not permit pecuniary gain or profit nor distribution of its income to its members, officers or Directors. It is a nonprofit corporation formed for the purpose of establishing a corporate residential community homeowners' association which, subject to a Declaration of Protective Covenants originally recorded in the Public Records of Collier County, Florida, at O.R. Book 1526 at Page 1170 et seq., and as amended, has the powers described herein. The Association shall have all of the common law and statutory powers of a Florida corporation not for profit consistent with these Articles, the Bylaws of the corporation, and with said Declaration and shall have all of the powers and authority reasonably necessary or appropriate for the operation and regulation of a residential community, subject to said recorded Declaration, as it may from time to time be amended, including but not limited to the power:

**[Sections A through E shall remain unchanged]**

(F) to dedicate, sell or transfer all or any part of the Common Areas to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members. No such dedication, sale or transfer shall be effective unless first approved by two-thirds (2/3rds) of the voting interests, present and voting, in person or by proxy at a duly called meeting of the membership. In the absence of any member(s) who have had their voting rights suspended, two-thirds of the voting interests would require fifty-two (52) members to be present, either in person or by proxy.

(G) to borrow money, mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred if first approved by two-thirds (2/3rds) of the voting interests, present and voting, in person or by proxy at a duly called meeting of the membership. In the absence of any member(s) who have had their voting rights suspended, two-thirds of the voting interests would require fifty-two (52) members to be present, either in person or by proxy.

**[Sections H through J shall remain unchanged]**

## ARTICLE V

**TERM: DISSOLUTION:** The term of the Association shall be perpetual. The Association may be dissolved with the consent given in writing and signed by not less than two-thirds (2/3rds) of total voting interests of the Association. In the absence of any member(s) who have had their voting rights suspended, two-thirds of the voting interests would require fifty-two (52) members to execute the consent. Upon dissolution of the Association, other than incident to a merger or consolidation, its assets, both real and personal, shall be dedicated to an appropriate public agency to be used for purposes similar to those for which this Association was formed. In the event there is a refusal to accept such dedication, then such assets shall be granted, conveyed amend assigned to any non-profit corporation, association, trust or other organization which is devoted to purposes similar to those of this Association.

## ARTICLE VII

**AMENDMENTS:** Amendments to these Articles shall be proposed and adopted in the following manner:

(A) **Proposal.** Amendments to these Articles shall be proposed by a majority of the Board or upon petition of one-fourth (1/4th) of the voting interests and shall be submitted to a vote of the members not later than the next annual meeting. In the absence of any member(s) who have had their voting rights suspended, one-fourth of the voting interests would require twenty (20) members to petition a proposed amendment.

(B) **Vote Required.** Except as otherwise required by Florida law or as provided elsewhere in these Articles, these Articles of Incorporation may be amended if the proposed amendment is approved by the affirmative vote of at least two-thirds (2/3rds) of the voting interests present and voting, in person or by proxy, at a duly called meeting of the members of the Association. In the absence of any member(s) who have had their voting rights suspended, two-thirds of the voting interests would require fifty-two (52) members to be present, either in person or by proxy.

[Sections C shall remain unchanged]