

This Instrument Prepared By:
Amy Meghan Neaher, Esq.
Neaher & Teuber, P.L.
2240 W. First Street, Suite 100
Fort Myers, Florida 33901
239-288-0538

INSTR # 2014000164931, Pages 8
Doc Type RES, Recorded 08/08/2014 at 10:45 AM,
Linda Doggett, Lee County Clerk of Circuit Court
Rec. Fee \$69.50
Deputy Clerk CROGERS
#1

BYLAWS OF ISLAND PARK WOODLANDS HOMEOWNERS ASSOCIATION, INC.

The undersigned officers of ISLAND PARK WOODLANDS HOMEOWNERS ASSOCIATION, INC., the corporation in charge of the operation and control of ISLAND PARK WOODLANDS HOMEOWNERS ASSOCIATION, INC., created under the Articles of Incorporation EIN #N10998, hereby certify that the following by-laws were proposed and approved by the affirmative vote of a 2/3 majority of members voting at the board meeting held on 6/3/13. The undersigned further certify that the by-laws were proposed and approved in accordance with the Articles of Incorporation of Island Park Woodlands Homeowners Association, Inc. and applicable law.

ARTICLE I

- SECTION 1: The name of this organization shall be the Island Park Woodlands Homeowners Association (hereinafter referred to as the Association), a non-profit Florida corporation.
- SECTION 2: The principal office and mailing address of this organization shall be located at P.O. Box 105, Suite 3, 16450 S. Tamiami Trail, Ft. Myers, Florida 33908.

ARTICLE II

- SECTION 1: The Association has been formed to provide a means for the residents and owners of property in Island Park Woodlands (hereinafter referred to as IPW) to jointly promote the continued improvement of the neighborhood; to take such joint actions as may seem appropriate to protect the health, safety and well-being of the residents; to carry out the responsibilities formerly assumed by the developer under Deed or Deeds of Restriction for IPW relating to single-family homes; to cooperate with other civic groups and various agencies of government as they consider plans and programs for the area.

ARTICLE III **MEMBERSHIP / VOTING**

- SECTION 1: Annual meeting. The annual meeting of the membership of this corporation shall be held at Fort Myers, Lee County, Florida on or about the second Saturday of June, one of the purposes of which shall be the election of the Board of Directors (hereinafter referred to as the BOD) for the ensuing year, all of whom shall take office immediately following election.
- SECTION 2: The BOD shall meet quarterly. Meetings shall be held at any place that may be prescribed in the notices of such meetings. Notice shall be posted for two (2) days in advance of such meetings.

- SECTION 3: A special meeting of the members may be called at any time by the President, and in his absence, by the Vice President, or a majority of the Board of Directors. The President or Vice President, or the Board of Directors, shall call a special meeting whenever so petitioned by ten percent of the members of the Association. Fourteen (14) days notice of any special meeting must be given to the members of the Association. Such notice must state the purpose of said special meeting.
- SECTION 4: The BOD shall provide such method of giving notice of the membership meetings as it may deem reasonable and proper.
- SECTION 5: At the discretion of the BOD and to accommodate absentee members, the use of written proxies and/or mail ballots is authorized where appropriate. Where proxies and/or mail ballots are employed, two members, not officers or directors of the Association will be appointed by the President to verify the proxies and ballots and certify the count. Members using ballots or proxies will be counted as present at meetings for the purpose of determining quorums and percentage of membership voting.
- SECTION 6: Voting by the members shall be by voice, standing or show of hands as directed by the President, except where secret ballot is required by these By-Laws, or when a secret ballot is required by a member and the request approved by a majority of the members present.
- SECTION 7: A quorum for the transaction of business at any meeting shall consist of not less than thirty percent of the members in good standing and any motion on the floor shall be decided by a majority vote.
- SECTION 8: Membership in the Association shall be open to all owners of property in the Island Park Woodlands community. Membership shall be on a household and/or lot basis, one membership per household and/or lot. For the purpose of this article, a household shall comprise one or more related persons permanently owning a property. A member in good standing is current on all dues and assessments.
- SECTION 9: Each household and/or lot shall have one vote only. Only a member in good standing will be eligible to vote.
- SECTION 10: Ownership of one or more lots in the subdivision commonly known as IPW requires membership in the Association. Only one membership is allowed for each home site, regardless of the number of owners, and only one membership may be held by one person or group regardless of the number of lots or residences owned jointly in their names.
- SECTION 11: Membership shall be on a family basis.
- SECTION 12: If more than one lot is owned by a resident, the lot will be exempt from the Association Fees until the lot is improved. Once the lot has been improved, fees will be due on the lot as if it were owned by someone else.
- SECTION 13: There shall be no age requirements pertaining to membership, as long as they meet the requirements by the State of Florida, and there shall be no time period

for residence; that is anyone at the time of purchasing property in the subdivision is eligible to become a member.

SECTION 14: Upon the execution by the owner(s) of the household and/or lot, of the Agreement Submitting Property to Mandatory Membership in the Association and subsequent recordation of same, membership of that household and/or lot shall be mandatory and the association shall have powers to levy assessments against any member.

ARTICLE IV

OFFICERS AND DIRECTORS

SECTION 1: The governing body of the Association shall consist of a BOD of seven (7) members, including four (4) Officers (President, Vice President, Secretary and Treasurer). The term of office of the Board shall be two (2) years. The term of office of the Officers shall be one (1) year. Directors and officers may be re-elected. The BOD will have overlapping terms. On even years four (4) will be elected for a two (2) year term and on odd years three (3) will be elected for a two (2) year term.

SECTION 2: Special meetings of the BOD may be held from time to time as determined by a majority of the Board.

SECTION 3: The Secretary shall notify all BOD. Except for special meetings called on short notice, the Secretary shall notify the Directors five (5) days before a meeting.

SECTION 4: Notification of special meetings shall include the reason thereof.

SECTION 5: Three Directors shall constitute a quorum.

SECTION 6: The absence of a Director from three (3) consecutive meetings, either Board meetings or General meetings, without justifiable reason shall be interpreted to mean that the Director is no longer interested in fulfilling his responsibilities and his service may be terminated by the Board of Directors.

SECTION 7: Any vacancy that may occur in the Board shall be filled by a majority vote of the Directors and such Director so appointed shall serve the remaining portion of said term.

ARTICLE V

BOARD OF DIRECTORS - DUTIES OF

SECTION 1: Elect the officers of the Association.

SECTION 2: Investments. All investments of the funds of the corporation, and expenditures under \$2,500 shall be subject to the approval of the Board. However, if any contiguous fund requirements, investment or expenditure exceeds the amount of money in the contingency fund then such investment or expenditure shall be first approved by a majority vote of the members of the association.

SECTION 3: If any member of the Association is of the opinion that a requirement(s) of the various Deeds of Restrictions of IPW (copies are attached hereto and incorporated by reference herein) is (are) being violated then a complaint letter may be sent to the Board treasurer at the mailing address of the acting treasurer hereinbefore mentioned. The Board shall determine if any violation has occurred and if so shall send a letter to the alleged violator requesting that he come into compliance with the said Deeds of Restrictions. This section should not be construed to limit

or foreclose private legal action by any member or non-member for the Association based on the said Deeds of Restriction.

SECTION 4: Transact any other business that rightly comes under this Board.

SECTION 5 The Board shall maintain, operate and manage the Association in accordance with the provisions of these By-Laws and Articles of Incorporation.

ARTICLE VI
OFFICERS – ELECTION – REMOVAL FROM OFFICE – DUTIES OF

SECTION 1: The President, Vice President, Secretary, and Treasurer shall be elected by the BOD. Election of the Officers for each new year shall take place at the organizational meeting of the new board, the date of which they will select immediately following the annual membership meeting. The new officers shall assume office immediately.

SECTION 2: The President, or in his absence, the Vice President, or a Director of the Association shall preside at all directors and membership meetings. The President shall have general supervision over the affairs of the Association and over the other officers, shall appoint chairmen of committees and shall perform all such other duties as are indicative of this office. In case of the absence or disability of the President, his duties shall be performed by the Vice President.

SECTION 3: Prior to the annual membership meeting each year, the President shall appoint a Nominating Committee of at least three (3) members. The Nominating Committee shall present a list of nominees eligible to run for the Board of Directors. The amount of nominees on the list must be equal to the number of positions which must be filled on the BOD for that year. Each nominee must agree to serve the two year term if elected.

SECTION 4: The President shall read the names of the nominees and introduce those present to the membership. Other nominations of members, who have agreed to service if elected, can be made from the floor at this meeting, following which the nominations will be closed. The membership will then vote on nominations for Directors.

SECTION 5: The President shall then appoint one (1) Judge of Elections and three (3) clerks to tally the vote. Immediately thereafter, the election for the 2 year positions on the Board of Directors shall take place. Voting shall be by secret ballot. The nominees having the highest vote shall be elected. The newly elected Directors will then elect the officers for the coming year, consisting of the President, the Vice President, Secretary, and Treasurer.

SECTION 6: The Secretary shall issue notice of all Directors and membership meetings and keep the minutes of the same. He shall have charge of all association minutes, correspondence and membership rosters, and he shall perform all such other duties as are incident to his office. In case of the absence or disability of the Secretary, his duties shall be performed by a Treasurer.

SECTION 7: The Treasurer shall have custody of all money and securities of the Association. He shall keep regular books of accounts and shall submit them, together with all his vouchers, receipts, records and other papers to the Directors for their examination and approval as often as they may require, and he shall perform all

such other duties as are incident to his office. In case of the absence or disability of the Treasurer, his duties shall be performed by a Treasurer protem appointed by the President or his substitute.

SECTION 8: There shall be a budget committee appointed each year by the Board members. Said committee shall prepare an annual budget and submit it to the Board for initial approval. Said budget shall then be submitted to the members of the Association at the annual meeting for final approval. A majority vote of the BOD present shall constitute approval.

ARTICLE VII **DUES**

SECTION 1: Dues shall be one hundred twenty dollars (\$120.00) per household per year. They are due and collectable at the annual meeting. Paid up dues is a qualification for membership in good standing, and dues must be paid for the following year in order to vote in any election. A change in the annual dues or a special assessment shall only be made by a 2/3 majority vote of the "voting interest" present or by both with quorum required.

ARTICLE VIII **FINANCIAL**

SECTION 1: Treasurer may be bonded in such sum as the Directors may require and the fee paid by the Association.

SECTION 2: The funds of the Association shall be deposited intact in such Banks or Trust Companies as the Directors shall from time to time designate and any such funds so deposited shall be withdrawn only upon check or order signed in the manner prescribed by resolution of the Board. The President and Treasurer must have individual signing authority.

SECTION 3: Any member shall have access to the books and records for examination at any reasonable time.

ARTICLE IX **COMPENSATION**

SECTION 1: No compensation shall be paid to Directors for services performed by them for the corporation.

ARTICLE X **AGENT TO RECEIVE SERVICE OF PROCESS**

SECTION 1: The current Secretary, who is a resident of the State of Florida, is designated as agent to receive service of process upon the Association.

ARTICLE XI

INSURANCE

SECTION 1: In order to adequately protect the subdivision common elements and its several owners against the elements and other insurable risks, the following provisions shall govern as to insurance:

A. Concerning Authority to Purchase Insurance:

1. The Board of Directors is hereby authorized to purchase insurance for the benefit of the Association and its members.
2. The cost of all insurance so purchased shall be paid by the Association as a normal operation expense.
3. Owners shall obtain any desired insurance on their own individual real and personal property, for their real and personal liability and for additional living costs, all at their own expense.

B. Insurance Loss Proceeds: The insurance beneficiary shall be the Island Park Woodlands Homeowners Association, Inc.

ARTICLE XII

LIABILITIES

SECTION 1: Nothing herein shall constitute members of the Association as partners for any purpose. No member, officer, agent or employee shall be liable for the acts or failure to act of any other member, officer, agent or employee of the Association. Nor shall any member, officer, agent or employee be liable for his acts or failure to act under these By-Laws, excepting only acts or omissions arising out of his willful misfeasance.

ARTICLE XIII

SECTION 1: These By-Laws may be amended by the affirmative votes of a 2/3 majority of the members voting interest at any regular or special meeting of the Association, provided that notice of such amendment or amendments and the nature thereof shall have been given to the members of the Association at least fourteen (14) days prior to the date of meeting, at which such amendment or amendments are to be presented for consideration. Any duly adopted amendments to the By-Laws shall be binding and recorded. Members not present at such meeting may vote for or against such amendments by letter addressed to the Secretary.

SECTION 2: The latest addition of Roberts Rules of Order shall be recognized as the Parliamentary Authority at all membership, directors, and Officers meeting of the Association.

ARTICLE XIV
SEVERABILITY

SECTION 1: The invalidity in whole or in part of any covenant or restriction, or any section, subsection, sentence, clause, phrase or word, or other provision of these By-Laws and regulations of the Association shall not affect the validity of the remaining portions thereof.

ARTICLE XV
RESTRICTIONS

SECTION 1: Rentals:

Any property that is rented shall be for a minimum of three (3) months. There shall also be a background check performed on all occupants of the property. A copy is to be provided to the BOD.

SECTION 2: Lake Grasmere:

There shall be no vessels powered by fossil fuel on the lake. Exceptions to this would be those vessels that perform analysis or the spraying for invasive plants/weeds and are provided by Lee County. The only exception other than those above would require approval from the BOD.

SECTION 3: Vehicle Parking:

Motor homes only permitted on weekends or side of home
Exceptions may be approved by the BOD.
No vehicle over 20,000 lbs GVW.

IN WITNESS WHEREOF, ISLAND PARK WOODLANDS HOMEOWNERS ASSOCIATION, INC. has caused these By-Laws to be executed in its name on 3 day of December, 2013

Dated this 3 day of December, 2013.

By: Maria Tunnis
Print Name: MARIA TUNNIS
Witness

By: Nancy Blakely
Print Name: Nancy Blakely
Witness

By: James McLeod
Print Name: James McLeod
President

By: Camilla Green
Print Name: Camilla Green
Secretary

STATE FLORIDA:
COUNTY OF LEE:

The foregoing instrument was acknowledged, subscribed and sworn to before me by James McCord & Camilla who is personally known to me or who have produced N/A Green as photo identification, and sworn to and subscribed before me by the witnesses, MARIA TUNIS & [unclear] who is personally known to me or who has produced N/A [unclear] as photo identification, and Nancy Blakey, who is personally known to me or who has produced N/A as photo identification, on this 3 day of December, 2013.

Jennifer Lynn Baker
NOTARY PUBLIC - STATE OF FLORIDA

