

This instrument prepared by
and to be returned to:
Louis Caplan, Esquire
Sachs, Sax & Klein, P.A.
301 Yamato Road, Suite 4150
Boca Raton, FL 33431

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OR BK 17958 PG 0967
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Palm Beach County, Florida
Dorothy H Wilken, Clerk of Court
Pgs 0967 - 970; (4pgs)

**CERTIFICATE OF AMENDMENT
TO THE
BYLAWS OF
MILLPOND HOMEOWNERS ASSOCIATION, INC.**

The original Declaration of Covenants and Restrictions for Millpond was recorded in the Public Records of Palm Beach County, Florida, at Official Records Book 3054, at Page 0947, and re-recorded at Official Records Book 3070, Page 327. The original Bylaws of Millpond Homeowners Association, Inc., were recorded in Official Records Book 3054, at Page 0966, and re-recorded in Official Records Book 3070, Page 346, in the Public Records of Palm Beach County, Florida.

DATED this 15TH day of December, 2004.

WITNESSES:

David N. Kelley
Signature
DAVID N. Kelley
Print Name
J.A. Downard
Signature
J.A. Downard
Print Name

**MILLPOND HOMEOWNERS
ASSOCIATION, INC.**

By: Wolfgang Kurpiers
Wolfgang Kurpiers, President

By: John Schneck
John Schneck, Secretary

STATE OF FLORIDA)
 Broward) ss:
COUNTY OF ~~PALM BEACH~~)

The foregoing instrument was acknowledged before me this 15 day of December 2004, by Wolfgang Kurpiers, as President, and John Schneck, as Secretary, of Millpond Homeowners Association, Inc., who are Personally Known ☒ or Produced Identification ☐.

Type of Identification Produced: _____

(SEAL)

Carolyn E. Riggins
NOTARY PUBLIC, State of Florida
at Large



Carolyn E. Riggins
Commission #DD253990
Expires: Nov 01, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

**BOARD RESOLUTION
OF
MILLPOND HOMEOWNERS ASSOCIATION, INC.**

WHEREAS, Article XII of the Bylaws provides that the Bylaws may be altered, amended or rescinded by a majority vote of the Directors present at a duly called meeting of the Board of Directors;

WHEREAS, the Board of Directors has determined that it is in the best interests of the Association to amend the Bylaws to provide for procedures for a runoff election in the event of a tie vote which affects who will be elected, as well as to provide for a Voting Committee to oversee the procedures for the election of Directors as well as to be responsible for counting the ballots for an election of Directors, and, finally, to provide that absentee ballots may be used to establish a quorum;

WHEREAS, the Board of Directors proposes the amendments to the Bylaws as more fully described on the attached Exhibit "A";

THEREFORE, be it resolved as follows:

1. That the amendments to Article V of the Bylaws, creating a new Section 6 and 7, and the amendment to Article VII, Section 5 of the Bylaws were approved by a majority of the Board of Directors at a duly called meeting of the Board of Directors held on October 20th, 2004.

DATED this 15th of December, 2004.

**MILLPOND HOMEOWNERS ASSOCIATION,
INC.**

BY: _____

Wolfgang Kurpiers, President

EXHIBIT "A"

**AMENDMENTS TO THE BYLAWS
OF
MILLPOND HOMEOWNERS' ASSOCIATION, INC.**

The original Declaration of Covenants and Restrictions for Millpond was recorded in Official Records Book 3054, at Page 0947, in the Public Records of Palm Beach County, Florida. The original Bylaws of Millpond Homeowners Association, Inc., were recorded in Official Records Book 3054, at Page 0966, in the Public Records of Palm Beach County, Florida.

As indicated herein, words underlined are added and words ~~struck through~~ are deleted.

Item 1: **Article V of the By-Laws, entitled Election of Directors, shall be amended by the creation of a new Section 6 as follows:**

6. In the event of a tie between two or more candidates, which affects who will be elected, there shall be a runoff election to determine which of those candidates shall be elected to the Board of Directors. The runoff election shall be conducted by mail-in ballot only. A ballot shall be mailed to each Unit Owner entitled to vote and shall list all of the candidates in the runoff election. All ballots must be returned to the Association no later than two (2) weeks after the management company mails out the runoff ballots. Only those ballots that are received on or before 5:00 p.m. on the due date shall be counted. The ballots shall be counted and tabulated by a Voting Committee appointed by the Board of Directors. Pursuant to Section 1 of this Article, proxies, whether limited or general, shall not be used in the runoff election, but the runoff ballots shall be used to establish a quorum.

Item 2: **Article V of the By-Laws, entitled Election of Directors, shall be amended by the creation of a new Section 7 as follows:**

7. A Voting Committee shall be established by the Board of Directors to oversee the election process and be responsible for the counting of ballots during the election of Directors. The Voting Committee shall serve at the pleasure of the Board of Directors and shall be comprised of at least three (3) members of the Association who are not currently serving on the Board of Directors or running as a candidate for the Board of Directors, nor shall they be the husband or wife of any such current Director or candidate. The Voting Committee shall have the powers and duties assigned to it, from time to time, by the Board of Directors in its sole and absolute discretion.

Item 3: Article VII of the By-Laws, entitled Directors and Meetings, Section 5, shall be amended as follows:

5. A quorum at any members meeting shall consist of twenty-five (25) members being present in person, by absentee ballot or by proxy.

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M:\Association\Millpond HOA\Amendment Bylaws 07-02-04.wpd

NOT A CERTIFIED COPY