

**PREPARED BY AND RETURN TO:**

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**CERTIFICATE OF AMENDED AND RESTATED BYLAWS  
OF TIMBER OAKS COMMUNITY SERVICES ASSOCIATION, INC.**

This is to certify that at a duly called meeting of the members of TIMBER OAKS COMMUNITY SERVICES ASSOCIATION, INC. (the "Association") held on April 1, 2019, at which a quorum of the voting interests were present, in accordance with the Bylaws of said Association the following Amended and Restated Declaration for the Association, and was approved by a 67% of the sum of the voting interest who participated in the voting in person or by proxy of the members present, as provided by the Article XI of the Bylaws.

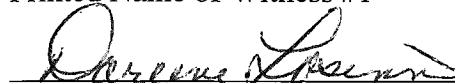
WHEREAS, the Bylaws of the Association, was originally recorded in Official Records Book 900, Page 1646, of the Public Records of Pasco County, Florida, and as it exists as originally recorded and subsequently amended.

IN WITNESS WHEREOF, Timber Oaks Community Services Association, Inc. has caused this instrument to be signed by its duly authorized officer on this 18 day of April, 2019.


TIMBER OAKS COMMUNITY  
SERVICES ASSOCIATION, INC.

  
Signature of Witness #1

Albert Bruning  
Printed Name of Witness #1

  
Signature of Witness #2

Darlene Losman  
Printed Name of Witness #2

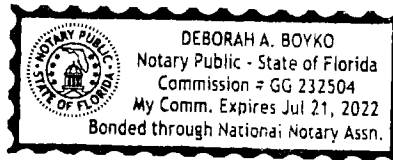
By   
Name:  
President

STATE OF FLORIDA )  
COUNTY OF PASCO )

The foregoing instrument was acknowledged before me this 18 day of April, 2019, by William Heidenreich as President of Timber Oaks Community Services Association, Inc., a Florida not-for-profit corporation, on behalf of the corporation, who is personally known to me  or has produced \_\_\_\_\_ as identification.

Deborah A. Boyko  
Signature of Notary Public – State of Florida

My Commission Expires:



**AMENDED AND RESTATED BYLAWS**  
**TIMBER OAKS COMMUNITY SERVICES ASSOCIATION, INC.**

**ARTICLE I- DEFINITIONS**

Section 1. "Association" shall mean and refer to the Timber Oaks Community Services Association, Inc., a corporation not-for-profit, organized and existing under the laws of the State of Florida.

Section 2. "Development" shall mean and refer to the land in Pasco County, Florida commonly known as the Timber Oaks development, which is further described as the land being subject to the covenants and restrictions in the Declaration of Restrictive and Affirmative Covenants for Timber Oaks, as originally recorded at Official Record Book 900, Page 1646, Public Records of Pasco County, Florida, and as subsequently amended (referred to herein as "the Declaration").

Section 3. All terms which are defined in the Declaration, or in the Articles of Incorporation, shall have the same meaning when used herein, except where the context clearly dictates otherwise.

**ARTICLE II- LOCATION**

Section 1. The principal office of the Association shall be located at 8425 Ponderosa Avenue, Port Richey, Florida 34668 or such other location designated by the Board of Directors from time to time.

**ARTICLE III- MEMBERSHIP**

Section 1. Membership Status. Every person acquiring title to property in the Development and recording same in the Public Records of Pasco County, becomes thereby, a member of the Association and agrees, by acceptance of the deed to said property, to abide by the rules and regulations of the Association, and to pay such assessments as to their property as shall be levied by the Board of Directors of the Association in accordance with the Declaration and these Amended and Restated Bylaws.

Section 2. Assessments. The rights of membership are subject to the payment of annual and special assessments, levied by the Association pursuant to the Declaration.

(a) The annual and special assessments, together with such interest thereon, late fees, and costs of collection thereof as provided for in the Declaration or these Bylaws, shall be a charge on the land, lot or condominium parcel and shall be a continuing lien upon the property against which each such assessment is made, as provided for in the Declaration.

(b) The assessments, levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety, and welfare of the residents of the Development and for the improvement and maintenance of properties, services, and facilities devoted to this purpose and related to the use and enjoyment of the properties in the Development, including, but not limited to, the payment of taxes and insurance thereon, and repair, replacement, and additions thereto, and for the cost of labor, equipment, materials, management and supervision thereof.

Annual assessments. The annual assessment for the Development shall be of three types:

- (1) Family Members
- (2) Senior Members, and
- (3) Senior Option Members (for this category of membership the Board may permit optional membership as determined by the Board from time to time, and payments are due in the manner provided for in an Agreement to be signed by such members).

(d) Special assessments. In addition to the annual assessments authorized by subsection (c) hereof, the Association may levy a special assessment for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, unexpected repair or replacement of a described capital improvement upon the Common Properties, including the necessary fixtures and personal property related thereto, or any other lawful purpose deemed necessary by the Board of Directors. A special assessment that is pertinent or unique to the senior community shall be special assessed only to Senior Members (including, but not limited to assessments relating to the senior community center). Likewise, any special assessment that is pertinent or unique to the Driftwood community shall be assessed only to the members of the Driftwood community, and any special assessment that is pertinent or unique to the Family community shall be assessed only to the members of the Family Community.

(e). Due dates for assessments. The Board of Directors of the Association shall fix and give notice by mail or in person to all members of the Association, the due date for the payment of all assessments at least thirty (30) days in advance of such date if possible.

(f). Effect of non-payment of assessments:

Remedies of the Association. Any assessment not paid within thirty (30) days after the due date, which is the first day of each month for monthly installments, shall bear interest at the rate of eighteen percent 18% per annum, or the maximum rate allowed by law, whichever is less. Additionally, such assessment will be subject to a late fee of \$25.00, or 5% of the amount of the installment, whichever is greater. In the event that any installment of any assessment, whether monthly or otherwise, remains unpaid for more than ninety (90) days after the same shall become due, the Board of Directors may declare the entire annual assessment as to that delinquent lot owner due and payable immediately in full, as if the entire amount was originally due and payable on that date. The association may bring an action against the owner or owners personally obligated to pay same or to foreclose the lien against the property, or both. The lien shall secure the payment of assessments, interest, late fees, and all costs and reasonable attorney's fees incurred in connection with the lien, including but not limited to the preparation, recording, foreclosure and collection of the lien. As to attorney's fees for court proceedings secured hereunder, such fees shall include those incurred at the trial and appellate level.

(g). Assessment lien perfection procedure. Liens for delinquent assessments may be perfected by recording a claim of lien in the Public Records of Pasco County, Florida, and said liens shall be prior to and superior to the creation of any homestead status on the property and any subsequently recorded liens or encumbrances. Additionally, the lien of the Association will be superior to any liens recorded after the date of this amendment, other than first mortgage liens recorded prior to the lien of the Association, which will continue to be superior to the lien of the Association subject to any payments required to be made by such mortgagees under the Florida Statutes.

(h). Subordination of the lien to mortgages. The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgages encumbering the lot that were recorded in the Public Records of Pasco County, Florida before the Association's claim of lien was recorded in the Public Records of Pasco County, Florida.

Section 3. Suspension. If a member is delinquent for more than ninety (90) days in paying a monetary obligation due the Association, the Board of Directors of the Association may suspend, until such monetary obligation is paid, the rights of the member to use the Common Properties and Senior Center, if applicable, as defined by the Declaration. Upon such a suspension, the member, the member's spouse, the member's lessees, and all of the Member's tenants, guests, or invitees shall not be allowed to use the Common Properties and Senior Center, if applicable.

#### **ARTICLE IV- VOTING RIGHTS**

Recorded ownership of a lot in the Development will entitle the Owner or the owners collectively, if ownership is in more than one person, to one vote in the Association, provided, however, the Board of Directors may suspend the voting rights of a member for the nonpayment of any monetary obligations that are delinquent in excess of ninety (90) days. Such a suspension shall be approved by the Board in accordance with the requirements of Chapter 720 of the Florida Statutes as amended from time to time.

#### **ARTICLE V- PROPERTY RIGHTS OF ASSOCIATION MEMBERS IN COMMON PROPERTIES**

Section 1. Members' easements of enjoyment. Subject to provisions of Section 2 herein below, and the Declaration, and any Rules adopted by the Board that are not in conflict with the Declaration or Bylaws, every Member of the Association shall have a right and easement of enjoyment in and to the Common Properties and such easement shall be appurtenant to and shall pass with the title to every lot.

Section 2. Extent of member's easements. The rights and easements of enjoyment created hereby shall be subject to the following:

(a) The right of the Association, in accordance with its Articles and Bylaws, to borrow money for the purpose of maintaining and improving the Common Properties; and

(b) The right of the Association, as provided in its Declaration and Bylaws to suspend the rights of any member to use the Common Properties and Senior Center, as defined by the Declaration, if the Member is delinquent for more than ninety (90) days in paying a monetary obligation due the Association, and to suspend

the rights of any member to use said Common Properties and Senior Center for any period deemed appropriate and permitted by law, for any infraction of the Declaration or the Association's published rules and regulations. All suspensions of use rights of members must first be approved by the Association's fining and suspensions committee, and must comply with the applicable Florida Statutes as amended from time to time.

(c) The right of the Association to charge reasonable admission and other fees for the use of the Common Properties, to the extent permitted by law and approved by the Board.

### **ARTICLE VI- POWERS**

Section 1. Assessments. The Association shall have the general power to levy such lawful and proper assessments, as it deems necessary and reasonable in order to effectuate the purposes of the Association.

Section 2. Covenants. The Association shall have the power to enforce the Covenants and Restrictions that are applicable to the Development and that have been made a part of the Public Records of Pasco County, Florida, as well as all Rules and Regulations and other governing documents of the Association. The Association will not establish or enforce any Bylaws or Restrictive Covenants which would cause the Condominium Associations in Timber Oaks to be in non-compliance with Florida Statutes Chapter 718, as amended from time to time.

Section 3. Fines. The Association may levy fines as authorized under Chapter 720.305 Florida Statutes, and the Declaration, as amended from time to time.

### **ARTICLE VII- ASSOCIATION MEETINGS**

Section 1. Annual Meeting. The Annual Meeting of the Members of the Association shall be held during the month of April, on such date and time, and at such place, as determined by the Board. The annual meeting is for the purpose of electing Directors and transacting such other business as may properly come before the meeting. The Board of Directors shall have the authority to adopt such rules (for example: Robert's Rules of Order) as it deems appropriate for conducting not only the Annual Meeting, but also any other meetings of the Association.

Section 2. Special meetings. Special meetings of the Association Members may be called by the President or a majority of the Board of Directors and shall be called by the President, Vice President, or the Secretary upon the Secretary's receipt

of a written request of a majority of the Directors or the percentage of the members of the Association as set forth in Florida Statute as amended from time to time, who are entitled to vote at the requested meeting. The purposes of any special meetings must be specified in the request for such meetings.

Section 3. Place of Meeting. Meetings shall be held on the grounds of Timber Oaks or at such other place in Pasco County as the Board of Directors may determine.

Section 4. Notice of Meeting. A notice of each Special and/or Annual Meeting of Association Members shall be delivered a minimum of fourteen (14) days, and a maximum of sixty (60) days before the date of the meeting, either personally, or by mail, or electronically to Members who have consented in writing to receive notices electronically, to each Member entitled to vote. The notice shall state the date, time and place of the meeting and, if it is a Special Meeting, the purpose of the meeting. If mailed, such notice will be deemed to be delivered when mailed, postage prepaid, to the member at the last known address for such member.

Section 5. Quorum. A quorum is achieved for a meeting of the members when one-hundred (100) Members who are entitled to vote are present at the meeting, in person or by proxy, Unless provided otherwise in the Timber Oaks governing documents, a majority of those present and entitled to vote will be required to pass on any motion or question before the assembly.

Section 6. Town Meetings. At the discretion of the Board of Directors, informal "Town Meetings" may be held at a designated time and place for common discussion of pertinent problems or announcements. These meetings will not require a transcription of the Minutes, and will be strictly informal in nature.

## **ARTICLE VIII- DIRECTORS**

Section 1. General Powers. The Board of Directors is responsible for the operation and management of the Association, and shall have all the powers authorized by Chapter 617 Florida Statutes, and Chapter 720 Florida Statutes, as amended from time to time, including all powers that are necessary and convenient to effect any or all of the purposes for which the Association is organized.

Section 2. Special Powers. The Board of Directors shall have the power to levy and collect regular and special assessments against the members of the Association to defray the costs and expenses of providing and securing services and



facilities for the Association and of paying such other common expenses as are authorized by the governing documents of the Association and the Florida Statutes.

Section 3. Number. The affairs of the Association shall be managed by a Board of Directors, which shall consist of 8 directors, one of whom shall be elected solely by vote of the Driftwood owners who are entitled to vote. All 8 directors must be qualified to serve in this capacity as provided in the governing documents and Florida Statutes.

Section 4. Election and Terms.

All Directors shall serve for two year, staggered terms of office, other than the Driftwood director, who will be elected every other year. After a director has served two consecutive two year terms, said director shall remain off the board for the next term, which is a period of two years. Any person appointed to fill a vacancy shall serve for the unexpired term of the vacant position.

The Directors shall be chosen at an election that is completed at the Annual Meeting of the Association by a plurality of votes cast at such election. Each voter may cast one vote for each vacancy to be filled. There shall be no cumulative voting. The Driftwood Director shall be chosen by the Driftwood owners who are entitled to vote, at an election that is conducted prior to the Annual Meeting of the Association, by a plurality of the votes cast by the Driftwood owners voting in person or by proxy. All terms shall be for two (2) years. All Directors are subject to their removal at any time, with or without cause, by a majority vote of the Association members in compliance with Chapter 720 of the Florida Statutes. The Director elected by the Driftwood owners shall be subject to removal at any time, with or without cause, by a majority vote of the Driftwood owners at a Special Meeting of the Driftwood owners.

Section 5. Vacancies. Vacancies on the Board of Directors are to be filled by the remaining directors, for the balance of the unexpired term of the vacant position. For purposes of filling vacancies, any director who is appointed and serves a remaining unexpired term in excess of 12-months, shall be considered to serve a full term for purposes of Section 4 above relating to the two-year waiting period. When a board of directors is appointed to fill a vacancy for a period of less than 12-months, that board will not have served a full term for purposes of the waiting period for term limits in Section 4 above of this Article.

Section 6. Meetings. The Organizational Meeting of the Board of Directors shall be held immediately following the Annual Meeting of the Association members each year. Meetings of the Board may be held at such times and places as the Board may determine, and notice of such meetings shall be posted at the principal office of the Association. Special Meetings of the Board may be called by the President and shall be called by the President or the Secretary upon the written request of a majority of the Directors.

Section 7. Notices. Notice of each Special Meeting shall be given by the President or Secretary, or the person designated to do so, to each Director either personally, or by telephone, or by mail or e-mail to his last known business or residence address or e-mail address not less than five (5) days if by mail, and not less than forty-eight (48) hours if by telephone, e-mail or personal delivery, prior to such meeting. Notice will be deemed to have been given at the time it is mailed or sent by e-mail. Any director may waive notice of any meeting before or after the meeting or by attendance at the meeting.

Section 8. Quorum. The presence in person of a majority of all the Directors then in office shall be necessary to constitute a quorum to transact business. The act of a majority of the Directors present at a meeting where a quorum is present shall be the act of the Board of Directors. If a quorum is not present at any meeting, the Directors who are present may adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum is obtained.

Section 9. Place of Meeting. Directors' meetings shall be held in Pasco County in the State of Florida. Special Meetings shall be held at the time and place specified in the call or in the waiver of notice.

Section 10. Committees.

(a.) The Board may also from time to time appoint residents or Members to committees, and delegate such duties and powers thereto as it may deem advisable, other than powers which must be exercised by the Board. A committee shall be designated by the Board as a standing committee or as an ad-hoc committee. A committee designated as a standing committee shall continue in existence until dissolved by the majority vote of the Board. An ad-hoc committee shall exist for a period determined by the Board.

Section 11. Unanimous Consent. Any action of the Board or a committee thereof that is permitted or required to be taken at a meeting may be taken without a meeting if written consent to such actions, signed by all members of the Board or of the committee, is filed in the minutes of the proceedings of the Association, subject to any limitations in the applicable statutes on actions taken by written consent.

Section 12. Election of Directors.

The following shall be the method by which directors are elected:

(a.) At least fifty (50) days prior to the election, the first notice of election shall be sent to the members. The notice shall state that members desiring to be a candidate have twenty (20) days from the date of mailing of that notice to the members to return, to the Association office by 4:00 P.M., a Notice of Intent and one (1) optional candidate information sheet, not to exceed 8 ½ by 11 inches, printed on one side to be distributed with the second notice.

(b.) Not less than twenty-five (25) days prior to the election, the Association shall mail the second notice of election to the members. The second notice will include a ballot with candidates listed in random order, candidate information sheets, inner envelope, outer envelope and a self-addressed return envelope.

(c.) The Election shall take place by the casting of ballots by the voting interests of the Association. Ballots may be cast, in person, at the Association's office or by mail to the Association office. Ballots may also be cast, in person, at the Annual Meeting of the Members. Once a ballot received by the Association, no ballot may be retrieved, changed or revoked. All ballots that have been determined to be defective by the Election Committee will be held aside and labeled as defective ballots for auditing purposes if deemed necessary.

(d.) The Board of Directors shall select an Election Committee prior to the Annual Meeting, to consist of Members who are not candidates or persons related to candidates. The committee shall implement the policies adopted by the Board to ensure full and fair counting, opening of ballots, announcement of results and any other administrative matter implementing the intent of these procedures. The Election Committee at its sole discretion shall have the authority to resolve any dispute over the validity of the ballots, subject to the opinion of legal counsel.

Section 13. Qualifications of Directors. All Directors must be Members of the Association, and must meet any other qualifications imposed by Chapter 720 of the Florida Statutes.

## ARTICLE IX- OFFICERS

Section 1. Officers. The officers of this Association shall consist of a President, a Vice President, a Secretary and a Treasurer, all of whom shall be directors of the Association, and the Board may also appoint an Assistant Secretary and/or Assistant Treasurer from time to time as it sees fit. The officers shall be chosen by the Board and shall hold office until their successors are elected and qualified, provided, however, that any officer may be removed at any time with or without cause by the affirmative vote of a majority of the Directors then in office. The same person may hold two or more offices except that the President may only hold the office of President. General and active management of the business and affairs of the Association shall be performed by a person selected by and subject to the direction of the Board of Directors.

Section 2. President. The President shall be the chief executive officer of the Association. The President shall preside at all meetings of the Association members and of the Directors, unless not present or indisposed, in which case the Chairperson shall be the Vice President, but if the Vice President is not present the Chairperson shall be selected by those Directors present, or by the Members present in the event of a membership meeting.

Section 3. Secretary. The Secretary shall record the votes and keep the minutes of all proceedings of the Board of Directors and of the members, and shall perform such other duties as may be required by the Board of Directors.

Section 4. Treasurer. The Treasurer shall have custody of all Association funds and financial records, shall keep full and accurate accounts of receipts and disbursements and render account thereof whenever required by the Board of Directors or the President. He or she shall perform all the duties incident to his office and shall perform such other duties and exercise such other powers as the Board of Directors may from time to time prescribe.

Section 5. Vice President. The Vice President shall preside in the absence, refusal to act or disability of the President.

Section 6. Manager. The duties of the Secretary and Treasurer may be delegated in part to a property Manager or management company as determined by the Board from time to time.

## **ARTICLE X- SEAL**

Section 1. Form. The Association shall have a corporate seal which shall be circular in form and have inscribed thereon the name of the Association, the State and year in which it was incorporated, and the words "Corporation Not for Profit."

Section 2. Affixing Seal. In the absence of the Secretary, any other officer may affix and attest the seal of the corporation to any instrument requiring it.

## **ARTICLE XI- AMENDMENT**

Section 1. Amendment to Bylaws. These Bylaws may be amended by the Board of Directors and the Owners (one vote per Lot) by the following procedure:

(a.) Written notice of the proposed amendment(s) must be mailed or delivered by the Board of Directors to each Owner at least 25 days prior to any meeting and must set forth the amendment, or amendments, to be considered. If mailed, such notice shall be deemed delivered when mailed, postage prepaid, to the Owner.

(b.) Such amendments must be passed by the votes of a majority of the Board of Directors and sixty-seven percent (67%) of the sum of the voting interests of Members that are participating in the voting, in person or by proxy, at a duly called meeting of the members of the Association where a quorum is present. Any amendment must be recorded in the Public Records of Pasco County, Florida.

**END OF AMENDED AND RESTATED BYLAWS**