

THIS INSTRUMENT WAS PREPARED BY  
AND RETURN TO:  
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**CERTIFICATE OF AMENDMENT**

THE UNDERSIGNED as President and Secretary of Casabella Homeowners Association, Inc., a Florida corporation not-for-profit (hereinafter the "Association"), pursuant to Florida Statutes and the Declaration of Covenants, Conditions and Restrictions for Casabella Subdivision recorded on April 11, 2002 in the Public Records of Brevard County, Florida, in Official Records Book 4570, Page 1786, as amended, (hereinafter referred to as the "Declaration"), do hereby certify that the AMENDED AND RESTATED BYLAWS OF CASABELLA HOMEOWNERS ASSOCIATION, INC., which amendment is attached hereto and by reference made a part hereof and was duly adopted on December 30, 2022 by unanimous vote of the Board of Directors via an Action without Meeting as authorized in section 12.6 of the By-Laws of Casabella Homeowners Association, Inc.

IN WITNESS WHEREOF, the Association has caused these presents to be executed in its name, this 6 day January, 2023.

[SIGNATURE PAGE FOLLOWS]

Signed, sealed and delivered in the presence of:

**CASABELLA HOMEOWNERS  
ASSOCIATION, INC.**

By: [Signature]  
(Signature)  
Gary Prager, President

[Signature]  
(Witness signature)

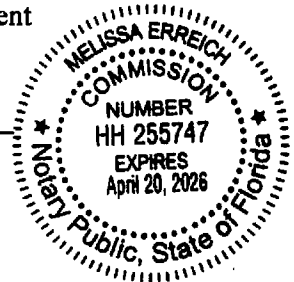
Jeff Prager  
(Print name of witness)

[Signature]  
(Witness signature)

Beth A Conner  
(Print name of witness)

Sworn to and Subscribed before me this 6 day of January, 2023 by Gary Prager, President of CASABELLA HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation, on behalf of the corporation, ☒ who is personally known to me, or ☐ who has produced sufficient identification.

[Signature]  
NOTARY PUBLIC, State of Florida  
My commission expires: 4/20/26



**CASABELLA HOMEOWNERS  
ASSOCIATION, INC.**

Attest: [Signature]  
(Signature)  
Chad Braid, Secretary

[Signature]  
(Witness signature)

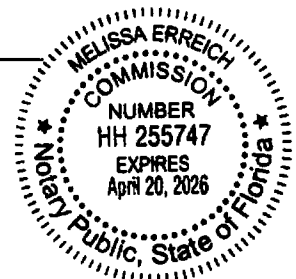
Beth A Conner  
(Print name of witness)

[Signature]  
(Witness signature)

Jeff Prager  
(Print name of witness)

Sworn to and Subscribed before me this 6 day of January, 2023, Chad Braid, Secretary of CASABELLA HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation, on behalf of the corporation, ☒ who is personally known to me, or ☐ who has produced sufficient identification.

[Signature]  
NOTARY PUBLIC, State of Florida  
My commission expires:



# CASABELLA HOA, INC

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AMENDED AND RESTATED BYLAWS OF CASABELLA  
HOMEOWNERS ASSOCIATION, INC.

Casabella Homeowners Association, Inc.  
MELBOURNE, FL | 7145 TURNER RD STE 101, ROCKLEDGE, FL 32955

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**AMENDED AND RESTATED BYLAWS OF  
CASABELLA HOMEOWNERS ASSOCIATION, INC.**

Casabella Homeowners Association, Inc., (the "ASSOCIATION") is a Florida Corporation, which has been organized pursuant to the provisions of Chapter 617 and Chapter 720, Florida Statutes, for the purposes stated in its Articles of Incorporation (the "ARTICLES"), these BYLAWS, and in that certain Declaration Of Covenants And Restrictions, (the "DECLARATION") dated March 2, 2002, and recorded on April 11, 2002, in Official Records Book 4570 at Page 1786 *et seq.*, of the Public Records of Brevard County, FL, as amended, and hereby adopted by the Board of Directors of the ASSOCIATION as the AMENDED AND RESTATED BYLAWS of the ASSOCIATION, to wit:

**ARTICLE I  
DEFINITIONS**

1.1 The definitions of terms set forth in the DECLARATION and in the ARTICLES are hereby specifically incorporated into these BYLAWS by reference thereto as if they were fully set forth herein verbatim and at length, and such defined terms shall have the same meanings in the context of these BY-LAWS, as is ascribed to them in the context of the DECLARATION and the ARTICLES.

**ARTICLE II  
NAME AND PRINCIPAL OFFICE**

2.1. Name. The name of the ASSOCIATION is CASABELLA HOMEOWNERS ASSOCIATION, INC.

2.2. Principal Office. The principal office of the ASSOCIATION is located at Omega Community Management, Inc., 7145 Turner Road, Suite 101, Rockledge, FL 32955, until another office is otherwise designated by the BOARD of the ASSOCIATION; but meetings of the members and directors of the ASSOCIATION may be held, upon proper Notice, at such other places within Brevard County, Florida, as may from time to time be designated by the Board.

**ARTICLE III  
CORPORATE SEAL**

3.1. The ASSOCIATION shall have a seal in circular form having within its circumference the words: "CASABELLA HOMEOWNERS ASSOCIATION, INC.

**ARTICLE IV  
OBJECTS AND PURPOSES**

4.1 The ASSOCIATION has been created and established for the objects and purposes

of and shall have exclusive jurisdiction over and the sole responsibility for the ownership, administration, management, operation, regulation, care, maintenance, repair, restoration, replacement, preservation and protection of the COMMON PROPERTY; the establishment, levy, imposition, enforcement and collection of all ASSESSMENTS for which provision is made in the DECLARATION and the promotion and advancement of the health, safety and general welfare of the members of the ASSOCIATION, and all having to do with and being related to CASABELLA SUBDIVISION.

#### **ARTICLE V** **POWERS AND DUTIES**

5.1 The powers and duties of the ASSOCIATION shall be as set forth in the DECLARATION and ARTICLES, which are specifically incorporated into these BYLAWS by reference thereto as if they were fully set forth herein verbatim and at length, as the same may be amended from time to time. Any amendments to the powers and duties of the ASSOCIATION as specified in the ARTICLES shall be and hereby are similarly incorporated into these BYLAWS by reference.

#### **ARTICLE VI** **MEMBERSHIP AND VOTING RIGHTS**

6.1 The qualifications for membership in the ASSOCIATION, the manner of admission to membership in the ASSOCIATION, the voting rights of members in the ASSOCIATION, the limitations on such membership and voting rights, and the manner of termination of membership in the ASSOCIATION shall all be as set forth in the DECLARATION and the ARTICLES, which are specifically incorporated into these BYLAWS by reference thereto as if they were fully set forth herein verbatim and at length, as the same may be amended or modified from time to time. Any amendments to the DECLARATION or the ARTICLES having to do with membership and voting rights in the ASSOCIATION shall be and hereby are similarly incorporated into these BYLAWS by reference.

#### **ARTICLE VII** **MEETINGS OF MEMBERS**

7.1 Annual Meetings. The annual meeting of the members of the ASSOCIATION shall be held no later than the last day of February as deemed appropriate by the BOARD. The first annual meeting of members shall be held on such date in February of a year deemed appropriate by the BOARD, then held annually thereafter.

7.2 Special Meetings. Special meetings of the members may be called at any time for any purpose permitted pursuant to the terms and provisions of the DECLARATION, the ARTICLES or these BYLAWS, when directed by a majority of the members of the BOARD, or upon the written request of members who have the right to vote as defined by section 720.303(2)(d) Florida Statutes.

7.3 Notice of Meetings. Notice of any meetings, whether regular or special, shall be given to the members in writing by or at the direction of the Secretary of the ASSOCIATION or such other PERSON as is authorized to call the meeting.

7.3.1 Time of Delivery and Contents. Notice of any meeting of members, whether regular or special, shall be given at least ten (10) days in advance of the meeting for which such notice is given, and however, that of the business of any meeting shall involve an election of directors of the ASSOCIATION otherwise governed by Article X of these BYLAWS or by the DECLARATION or the ARTICLES, notice of such meeting shall be given as therein provided.

7.4 Who May Attend. In the event any LOT is owned by more than one PERSON, all CO-OWNERS of the LOT may attend any meeting of the members. In the event any LOT is owned by a corporation, any director or officer of the corporation may attend any meeting of the members. However, the vote for any LOT shall be cast in accordance with the provisions of Article VI of these BYLAWS. INSTITUTIONAL LENDERS have the right to attend all members' meetings. Institutional lenders shall mean a savings bank, savings and loan association, commercial bank, trust company, credit union, insurance company, educational institution, real estate investment trust or pension fund that holds a mortgage on any LOT.

7.5 Quorum. A quorum for any action of members governed by these BYLAWS shall be defined by section 720.306(1)(a) Florida Statutes.

7.6 Voting; Proxies. At all meetings of members held pursuant to this Article VII and in accordance with section 720.306(8) Florida Statutes, each member shall be entitled to vote either in PERSON or by proxy. To be valid, a proxy must be dated, must state the date, time, and place of the meeting for which it was given, must state the name of the proxy holder (if blank the proxy is assigned to the current President), must be signed by the authorized person who executed the proxy, and shall be filed with the Secretary of the ASSOCIATION, as described in article 7.6.1, prior to the roll call at the meeting at which proxies are to be exercised. A proxy is effective only for the specific meeting for which it was originally given, as the meeting may lawfully be adjourned and reconvened from time to time, and automatically expires 90 days after the date of the meeting for which it was originally given. A proxy is revocable at any time at the pleasure of the person who executes it. If the proxy form expressly provides, any proxy holder may appoint, in writing, a substitute to act in his or her place. If a LOT is owned jointly by two or more CO-OWNERS, and if said CO-OWNERS have not designated one (1) of them as the voting member with respect to such LOT, then a proxy, to be a valid and exercisable by a third party, must be signed by all such CO-OWNERS. Notwithstanding anything to the contrary set forth in this Article VII, every proxy shall automatically cease upon sale, transfer, devise, or other disposition by the member of such member's LOT.

7.6.1 Filing Proxies with ASSOCIATION. To be valid, proxies must be delivered to the community association management office in a sealed envelope, signed on the seal by the authorized person(s) who executed the proxy.

7.7 Majority Vote. Unless otherwise provided in these BYLAWS, or pursuant to the DECLARATION or the ARTICLES, matters approved by a majority of the vote of the



members voting in person or by proxy at meeting at which a quorum is present, shall constitute official action by the members of the ASSOCIATION.

7.8 Adjournment. Any meeting may be adjourned or continued by a majority vote of the members present in PERSON or by proxy and entitled to vote, or if no member entitled to vote is present, then any officer of the ASSOCIATION may adjourn the meeting from time to time. If any meeting is adjourned or continued to another time or place, it shall not be necessary to give any notice of the adjourned meeting, if the time and place to which the meeting is adjourned are announced at the meeting at which the adjournment is taken, and any business may be transacted at the adjourned meeting that may have transacted at the original meeting. If the time and the place to which the meeting is adjourned are announced at the meeting at which the adjournment is taken, notice of the adjourned meeting may be given to the members not present at the original meeting, without giving notice to the members which were present at such meeting.

7.9 Organization. At each meeting of the members, the President, the Vice President, or any PERSON chosen by a majority of the members present, in that order, shall act as Chairman of the meeting. The Secretary, or in his/her absence or inability to act, any PERSON appointed by the Chairman of the meeting shall act as Secretary of the meeting.

7.10 Order of Business. The order of business at the annual meetings of the members shall be:

- 7.10.1 Determination of chairman of the meeting;
- 7.10.2 Calling of the roll and certifying of proxies;
- 7.10.3 Proof of notice of meeting or waiver of notice;
- 7.10.4 Reading and disposal of any unapproved minutes;
- 7.10.5 Election of inspectors of election;
- 7.10.6 Determination of number of directors;
- 7.10.7 Election of directors;
- 7.10.8 Reports of directors, officers, or committees;
- 7.10.9 Unfinished business;
- 7.10.10 New business; and
- 7.10.11 Adjournment.

7.11 Minutes. The minutes of all meetings of the members shall be kept in a book available for inspection by the members or their authorized representatives, and the directors, at any reasonable time. The ASSOCIATION shall retain these minutes for a period of not less than

seven years.

7.12 Actions Without a Meeting. Any action required or permitted to be taken at any annual or special meeting of the members of the ASSOCIATION may be taken, without a meeting, without prior notice, and without a vote if a consent in writing, setting forth the action so taken, shall be signed by the members having not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting at which all members entitled to vote thereon were present and voted. Within ten days after obtaining such authorization by written consent, notice shall be given to those members who have not consented in writing. The notice shall fairly summarize the material features of the authorized action. If a LOT is owned by more than one (1) PERSON or by a corporation, the consent for such LOT need only be signed by one (1) PERSON who would be entitled to cast the vote for the LOT as CO-OWNER pursuant to Section VI of these BYLAWS.

## **ARTICLE VIII** **LIABILITY SURVIVES TERMINATION OF MEMBERSHIP**

8.1 The termination of membership in the ASSOCIATION shall not relieve or release any such former member for any liability or obligations incurred pursuant to the DECLARATION, the ARTICLES, these BYLAWS or the RULES AND REGULATIONS of the ASSOCIATION, or such membership in the ASSOCIATION, or impair any rights or remedies which the ASSOCIATION may have against such former member arising out of or in any way connected with membership in the ASSOCIATION.

## **ARTICLE IX** **BOARD OF DIRECTORS**

9.1 Purpose. The property, business and affairs of the ASSOCIATION shall be managed and governed by the BOARD of the ASSOCIATION.

9.2 Number. The number of directors on the BOARD from time to time shall never be less than three (3) nor more than five (5) but shall always be an odd number. The number of directors shall be determined from time to time by the BOARD and may be increased or decreased by the BOARD from time to time but shall never be less than three (3).

9.3 Qualification. Except of the initial directors and any directors thereafter from time to time appointed or elected by the DEVELOPER, all directors of the ASSOCIATION must be members of the ASSOCIATION in good standing.

9.4 Term of Office. The Directors shall serve for a period of one (1) year ending on the date of the annual meeting, or until such director's resignation or removal, pursuant to the DECLARATION, the ARTICLE and these BYLAWS.

9.5 Resignation. Any director may resign at any time by giving written notice of his resignation to another director or officer. Any such resignation shall take effect at the time specified therein or, if the time when such resignation is to become effective is not specified

therein, immediately upon its receipt, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

#### 9.6 Removal of Directors.

9.6.1 Elected Directors, By Vote of Board. Any director other than a director appointed by the DEVELOPER may be removed by a majority vote of the remaining directors, if such director; (a) has been absent for the last three consecutive BOARD meetings, and/or adjournments and continuances of such meetings; (b) is an OWNER and has been delinquent for more than thirty (30) days after written notice in the payment of ASSESSMENTS or other monies owed to the ASSOCIATION; or (c) has abused the power of her office, including but not limited to violation of Florida Law or ASSOCIATION BYLAWS. In accordance with item (c), if a majority vote cannot be obtained, any director may request ASSOCIATION legal counsel file a lawsuit on behalf of the Association against the Director who has abused the power of her office.

9.6.2 Elected Directors, By Recall. Any director other than a director appointed by the DEVELOPER may be removed with or without cause in accordance with section 720.303(10) Florida Statute. The vacancy on the BOARD caused by any such removal may be filled in accordance with section 720.303(10)(e) Florida Statutes.

9.6.3 Elected Directors, By Legal Disqualification. In accordance with section 720.306(9)(b) Florida Statutes, a person serving as a board member who becomes more than ninety (90) days delinquent in the payment of any fee, fine, or other monetary obligation to the ASSOCIATION shall be deemed to have abandoned his or her seat on the BOARD, creating a vacancy on the BOARD to be filled according to law. For purposes of this paragraph, the term "any fee, fine, or other monetary obligation" means any delinquency to the association with respect to any parcel. A person who has been convicted of any felony in this state or in a United States District or Territorial Court, or has been convicted of any offense in another jurisdiction which would be considered a felony if committed in this state, may not seek election to the BOARD and is not eligible for board membership unless such felon's civil rights have been restored for at least 5 years as of the date on which such person seeks election to the BOARD. The validity of any action by the BOARD is not affected if it is later determined that a person was ineligible to seek election to the BOARD or that a member of the BOARD is ineligible for BOARD membership.

9.7 Vacancies. Vacancies in the BOARD may be filled by a majority vote of the directors then in office though less than a quorum, or by a sole remaining director, and a director so chosen shall hold office until the next annual election and until his or her successor is duly elected, unless sooner displaced. If there are no directors, then a special election of the members shall be called to elect the directors. Notwithstanding anything contained herein to the contrary, the DEVELOPER shall always have the right to appoint the maximum number of directors permitted by the ARTICLES, and any vacancies on the BOARD may be filled by the DEVELOPER to the extent that the number of directors then serving on the BOARD which were appointed by the DEVELOPER is less than the number of directors the DEVELOPER is then entitled to appoint.

In the event the ASSOCIATION fails to fill the vacancies on the BOARD sufficient to constitute a quorum in accordance with these BYLAWS, any OWNER may apply to the

Circuit Court of the County for the appointment of a receiver to manage the affairs of the ASSOCIATION. At least thirty (30) days prior to applying to the Circuit Court, the LOT OWNER shall mail to the ASSOCIATION a notice describing the intended action giving the ASSOCIATION the opportunity to fill vacancies. If during such time the ASSOCIATION fails to fill the vacancies, the LOT OWNER may proceed with petition. If a receiver is appointed, the ASSOCIATION shall be responsible for the salary of the receiver, court costs, and attorneys' fees. The receiver shall have all powers and duties of a duly constituted member of the BOARD and shall serve until the ASSOCIATION fills vacancies on the BOARD sufficient to constitute a quorum.

9.8 Directors Appointed by the DEVELOPER. Notwithstanding anything contained herein to the contrary, the DEVELOPER shall have the right to appoint the maximum number of directors in accordance with the privileges granted to the DEVELOPER pursuant to the ARTICLES. All directors appointed by the DEVELOPER shall serve at the pleasure of the DEVELOPER, and the DEVELOPER shall have the absolute right, at any time, and in its sole discretion, to remove any director appointed by it, and to replace such director with another PERSON to serve on the BOARD. Replacement of any director appointed by the DEVELOPER shall be made by written instrument delivered to any officer or other director, which instrument shall specify the name of the PERSON designated as successor director. The removal of any director and the designation of his successor by the DEVELOPER shall become effective immediately upon delivery of such written instrument by the DEVELOPER.

9.9 Past President as Member Ex-Officio. In addition to the directors of this ASSOCIATION, as set forth in Section 9.2 of these BYLAWS, the immediate past president of the ASSOCIATION, shall become an ex-officio member of the BOARD, for the year immediately following his term of office as President, but shall not be entitled to vote, unless said immediate past President remains on the BOARD by virtue of his election to or continued service on the BOARD, as otherwise provided herein.

9.10 Compensation. Subject to the provisions of Article X of the ARTICLES, no director shall receive compensation for any service which such director may render to or on behalf of the ASSOCIATION. However, any director may be reimbursed for the actual cost of expenses reasonably incurred by such director in the performance of his duties as a director or officer of the ASSOCIATION.

9.11 Powers and Duties. The directors shall have the right to exercise all of the powers and duties of the ASSOCIATION, express or implied, existing under these BYLAWS, the ARTICLES, the DECLARATION, or as otherwise provided by Statute or law.

## **ARTICLE X**

### **ELECTION OF DIRECTORS; NOMINATIONS COMMITTEE; ELECTIONS COMMITTEE**

10.1 Election. Election to the BOARD shall be in the following manner:

10.1.1 Initial Election by Association. Within sixty (60) days after the members other than the DEVELOPER are entitled to elect more than one (1) director, as provided in the

ARTICLES, the ASSOCIATION shall call and give not less than twenty (20) days nor more than forty-five (45) days' notice of a special meeting of the members to elect any directors the members are then entitled to elect, or to replace the appropriate number of directors previously appointed by the DEVELOPER. Such special meeting may be called and the notice given by any member if the ASSOCIATION fails to do so. At such special meeting the members shall be required to elect any directors which they are entitled to elect and, if they fail to do so, any directors appointed by DEVELOPER which would have been replaced by any directors elected by the members may resign without further liability or obligation to the ASSOCIATION. In the event such a special meeting is called and held, at the meeting the members may elect not to hold the next annual meeting of the members if such annual meeting would be less than four (4) months after the date of the special meeting and, upon such election, the next annual meeting of the members shall not be held.

10.1.2 Election by Association. Except as provided in Article 10.1.1 of these BYLAWS, the members of the ASSOCIATION shall elect directors at the annual members meetings.

10.1.3 Requirement for Election. An election is only required if there are more candidates nominated than vacancies exist.

10.2 Election Notification; Nomination Period; Eligibility; Nominations.

10.2.1 Notification of Election. Members of the ASSOCIATION shall be provided with sixty (60) days' notice prior to the annual members meeting at which the election shall take place.

10.2.2 Nomination Period. The nomination period shall be open upon the notification of election and close midnight on the thirtieth (30<sup>th</sup>) day before the date of election. Nominations must be received before the close of the nomination period. Nominations received after this time shall be ineligible.

10.2.3 Eligibility. Except as noted, all members of the ASSOCIATION are eligible to serve on the board of directors, and a member may nominate himself or herself as a candidate for the board. Pursuant to section 720.306(9)(b) Florida Statutes, a person who is delinquent in the payment of any fee, fine, or other monetary obligation to the association on the day that he or she could last nominate himself or herself or be nominated for the board may not seek election to the board, and his or her name shall not be listed on the ballot. For purposes of this paragraph, the term "any fee, fine, or other monetary obligation" means any delinquency to the association with respect to any parcel. A person who has been convicted of any felony in this state or in a United States District or Territorial Court, or has been convicted of any offense in another jurisdiction which would be considered a felony if committed in this state, may not seek election to the board and is not eligible for board membership unless such felon's civil rights have been restored for at least five (5) years as of the date on which such person seeks election to the board. The validity of any action by the board is not affected if it is later determined that a person was ineligible to seek election to the board or that a member of the board is ineligible for board membership.

10.2.4 Nominations. To be eligible, nominations must be delivered to the community association management company prior to the deadline outlined in Article 10.2.2 of these BYLAWS and include the nominee's and nominator's (if different than nominee) full legal

name, address or parcel number/ID, optional biography, and optional campaign pledges. Members of the ASSOCIATION who are nominated by someone other than themselves must submit acceptance, in writing, to the community association management office or in-person at the annual members meeting at which the election shall take place, prior to the roll call of the meeting.

10.2.5 Nominations at Meeting. Nominations may only be made in advance of the annual members meeting at which the election shall take place, as described in Article 10.2.2 of these BYLAWS.

10.3 Campaigning; Solicitation. Optional nominee biographies and campaign pledges (up to one page) will be mailed to all members of the ASSOCIATION with other election material, no later than fourteen (14) days before the date of the election. Nominees may deliver, with paid postage or other means of paid delivery, campaign materials to members of the ASSOCIATION, so long as the nominee provides members of the ASSOCIATION the ability to opt-out of all future such mailings by phone, email, mail, and in-person. Nominees may email campaign material to members of the ASSOCIATION who have opted-in to the voluntary community directory, provided the nominee provides members of the ASSOCIATION a way to opt-out of all future such mailings by email. No person shall, at any time before, during or after the nomination period, campaign "door-to-door" or in any manner that disturbs the peace. No person shall hand-deliver campaign material to the residence, mailbox, vehicle, or any other property of any member of the ASSOCIATION, or any common area property. No person shall place campaign material on the property of any member of the ASSOCIATION, or any common area property. Restrictions in this section on campaigning/ solicitation may be enforced by fines or a lawsuit for equitable/injunctive relief.

10.4 Ballots. All elections to the BOARD shall be made on written ballots, unless dispensed with by unanimous consent which shall:

- a. describe the vacancies to be filled;
- b. set forth the names of those nominated by the Nominations Committee for such vacancies; and
- c. contain a space for a write-in vote by the member for each vacancy.

Each voting member present, in-person or by proxy, at the annual meeting of the members at which the election shall take place shall receive one ballot and such voting member shall exercise on any one ballot only one vote for each vacancy shown thereon.

10.4.1 Mail-in Ballots. Mail-in ballots will not be accepted.

10.5 Proxies. Each member of the ASSOCIATION shall be entitled to vote either in-person or by proxy. To be valid for the purpose of an election, a proxy must be an original provided by the community association management company, must state the name of assigned proxy (if blank current President is assigned as proxy), must be signed by the authorized person who executed the proxy, must provide all other required information, and shall be filed with the Secretary of the ASSOCIATION, as described in article 7.6.1, prior to the roll call at the meeting at which the election is to take place. A proxy for the purpose of an election is effective only for the election

for which it was originally given. A proxy is revocable at any time at the pleasure of the person who executes it. If a LOT is owned jointly by two or more CO-OWNERS, and if said CO-OWNERS have not designated one (1) of them as the voting member with respect to such LOT, then a proxy, to be a valid and exercisable by a third party, must be signed by all such CO-OWNERS. Notwithstanding anything to the contrary, every proxy shall automatically cease upon sale, transfer, devise, or other disposition by the member of such member's LOT.

10.6 Vote at Meeting. All voting for directors of the ASSOCIATION shall be by written ballot, unless dispensed with by unanimous consent and may be as follows: In Person or by Proxy at Meeting. All members of the ASSOCIATION, and their proxies, present at the meeting at which such election of directors is held shall be entitled to vote at such meeting.

10.7 Election: Vote Tabulation. Upon receipt of the written ballots from the members or their proxies present at the meeting at which directors are to be elected, the Election Chairman, who shall be appointed by the President or other presiding officer, shall do the following:

10.7.1 Tabulate Votes. Tabulate all of the votes of the members and proxies present at the meeting, and all of the votes received by the Election Chairman.

10.7.2 Announce Director(s). Announce the name or names of the director or directors, if any, elected by the members pursuant to the DECLARATION and ARTICLES.

10.7.3 Announce Other Directors. Announce the names of directors appointed by the DEVELOPER.

10.8 Secrecy. The aforesaid election and vote tabulation procedures shall be undertaken by the Election Chairman in such a manner that the vote of any member or proxy shall not be disclosed to any PERSON, even to the Election Chairman.

## **ARTICLE XI**

### **POWERS AND DUTIES OF THE BOARD**

11.1 Powers and Duties, Generally. All of the powers and duties of the ASSOCIATION as are, respectively, conferred and imposed upon it pursuant to Chapter 617 and Chapter 720 Florida Statutes, the DECLARATION, the ARTICLES and these BYLAWS shall be exercised by and through the BOARD.

11.1.1 Powers and Duties, Directors Under Recall. Any and all directors may be recalled and removed from office with or without cause by a majority of the total voting interests pursuant to section 720.303(10) Florida Statutes.

11.2 Specific Powers and Duties. The BOARD shall, in addition to those general and specific powers and duties as are respectively, conferred and imposed upon the ASSOCIATION as set forth in ARTICLE V of these BYLAWS, have the following powers and duties:

11.2.1 Call Meetings. To call special meetings of the members whenever it deems necessary; provided also, that the Board shall call a special meeting of the members at any time upon written request of one-fourth (1/4) of the voting power of the ASSOCIATION.

11.2.2 Keep Records. To cause to be kept complete records of all of its acts and all affairs of the ASSOCIATION, including specifically, but without limitation, financial records and accounts in accordance with ARTICLE XVII of these BYLAWS.

11.2.3 Elect Officers. In accordance with Section 14.2 of these BYLAWS, to elect all officers of the ASSOCIATION, and with respect to such officers prescribe such duties as the BOARD may deem expedient.

11.2.4 Hire and Fire Employees and Agents. To hire and fire such employees and agents of the ASSOCIATION, as it deems necessary to carry out and discharge the duties and responsibilities of the ASSOCIATION including, without limitation, a manager or executive director of the ASSOCIATION who shall not be an elected officer or director of the ASSOCIATION, in accordance with the terms and provisions of any contracts or employments or agency between the ASSOCIATION and such employees or agents, and with respect to prescribe their duties and fix their compensation as the BOARD may deem expedient.

11.2.5 Supervision. To supervise and direct all officers, employees and agents of the ASSOCIATION, and to see that their duties are properly performed.

11.2.6 Approve Budget. To cause to be prepared, and to receive review budgets for cost and expenses incurred, or to be incurred, (a) in connection with upkeep and maintenance of the COMMON PROPERTY, including, without limitation the COMMON STREETS AND ROAD and the SURFACE WATER MANAGEMENT SYSTEM, the security system, and the cable television system (if any), and (b) in connection with the performance of all other duties of the ASSOCIATION as set forth in the DECLARATION, the ARTICLES and these BYLAWS.

11.2.7 Prepare Membership Roster. To prepare a roster of all members and their LOTS and the status of all ASSESSMENTS applicable thereto, which shall be kept at the offices of the ASSOCIATION and be open to inspection by any member in the presence of an officer or other employee of the ASSOCIATION designated by the BOARD at any reasonable time during normal business hours.

11.2.8 Adopt RULES AND REGULATIONS. To adopt, publish and enforce the RULES AND REGULATIONS governing the use of the COMMON PROPERTY and the facilities incident thereto and the personal conduct of the members and their guests thereon, as more particularly set forth in the DECLARATION.

11.2.9 Require Bonding. To require and cause, at the expense of the ASSOCIATION, all or any officers or employees of the ASSOCIATION having fiscal responsibilities for the ASSOCIATION to be bonded, as the BOARD may deem appropriate.

11.2.10 Exercise Powers and Discharge Duties. To generally exercise all powers, rights, and privileges of the ASSOCIATION and to generally discharge all duties, obligations



and responsibilities of the ASSOCIATION, as the same are conferred by and imposed in the DECLARATION, the ARTICLES, and these BYLAWS, and to take any action which it deems necessary or advisable in connection therewith.

## **ARTICLE XII** **MEETINGS OF THE BOARD**

12.1 **All Business.** The business and affairs of the ASSOCIATION may be transacted by the BOARD at any regular or special meeting.

12.1.2 **Notice of Meetings.** Notice of all BOARD meetings must meet the requirements provided in section 720.303(c)1 Florida Statutes which states, "Notices of all board meetings must be posted in a conspicuous place in the community at least 48 hours in advance of a meeting, except in an emergency. In the alternative, if notice is not posted in a conspicuous place in the community, notice of each board meeting must be mailed or delivered to each member at least seven (7) days before the meeting, except in an emergency."

Posting a notice, such as a yard sign, at the cross section of Cappio Drive and Casabella Place AND the exit gate shall constitute a conspicuous place. Meeting notices sent via email or placed on the clubhouse patio announcement board do not meet the requirement of a conspicuous place.

12.2 **Regular Meeting.** Regular meetings of the BOARD may be held at such time and place as shall be determined, from time to time, by a majority of the Directors, but not less often than semi-annually.

12.3 **Special Meeting.** Special meetings of the BOARD may be held when called by a majority of directors after not less than two (2) days notice to each director.

12.4 **Majority Vote.** Matters approved by a majority vote of the directors present at a meeting of the BOARD at which a quorum is present shall constitute official action of the BOARD, except as may be otherwise specifically provided or required by the terms and provisions of the DECLARATION, the ARTICLES or these BYLAWS.

12.5 **Waiver of Notice and Consent.** The transaction of any business at any meeting of the BOARD, however called and noticed, or wherever held, shall be as valid as though made at a meeting duly held after regular call and notice of a quorum so present and, if either before or after the meeting, each of the directors not present signs a written waiver of notice, or a consent to the holding of such meeting, or an approval of the minutes thereof. All such waivers, consents, or approvals shall be filed by the Secretary of the ASSOCIATION with the corporate records of the ASSOCIATION and made part of the minutes of the meeting.

12.6 **Action Taken Without a Meeting.** The directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.

12.7 Quorum. A majority of the members of the BOARD shall constitute a quorum thereof. If at any meeting of the BOARD there shall be less than a quorum present, the majority of those directors present may adjourn the meeting from time to time until a quorum is present. In the case of the adjournment of a meeting, no further notice of adjourned meeting need be given unless otherwise determined by a majority of those directors present at the time of adjournment.

12.8 Open Meeting. Any meeting of the BOARD of the ASSOCIATION shall be open to all members of the ASSOCIATION for purposes of observation. Member participation at BOARD meeting may or may not be permitted within the sole and absolute discretion of the BOARD.

12.8.1 Open Meeting Decorum. Members of the ASSOCIATION will be provided with the right to speak at all open meetings. Members of the ASSOCIATION may not transfer their right to speak to a non-member. Members of the ASSOCIATION will be provided with three (3) minutes to speak during the Open Floor Session of the meeting. Comments and questions must be limited to agenda items. Directors have no obligation to provide a response during the Open Floor Session. Once the Open Floor Session has concluded members of the ASSOCIATION may remain at the Board Meeting as observers only. Anyone who interrupts another member of the ASSOCIATION who has the floor, or Directors, after the Open Floor Session will be provided with a warning. If the behavior continues the member of the ASSOCIATION will be asked to leave the meeting. Any member of the ASSOCIATION who displays disrespectful conduct, determined by the sole discretion of the Directors, toward another member of the ASSOCIATION or Directors will immediately be asked to leave the meeting. Any person who is asked to leave and refuses will result in an adjournment of the meeting.

12.8.2 Closed Meeting. Notwithstanding any other law, meetings between the BOARD or a committee and the association's attorney to discuss proposed or pending litigation or meetings of the board held for the purpose of discussing personnel matters are not required to be open to the members other than directors.

12.9 Minutes. Except as otherwise provided in these BYLAWS, minutes of all meetings of the BOARD and any committee thereof shall be kept in a business-like manner and shall be available for inspection by any director or member of the ASSOCIATION at any time during normal business hours. The Secretary of the ASSOCIATION shall keep the minutes of all meetings of the BOARD.

12.10 Presiding Officer. The presiding officer at all meetings of the BOARD shall be the President of the ASSOCIATION and in his or her absence the Vice-President shall preside. In the absence of the President or the Vice-President, the directors present at such meeting shall designate a presiding officer from among themselves.

### **ARTICLE XIII** **PARLIAMENTARY RULES**

13.1 All meetings of the members of the ASSOCIATION and all meetings of the BOARD of the ASSOCIATION shall be governed by the latest edition of Robert's Rules of Order; with any terms or provisions of the DECLARATION, the ARTICLES or these BYLAWS, then the

applicable terms and provisions of the DECLARATION, the ARTICLES and these BYLAWS shall control, unless superseded by Florida Law.

#### **ARTICLE XIV** **OFFICERS**

14.1 **Officers.** The day to day business and affairs of the ASSOCIATION shall be administered by a President, Vice President, Secretary, Treasurer, and such other officers as the BOARD may from time to time by resolution determine. The offices of Vice President, Secretary and Treasurer, or any other offices may be combined from time to time by the BOARD in its discretion, except that the office of President shall not be combined with any other office. All other officers of the ASSOCIATION must be members of the BOARD.

14.2 **Election.** Except as provided in Article VII of the ARTICLES with respect to the designation of the initial officers of the ASSOCIATION, the officers shall be elected by vote at a meeting of the directors held immediately following the termination of the annual meeting of the members at which the directors are elected.

14.3 **Term.** All officers shall hold office for a term of one (1) year or until their successors are elected but may be removed from office but not as a director by a majority vote of the BOARD, with or without cause at any time.

14.4 **President.** The President of the ASSOCIATION shall preside at all meetings of the BOARD and shall sign all notes, contracts, leases, mortgages, deed and all other written instruments required to be executed by or on behalf of the ASSOCIATION.

14.5 **Vice President.** The Vice President of the ASSOCIATION shall perform all the duties of the President in the absence of the President and shall have such other duties as may from time to time be imposed upon him by the BOARD.

14.6 **Secretary.** The Secretary of the ASSOCIATION shall be the Secretary of the Board. The Secretary shall record the votes and keep or cause to be kept the minutes of all meetings of the BOARD and members of the ASSOCIATION in a minute book or books to be kept for that purpose; shall keep all other records of the ASSOCIATION; shall see that all notice are duly given as required by law and as provided in accordance with the DECLARATION, the ARTICLE, these BYLAWS or the RULES AND REGULATIONS of the ASSOCIATION; shall record in a book kept for that purpose the names of all members of the ASSOCIATION together with their addresses as filed by such members; shall together with the President or Vice President sign all notes, contracts, leases, mortgages, deeds and all duties incident to the office of Secretary and such duties as from time to time may be assigned by the President or imposed by the BOARD.

14.7 **Treasurer.** The Treasurer of the ASSOCIATION shall receive and deposit in appropriate bank accounts all monies of the ASSOCIATION and shall disburse such funds as directed by resolution of the BOARD; provided, however, that a resolution of the BOARD shall not be necessary for disbursements of funds made in the ordinary course of business of the ASSOCIATION conducted within the limits of the budget adopted by the BOARD. Further, the

treasurer shall sign all checks of the ASSOCIATION. Additionally, the Treasurer shall keep or cause to be kept proper books of account of the ASSOCIATION; shall supervise and assist in the preparation of an annual budget and other financial statements of the ASSOCIATION; shall establish adequate reserves in accordance with the DECLARATION and as required by law; shall select and utilize with the approval of the BOARD a Certified Public Accountant for the ASSOCIATION; and shall in general, perform all duties incident to the financial affairs of the ASSOCIATION, and such other duties as may from time to time be assigned by the President or imposed by the BOARD.

## **ARTICLE XV** **FISCAL MANAGEMENT**

15.1 Fiscal Year. The fiscal year of the ASSOCIATION shall be the calendar year.

15.2 Accounting. The ASSOCIATION shall use the accrual basis method of accounting and shall maintain accounting records in accordance with Section 16.1 of these BYLAWS. Written summaries of the accounting records shall be prepared by or caused to be prepared by the Treasurer and shall be made available at least annually to the members of the ASSOCIATION. Such records shall include, but not be limited to, a record of all receipts and expenditures, and an accurate account for each LOT which shall designate the name and address of the OWNER thereof, the amount of the Regular ASSESSMENTS and all other ASSESSMENTS, if any, assessed against or charges to such LOT, the amounts and due dates for payment of same, and the amounts paid upon the account and the balance due thereunder.

15.3 Assessments. All ASSESSMENTS, whether Regular ASSESSMENTS, Special ASSESSMENTS, Capital Expenditure ASSESSMENTS, or Individual Lot ASSESSMENTS, shall be fixed, assessed, levied enforced and collected in accordance with and pursuant to the terms and provisions of the DECLARATION.

15.4 Budget. The BOARD shall adopt an annual budget for the ASSOCIATION after review of the proposed annual budget and financial statements prepared by the Treasurer.

15.5 Deposit of Funds. The monies of the ASSOCIATION, whether collected by ASSESSMENTS or otherwise, shall be deposited in accounts in such bank or banks as shall be designated from time to time by the BOARD. Withdrawal of monies from such accounts shall be only by checks signed by such officers as are authorized pursuant to Article XIV of these BYLAWS. All sums collected by the ASSOCIATION from ASSESSMENTS or any other source maybe commingled in a single fund or divided into more than one fund, as determined by the BOARD; provided, however, that all reserve funds shall be maintained as, and deposited in, a separate bank account, and shall be used only for the purpose or purposes for which such reserve fund is created and maintained, unless said reserves have been waived by the BOARD.

15.6 Financial Statements. Financial statements of the ASSOCIATION, including without limitation, a statement of income and expenses and a balance sheet be made annually by the Treasurer and approved by the BOARD in accordance with Section 14.8 of these BYLAWS, and a copy thereof shall be furnished to each member of the ASSOCIATION not later than the first day of April of the year following the year for which the statements are prepared. The BOARD

may, at its option, elect to have a review or an audit made by an auditor, accountant, or Certified Public Accountant.

## **ARTICLE XVI** **BOOKS AND RECORDS**

16.1 **Accounting Records.** All accounting records of the ASSOCIATION shall be open to inspection by members of the ASSOCIATION or their respective authorized representatives at reasonable times in the presence of an officer of the ASSOCIATION designated by the BOARD. Such authorization as a representative of a member must be in writing and signed by each PERSON giving authorization and dated not more than fifteen (15) days prior to such inspection.

16.2 **Other Records.** All books, records, minutes and papers of the ASSOCIATION shall be kept by the ASSOCIATION at the ASSOCIATION office and shall at all times during reasonable business hours, be subject to the inspection of any member in the presence of an officer of the ASSOCIATION designated by the BOARD.

## **ARTICLE XVII** **COMPLIANCE AND DEFAULT**

17.1 **Violations.** In the event of a violation (other than the non-payment of ASSESSMENTS) by a member of any of the provisions of the DECLARATION or of the ARTICLES, these BYLAWS, or the RULES AND REGULATIONS of the ASSOCIATION, the ASSOCIATION, through its BOARD, may notify the violating member by written notice in accordance with Section 17.8 of the DECLARATION of such violation and demand that such violation cease and be discontinued immediately and direct that any damages or injury caused thereby be immediately repaired or corrected at the sole cost and expense of the violating member. If such violation shall continue for a period of two (2) days from date of such notice as aforesaid, or for other such unreasonable period determined by the BOARD, the ASSOCIATION, through its BOARD, shall have the right to treat such violation as an intentional, inexcusable and material breach of the DECLARATION, or the ARTICLES, these BYLAWS, or the RULES AND REGULATIONS of the ASSOCIATION, as appropriate, and the ASSOCIATION may then, at its option, elect to undertake any of the rights provided to the ASSOCIATION in the DECLARATION, the ARTICLES, these BYLAWS, including, without limitation, the following:

17.1.1 **Action at Law.** The ASSOCIATION may undertake an action at law against the violating member to recover for damages suffered by or on behalf of the ASSOCIATION or its members; and/or

17.1.2 **Action in Equity: Specific Performance.** The ASSOCIATION may undertake an action in equity against the violating member to enforce specific performance on the part of the violating member; and/or

17.1.3 **Action in Equity: Injunctive Relief.** The ASSOCIATION may undertake an action in equity against the violating member for such equitable relief as may be necessary under the circumstances, including injunctive relief.

17.1.4 Assessment of Fines. The ASSOCIATION may assess a reasonable fine and collection of the fine for each violation. Fines may be assessed for each violation, but no more frequently than daily. The OWNER must be given reasonable written notification of the assessment of a fine, and reasonable time to remedy the violation.

17.2 Emergency Action. Notwithstanding the foregoing provisions of this ARTICLE XVII any violations which are deemed by the BOARD to be hazard to public health may be corrected immediately as an emergency matter by the ASSOCIATION and the cost thereof shall be charged to the violating member as an Individual Lot ASSESSMENT in accordance with the terms and provisions of the DECLARATION.

17.3 Non-Payment of ASSESSMENTS. In the event non-payment of the ASSESSMENTS pursuant to the DECLARATION, the ASSOCIATION, through its BOARD, shall be entitled to exercise all of the rights conferred upon the ASSOCIATION in the DECLARATION, including, without limitation, the right to impose, collect, enforce and foreclose any lien for ASSESSMENTS in accordance with the terms and provisions of the DECLARATION.

17.4 Negligence or Carelessness of Member. Each member shall be liable for the costs and expenses incurred by the ASSOCIATION for any maintenance, repair or replacement rendered necessary by said member's acts, neglect, carelessness or by that of the member's family, guests, employees, agents or lessees, but only to the extent that such expense is not met but the proceeds of any insurance carried by the ASSOCIATION. Such liability shall include, without limitation, any increase in insurance rates occasioned by the use, misuse, occupancy or abandonment of any LOT or any COMMON PROPERTY, or the appurtenances thereto. Nothing herein contained, however, shall be construed so as to constitute any waiver by any insurance company of its rights of Subrogation. The costs and expenses for and maintenance, repair or replacement required, as provided in this Section 17.4 shall be charges to said member as an Individual Lot ASSESSMENT pursuant to the DECLARATION.

17.5 Costs and Attorney's Fees. In any proceeding arising because of an alleged default by a member under the DECLARATION, or the ARTICLES, these BYLAWS or the RULES AND REGULATIONS of the ASSOCIATION, the prevailing party shall be entitled to recover the costs of the proceeding and such reasonable attorney's fees, including costs and reasonable attorney's fees on appeal, as may be determined by the Court.

17.6 No Waiver of Rights. The failure of the ASSOCIATION or of any member to enforce any right, provisions, covenant or condition which may be granted by the DECLARATION, the ARTICLES, these BYLAWS or the RULES AND REGULATIONS of the ASSOCIATION shall not constitute a waiver of the right of the ASSOCIATION or any member to enforce such right, provision, covenant or cognation in the future.

17.7 Election of Remedies. All rights, remedies and privileges granted to the ASSOCIATION or any other part pursuant to any terms provisions, covenants or conditions or the DECLARATION, the ARTICLES, these BYLAWS or the RULES AND REGULATIONS of the ASSOCIATION, or at law or in equity, shall be deemed to be cumulative and the exercise of any one (1) or more of the same shall not be deemed to constitute an election of the remedies, not

shall it preclude the party exercising the same, or any other party, from exercising such other and additional rights, remedies or privileges as may be granted by the DECLARATION, the ARTICLES, these BYLAWS or the RULES AND REGULATIONS of the ASSOCIATION, or at law or in equity.

### **ARTICLE XVIII** **PARAMOUNT RIGHTS OF DEVELOPER; CONFLICTS**

18.1 Paramount Rights of DEVELOPER. With respect to any rights, privileges or powers reserved by, conferred upon or granted to the DEVELOPER pursuant to the DECLARATION, all of the terms and provisions of these BYLAWS shall be subject to the terms and provisions of the DECLARATION, and the rights, privileges and powers, so reserved by, conferred upon or granted to the DEVELOPER pursuant to the terms and provisions of the DECLARATION shall be deemed to be paramount to any provisions of these BYLAWS or any amendments hereto, which in any manner purport to limit or restrict any such rights, privileges and powers.

18.2 Conflicts. In the case of any conflict between the ARTICLES and these BYLAWS, the terms and provisions of the ARTICLES shall control; and in the case of any conflict between the DECLARATION and these BYLAWS, the terms and provisions of the DECLARATION shall control.

### **ARTICLE XIX** **AMENDMENTS**

19.1 Vote of Directors. These BYLAWS may be changed, amended, modified, or repealed, and any new BYLAWS of the ASSOCIATION may be adopted, only by resolution approved by at least two-thirds (2/3) of the members of the BOARD at a regular or special meeting of the BOARD duly called for such purpose.

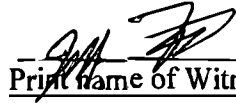
19.2 Limitations on Amendment. Notwithstanding anything to the contrary set forth in the DECLARATION, the ARTICLES or these BYLAWS of the ASSOCIATION, these BYLAWS Of the ASSOCIATION, these BYLAWS may not be changed, amended, modified or rescinded in any fashion or respect which would result in any change, amendment, modification, diminution or elimination of, or otherwise affect the rights privileges of or benefits accruing hereunder to, either the DEVELOPER, the County, the St. Johns Water Management District without first receiving the prior written consent and approval of the DEVELOPER and such other of these parties as may be or whose rights, privileges, benefits, or interest may be adversely or otherwise affected by any such amendment to these BYLAWS.

19.3 Instrument of Amendment. Any resolution of the BOARD amending, modifying, or repealing any provisions to, these BYLAWS shall identify the particular ARTICLES and sections affected and set forth the exact language of such modification, amendment, or addition, or of the provisions repealed. A copy of each such resolution, certified by the Secretary of the ASSOCIATION, and a copy thereof shall be delivered to each member.

IN WITNESS WHEREOF, the ASSOCIATION has caused these presents to be executed in its name, this 30th day of December, 2022.


CASABELLA HOMEOWNERS  
ASSOCIATION, INC.


  
By: Gary Prager  
Its: President

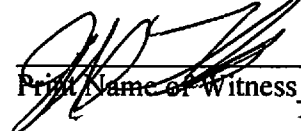
  
Print name of Witness Jeff Franko

  
Print name of Witness Brian Conner

CASABELLA HOMEOWNERS  
ASSOCIATION, INC.

  
By: Chad Braio  
Its: Secretary

  
Print Name of Witness Brian Conner

  
Print Name of Witness Jeff Franko