

**Bylaws**  
**Windjammer Village Condominium Association, Inc**

Order: WTFDFSLS  
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Prepared by and returned to:

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## **\*CORRECTIVE CERTIFICATE OF AMENDMENT**

### **SECOND AMENDED AND RESTATED BY-LAWS**

#### **OF**

### **WINDJAMMER VILLAGE CONDOMINIUM ASSOCIATION, INC.**

I HEREBY CERTIFY that the following amendment to the Second Amended and Restated Bylaws of Windjammer Village Condominium Association, Inc. were duly adopted by the Association membership at the duly noticed Special Members' Meeting of the Association on the 11<sup>th</sup> day of December 2014. Said amendment was approved by a proper percentage of voting interests of the Association. The original Declaration of Condominium for Windjammer Village, Part One of the Landings, a Condominium Community is recorded at O.R. Book 1002, at Page 1666 *et seq.*, of the Public Records of Lee County, Florida. The original Declaration of Condominium for Windjammer Village, Part II of the Landings, a Condominium Community is recorded at O.R. Book 1056, at Page 1493 *et seq.*, of the Public Records of Lee County, Florida. The Amended and Restated Declaration for Windjammer Village, Part I of the Landings and Windjammer Village, Part II of the Landings is recorded at O.R. Book 2210, at Page 2288 *et seq.*, of the Public Records of Lee County, Florida. The Second Amended, Restated and Combined Declaration of Condominium of Windjammer Village, Part I of the Landings and Windjammer Village, Part II of the Landings is recorded at Instrument #2007000377057, of the Public Records of Lee County, Florida.

***\* The purpose of this Corrective Certificate of Amendment is to correct the amended language on the Certificate of Amendment which was recorded at Instrument # 2015000003924, of the Public Records of Lee County, Florida. The language originally recorded is not what was approved at the special membership meeting.***

Additions indicated by underlining.

Deletions indicated by ~~striking through~~.

#### **Amendment: Article 3.1, Second Amended and Restated By-Laws**

### **3. BOARD OF DIRECTORS.**

**3.1 Number, Term, and Qualifications.** The affairs of the Association shall be governed by a Board composed of nine (9) Directors. All Directors shall be Unit Owners or the spouse of a Unit Owner. When a Unit is owned by a corporation, a partnership, limited liability company or

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similar entity, the Primary Occupant, as designated pursuant to the Declaration of Condominium, and the spouse of the Primary Occupant shall be eligible for Board membership. ~~Settlers or grantors of a trust described in Section 733.707, Florida Statutes (2007), which owns a unit, and beneficiaries as defined in Section 737.303(4)(b), Florida Statutes (2007), of a trust which owns a unit, and the spouses of such persons, shall be considered eligible for Board membership. Beneficiaries and their spouses must occupy the unit in order to be eligible for Board membership. Persons who are convicted felons, who have not had their civil rights restored, are not eligible to serve on the Board.~~ Grantors, trustees and beneficiaries of trusts (provided that the beneficiaries reside in the Unit), and the spouses of such persons, shall be eligible for Board membership. If a grantor, trustee or beneficiary of a trust seeks candidacy (and is not identified on the deed to the Unit as the grantor, trustee or beneficiary of the trust), a copy of the trust document, affidavit of trust or abstract of trust prepared by a licensed attorney must be provided to the Association at least thirty-five (35) days prior to the date of the Annual Meeting. The trust document can be redacted to keep financial information confidential; however the document must clearly indicate the grantor, trustee and the beneficiaries of the trust. Persons who have been convicted of any felony in this State or in a United States District or Territorial Court, or who has been convicted of any offense in another jurisdiction that would be considered a felony if committed in this State, are not eligible to serve on the Board, unless such felon's rights have been restored for a period of at least 5 years as of the date on which such person seeks election to the Board. A person who has been suspended or removed by the Division of Florida Condominiums, Timeshares, and Mobile Homes pursuant to the Act, or who is more than 90 days delinquent in the payment of any monetary obligation is not eligible for Board membership. All Directors will be elected for a ~~three (3)~~ two (2) year term. It is the intention of these Bylaws that a staggered Directorate be maintained. To implement and maintain a staggered Directorate, the Board may hold seats in future elections open for one, two, or three year terms, when necessary or appropriate. In such cases, those receiving the higher number of votes shall be elected to the longer terms and when no election is held, the decision shall be made by agreement of the affected parties, or by lot. At the February 2015 Annual Meeting, nine (9) seats shall be held open for the election of five (5) persons to two-year terms and four (4) persons to one-year terms. It is the intention of these By-Laws that a staggered Directorate be maintained, with five (5) Directors elected for two-year terms in odd years (2017, 2019, etc.) and four (4) Directors elected for two-year terms in even years (2016, 2018, etc.). In any election where candidates are elected for different terms (such as at the 2015 Annual Meeting wherein five (5) persons are elected for two-years and four (4) persons are elected for one-year) those candidates receiving the higher number of votes shall be elected to the lengthier seat. In the event that there is no election, such as in a case where there are fewer pre-qualified candidates than open seats, the Directors who are seated shall agree amongst themselves which shall serve the two-year terms and which shall serve the one-year terms. This decision shall be recorded in the minutes of a duly notice Board of Directors' meeting. In the event the Directors cannot agree on which among them shall serve the lengthier and shorter seats, the Board shall hold a "run-off" election, wherein those receiving the most votes will be elected to a lengthier term. The term of each Director's service shall extend until their elected term is completed and thereafter until their successor is duly elected and qualified or until the Director is recalled in the manner provided in

the Condominium Act, or resigns. Resignations of Directors are effective when received by the Association in writing, unless a later date is stated.

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(Remainder of Article 3 Remains Unchanged)

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WITNESSES:  
(TWO)

WINDJAMMER VILLAGE CONDOMINIUM  
ASSOCIATION, INC.

Margaret Josay  
Signature  
Margaret Josay  
Printed Name

BY: Campbell Wylly Willingham  
Campbell Wylly Willingham, President

Date: 2/16/15

(CORPORATE SEAL)

Michelle LeConey  
Signature  
Michelle LeConey  
Printed Name

STATE OF Florida )  
COUNTY OF Lee ) SS:

The foregoing instrument was acknowledged before me this 16 day of February, 2014, by Campbell Wylly Willingham as President of Windjammer Village Condominium Association, Inc., a Florida Corporation, on behalf of the corporation. He is personally known to me or has produced (type of identification) \_\_\_\_\_ as identification.



ELIZABETH FLORES  
MY COMMISSION # FF 140557  
EXPIRES: November 30, 2018  
Bonded Thru Budget Notary Services

Elizabeth Flores  
Notary Public  
Elizabeth Flores  
Printed Name

My commission expires: November 30, 2018  
ACTIVE: 6694086\_1