

This document prepared by:  
Erin Hope Barker, Esq.  
Pennington, Moore, Wilkinson,  
Bell & Dunbar, P.A.  
Post Office Box 10095  
Tallahassee, Florida 32302  
850-222-3533  
850-222-2126 (fax)

FILE # 090004776 RCD:05/01/2009 @ 10:38 AM  
Nicholas Thomas, Clerk Circuit Court Gadsden Co

Record Fee: 171.50

**CERTIFICATE OF AMENDMENT  
TO  
DECLARATION OF RESTRICTIONS  
FOR  
INCREMENT I OF RESTON**

NOTICE IS HEREBY GIVEN that at a duly called meeting on March 14, 2009, by a majority vote of the parcel owners in Increment I of Reston, the Declaration of Restrictions for Increment I of Reston, as originally recorded in O.R. Book 213, Page 221, et seq., in the Public Records of Gadsden County, Florida be and the same is hereby supplemented as follows:

1. The Declaration of Restrictions for Increment I of Reston is amended and restated, altering the named association subsequent to the dissolution of Reston Homeowner's Association, Inc. and incorporation of Homeowners' Association of Reston, Inc. (Bylaws and Articles attached as Exhibit "B" and "C", respectively), as approved by a majority vote in the manner provided in numbered paragraph 17 of the Declaration of Restrictions for Increment I of Reston.
2. The Declaration of Restrictions for Increment I of Reston is amended by altering the association referenced in numbered paragraph 17 of the Declaration of Restrictions for Increment I of Reston, to which each parcel owner has automatically become a member by a majority vote approval at a duly noticed meeting, from Reston Homeowner's Association, Inc. to

Homeowners' Association of Reston, Inc.

- 3. The legal description of the properties subject to the Declaration of Restrictions for Increment I of Reston shall be as attached on Exhibit A.

IN WITNESS WHEREOF, Homeowners' Association of Reston, Inc., has caused this Certificate of Amendment to be executed in accordance with the authority hereinabove expressed this 2<sup>nd</sup> of April, 2009.

WITNESSES:

HOMEOWNERS' ASSOCIATION OF RESTON, INC.

Judy A. Johnson  
Print Name

[Signature]  
Brook Sheppard, President

Brittany Pennick  
Print Name

[Signature]  
Director Representative of Reston Neighborhood Association, Inc.

STATE OF FLORIDA  
COUNTY OF Gadsden

I HEREBY CERTIFY that on this day before me, the undersigned authority, personally appeared FLOU#S1103D041081830 Brook Sheppard President, and Krishna Holmen Mohr Fla #455574975 director representative, of Homeowners' Association of Reston, Inc. to me known to be the persons described as subscribers in, and who executed the foregoing Certificate of Amendment, as their own free act and deed.

WITNESS my hand and official seal at Gadsden County, Florida, this 2 day of April, 2009.  
Havana



OFFICIAL RECORDS  
BK 713 PG 1236

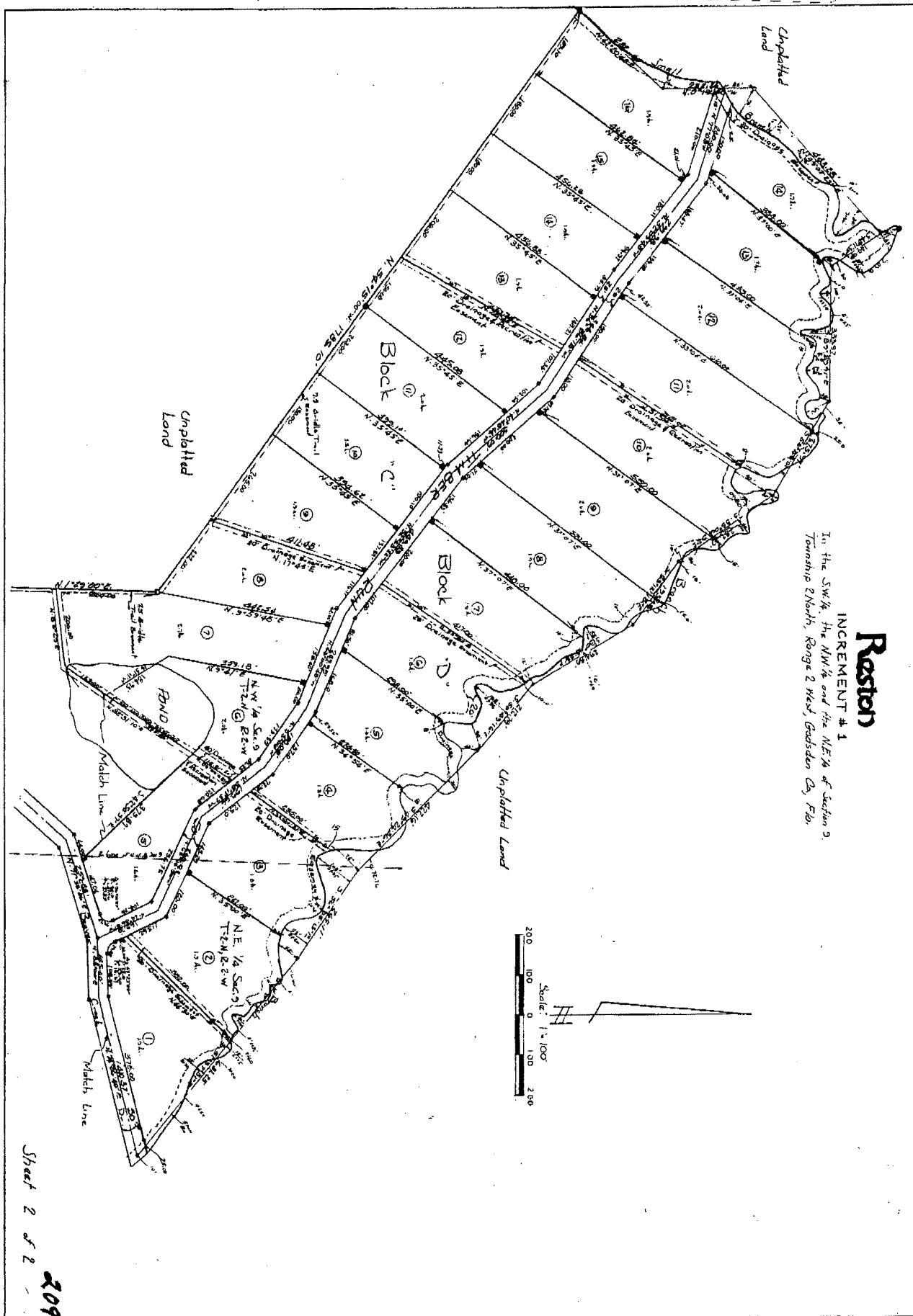
090004776

*Elizabeth St. Clair*  
Notary Public

My commission expires:

Personally known \_\_\_\_\_ OR Produced Identification   
Type of Identification Produced FLDL# S11630641681830 - Brook Shepard  
FLDL# H455317497450 - Kristina Holmen-Moh

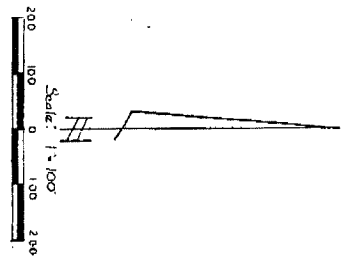




# Roston

## INCREMENT # 1

In the SW 1/4, the NW 1/4 and the NE 1/4 of Section 9,  
Township 2 North, Range 2 West, Goodstein Co, Fla.





**BYLAWS**  
**OF**  
**HOMEOWNERS' ASSOCIATION OF RESTON, INC.**

**ARTICLE I – NAME**

The name of the corporation is THE HOMEOWNERS' ASSOCIATION OF RESTON, INC., hereinafter referred to as "the Association." The Association is a not-for-profit corporation organized and existing under the laws of the state of Florida.

**ARTICLE II – PURPOSE**

The purpose of the Association is to ensure the maintenance of the community as a residential area in full compliance with all restrictions and covenants set forth in the Declaration of Restrictions, to ensure surrounding real estate is not developed in a way detrimental to the residents of the community, and to otherwise promote the health, safety, and welfare of the residents of the community.

**ARTICLE III – DEFINITIONS**

1. "Articles" shall mean the Articles of Incorporation of THE HOMEOWNERS' ASSOCIATION OF RESTON, INC., a Florida corporation not-for-profit.
2. "Association" shall mean and refer to THE HOMEOWNERS' ASSOCIATION OF RESTON, INC., a Florida not-for-profit corporation, its successors and assigns.
3. "Board" shall mean the Board of Directors of the Association.
4. "Bylaws" shall mean the Bylaws of the Association.
5. "Declaration" shall mean and refer to the DECLARATION OF RESTRICTIONS for RESTON recorded in the Public Records of Gadsden County, Florida, the terms of which are incorporated herein by reference.

6. "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision plat of the Properties.

7. "Member" shall mean and refer to those persons entitled to membership in the Association provided in these Bylaws. Class A members shall be all persons owning a lot with an attached residence. Class B members shall be all persons owning a vacant lot.

8. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot which is a part of the Properties.

9. "Property" or "Properties" shall mean and refer to that certain real property described in the Declaration.

All other terms not otherwise defined shall have the definition set forth in the Condominium Act.

#### **ARTICLE IV – MEMBERSHIP**

Section 1. Each record owner of one or more parcels of land platted as RESTON in the official record book of Gadsden County shall automatically become a member of the Association.

Section 2. Voting. Each member, as above defined, shall be entitled to one vote on all matters presented to the Association for each parcel owned.

Section 3. Assessments. Each member is obligated to pay to the Association annual assessments which are secured by a continuing lien upon the property against which the assessment is made. Assessments shall be calculated annually based on the adopted budget of the Association and shall be paid by 5:00 PM on the first Sunday of each February. Assessments shall be calculated such that Class B members, as

defined in Article III, No. 7, pay one-half (1/2) the assessment amount of Class A members, as defined in Article III, No. 7.

Section 4. Claim of Lien and Foreclosure. Any assessments which are not paid when due shall be delinquent. If the assessment is not paid when due, the Board of Directors shall give written notice of the delinquent member by certified mail. If the assessment is not paid within forty-five (45) days of the mailing of the notice, the Association may bring an action at law against the owner personally obligated to pay the same or foreclose the lien against the property, and interest, costs and reasonable attorney's fees of any such action shall be added to the amount of such assessment. No owner may waive or otherwise escape liability for the assessments provided for herein by non-usage or abandonment of his Lot.

#### **ARTICLE V – MEETINGS OF THE MEMBERS**

Section 1. Annual Meetings. There shall be an annual meeting of the Association held each December on a date and time to be announced by the Board of Directors. The purpose of the annual meeting shall be to elect officers to serve commencing on January 1 following the meeting, to receive reports from the officers and committee chairperson(s), and to conduct any other business that might arise.

Section 2. Special Meetings. Special meetings of the members may be called by the President, a majority vote of the Board of Directors, or upon written request to the President by one-fifth (1/5) of the voting members of the Association.

Section 3. Notice of Meeting. Written notice of each meeting of the members shall be given by mailing a copy of such notice, postage prepaid, at least fourteen (14) days before such meeting to each member. Such notice shall specify the place, day,



and hour of the meeting, and, in the case of a special meeting, the purpose of the meeting.

Section 4. Quorum. The presence, by person or proxy, of 10% of the Association members, or by majority of the Board of Directors, shall constitute a quorum for the purposes of the annual and special meetings of the members.

Section 5. Voting. Voting shall be by a show of hands of voting members unless one or more voting members requests that voting be conducted by secret ballot in a specific instance.

Section 6. Proxies. At all meetings of members, each voting member may vote in person or by signed proxy. All proxies shall be in writing and filed with the Secretary of the Association prior to their use in voting. Proxy holders are not required to be Association members.

#### **ARTICLE VI – BOARD OF DIRECTORS**

Section 1. Number. The Board of Directors shall consist of five (5) Directors. The five (5) directors shall consist of the four elected officers of the Association, plus either the immediate past president, the chairperson of the Architectural Review Committee, the chairperson of the Audit Committee, or as appointed by Board.

Section 2. Duties of the Board. The Board of Directors shall have general supervision and corporate responsibility of the affairs of the Association between its business meetings, fix the time and place of general meetings, make recommendations to the Association, and perform such other duties as required to fulfill the purposes of the Association. All actions of the Board shall be consistent with the actions and votes of the Association.

Section 3. Board Meetings. The Board of Directors shall meet as called and announced by the President or as called by a majority of the members of the Board of Directors. All meetings of the Board shall be open to full membership except for meetings between the Board and its attorney with respect to proposed or pending litigation where the contents of the discussion would otherwise be governed by the attorney-client privilege. Notices of all Board meetings shall 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.

Section 4. Quorum. A quorum for a meeting of the Board of Directors shall be constituted by a majority of the Board of Directors.

Section 5. Removal. Any Director may be removed from the Board, with or without cause, by 10% of the membership eligible to elect the Board member. In the event of death, resignation or removal of a director, his successor shall be selected by the remaining members of the Board and shall serve for the un-expired term of his predecessor. Any Director who misses three (3) consecutive Board meetings shall forfeit his/her seat, and the successor shall be selected as if he/she had resigned.

Section 6. Compensation. No director shall receive compensation for any service he may render to the Association. However, any Director may be reimbursed for his actual expenses incurred in the performance of his duties.

Section 7. 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 Directors. Any action so approved shall have the same effect as though taken at a meeting of the Directors.

**ARTICLE VII – OFFICERS**

Section 1. Enumeration of Officers. The officers of this Association shall be a President, a Vice President, a Secretary, and a Treasurer. No person shall hold more than one (1) elected office at a time.

Section 2. Nomination. Prior to the annual meeting, the President may form a temporary nominating committee to submit nominations of officers. Nomination for the election to the Board of Directors may also be made from the floor of the meeting at which elections are being held.

Section 3. Election. Officers shall be elected by a majority vote of the voting members who are present or have voted by signed proxy.

Section 4. Term. The Secretary and Treasurer shall hold office for a one (1) year period commencing on January 1 following the election. The Past President shall serve a one (1) year period as a member of the Board of Directors commencing on January 1 following the election.

Section 5. Resignation and Removal. Any officer may be removed from office with or without cause by the Board. Any officer may resign at any time by giving written notice to the Board, the President, or the Secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified there, the acceptance of such resignation shall not be necessary to make it effective.

**ARTICLE VIII – DUTIES OF OFFICERS**

Section 1. President. The President shall preside at all meetings of the Association and the Board of Directors; shall appoint all new committee members with the approval of the other officers; shall serve as a member of the Association's Financial Audit Committee; shall submit an annual written report to the general membership at the annual meeting which details the activities of the HOMEOWNERS' ASSOCIATION OF RESTON for the previous year; and shall act in compliance with the votes of the Board of Directors and of the Association. The President or designee shall represent RESTON to the community as part of protecting the RESTON residential area and in presenting the views, concerns and interests of the residents to the greater society.

Section 2. Vice President. The Vice President shall act in the place and stead of the President in the event of his absence and may otherwise assist the President in duties as directed by the President. The Vice President shall serve as a member of the Association's Financial Audit Committee.

Section 3. Secretary. The Secretary shall keep the general and voting membership lists as provided by the Treasurer and full and accurate records of all general and Board of Directors meetings; shall be responsible for any correspondence of the Association as directed by the President; shall maintain all correspondence received by the Association and copies of all letters sent out; and shall read the recommendations of the Board of Directors to the Association at the general meetings. If the Association produces a periodical newsletter, this shall be the responsibility of the Secretary or the Secretary's designee.

Section 4. Treasurer. The Treasurer shall collect all dues and other assessments as approved by the Association, deposit all funds collected, and pay all bills approved by the Association; shall keep an accurate and itemized record of all

receipts and expenditures and shall present a written report at all general and Board of Directors meetings; shall present an oral report with a written copy for the records of the Association to the general membership at the annual meeting; shall prepare an annual financial report within sixty (60) days after the close of the fiscal year; shall provide each member of the Association with a copy of the annual financial report or a written notice that a copy of the financial report is available upon request at no charge to the member; shall keep the general and voting membership lists and shall provide a copy to the Secretary; shall prepare an annual budget and present it to the Board of Directors for approval before it is presented to the membership of the Association at the annual meeting; and shall serve as a member of the Association's Financial Audit Committee.

#### **ARTICLE IX – COMMITTEES**

Section 1. Standing Committees. There shall be two (2) standing committees.

(a) Financial Audit Committee ("FAC"). The purpose of the Financial Audit Committee is to function as an oversight committee, meeting a minimum of one time per annum, and more often as necessary to insure the financial management practices by the Board of Directors of THE HOMEOWNERS' ASSOCIATION OF RESTON follow standard business practices and accounting principles. The FAC shall be comprised of the President, Vice President, Treasurer, a non-authorized check signer, and an alternate non-authorized check signer in case of absence by the regular member.

(b) Architectural Review Committee ("ARC"). The purpose of the Architectural Review Committee is to function under the direction of the Board of Directors in oversight of planned construction in the RESTON community and general

compliance of the Declaration of Restrictions by the members of the Association. The ARC shall review any and all building plans in RESTON in conjunction with the specific survey plat applicable to the proposed construction plans. All findings following ARC review will be presented to the Board of Directors for final decision. Response from the ARC to the homeowner/homebuilder shall be forthcoming within thirty (30) days after plans are submitted and received by the ARC. Approval shall not be unreasonably withheld. The ARC shall be comprised of representatives of the Association.

Section 2. Optional Committees. Optional committees may be activated upon request from the Board of Directors and increased interest from the homeowners of the RESTON community. Each optional committee shall be comprised of a chairperson and a minimum of two (2) members. The committee members shall appoint the chairperson of the committee. Changes in committee structure shall be on a volunteer basis as members indicate an interest to serve. Once per year, at the annual meeting, a list of committees shall be available for the members to join based on their interests.

Section 3. Committee Membership. Officers may serve on committees and individuals may be members of more than one committee. All committees and committee chairpersons shall act in compliance with the votes of the Board of Directors and of the Association. A person may not serve on the same committee for more than three consecutive years, but at the end of three years may immediately serve on another committee, or may serve on the original committee again after one year.

#### **ARTICLE X – DISBURSEMENT OF FUNDS**

Section 1. Petty Cash. There shall be a petty cash fund, consisting of an initial balance of one hundred (\$100) dollars, as stipulated by the Board, to be held by

the Treasurer, which shall be used for all incidental expenses, as approved by the President and supported with appropriate receipts and/or journal entries.

Section 2. Reimbursement. All expenditures of three hundred (\$300) dollars or less, including reimbursements of the petty cash fund, shall be approved by the Board of Directors. The President may approve replacement of the petty cash fund, consisting of a balance of twenty-five (\$25) dollars and the Board of Directors is to give explicit directions at the beginning of each year for payment of routine bills such as electric, newsletter, etc. All expenditures in excess of three hundred (\$300) dollars must be recommended by the Board of Directors, unless otherwise provided for in the annual budget approved by the Board of Directors. Notification of the intent to vote on such expenditures not in the annual budget must be given to the membership in writing at least seven (7) days prior to the general meeting, allowing members time to vote by signed proxy. The vote on such expenditures shall be approved by a majority of voting members present, along with all proxy votes received.

Section 3. Checks. All checks drawn on the Association shall be signed by a minimum of two (2) of the elected officers of the Association, one of which must be that of the Treasurer. Elected officers authorized to act as the additional signature are the President, Vice President, and Secretary. No officer shall sign a blank check. The Treasurer's signature shall be first and the second signature shall be applied after the check is completely filled out and the supporting documentation is available to be reviewed prior to negotiation of the check.

### ARTICLE XI – PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Association in all cases to which they are applicable to the

extent they are not inconsistent with these Bylaws or any special rules of order the Association may adopt.

**ARTICLE XII - AMENDMENT OF BYLAWS**

These Bylaws may be amended from time to time at a regular or special meeting of the Board by an eighty (80%) percent vote of all Directors.

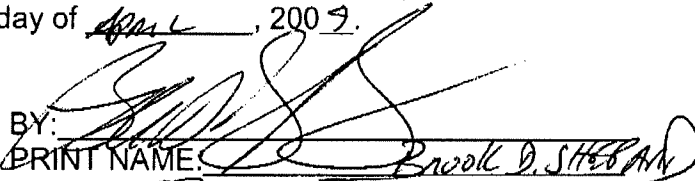
**CERTIFICATION**

I, Brook D. STEPHAN, do hereby certify that:

I am the duly elected and acting President of THE HOMEOWNERS' ASSOCIATION OF RESTON, INC., a Florida corporation not-for-profit, and,

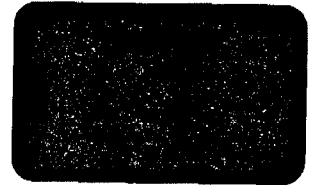
The foregoing Bylaws constitute the amended and restated Bylaws of the Association, as duly adopted at a meeting of the Board of Directors thereof held on the 14<sup>th</sup> day of MARCH, 2009.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Association this 2<sup>nd</sup> day of April, 2009.

BY:   
PRINT NAME: Brook D. STEPHAN  
ITS: President

(CORPORATE SEAL)





ARTICLES OF INCORPORATION  
OF  
HOMEOWNERS' ASSOCIATION OF RESTON, INC.

In compliance with the requirements of Chapter 617, Florida Statutes, the undersigned, being a resident of the State of Florida and of full age, hereby forms a corporation not for profit in accordance with the laws of the State of Florida, and certify as follows:

**ARTICLE I - NAME**

The name of this corporation is HOMEOWNERS' ASSOCIATION OF RESTON, INC., (the "Association").

**ARTICLE II - PRINCIPAL OFFICE**

The initial principal office of this Association shall be located at 1589 Timber Run, Havana, Florida 32333, which office may be changed from time to time by action of the Board of Directors. The mailing address for the Association is 31 Timber Run, Havana, Florida 32333.

**ARTICLE III - REGISTERED OFFICE AND AGENT**

The name and street address of the initial registered agent and office of the Association shall be Harry J. Raymond at 1589 Timber Run, Havana, Florida 32333.

**ARTICLE IV - PURPOSE AND POWERS OF THE ASSOCIATION**

This Association does not contemplate pecuniary gain or profit to its members. The specific purposes for which it is formed are to promote the health, safety, and general welfare of the members of the Association in the use of that certain real property known as RESTON (the "Properties") and any additions thereto as may hereafter be brought within the jurisdiction of the Association. The purposes of this Association shall include, without limitation of the maintenance of its properties, and carrying out, enforcing and otherwise fulfilling its rights and responsibilities under and pursuant to the Declaration of Restrictions for Reston (the "Declaration"). For the foregoing purposes, this Association is empowered to:

(1) exercise all of the powers and privileges, and to perform all of the duties and obligations of the Association as set forth in the Declaration as the same may be amended from time to time as therein provided; and

(2) have and exercise any and all powers, rights, and privileges which a corporation organized under Chapter 617 or Chapter 720, Florida Statutes by law may now or hereafter have or exercise.

**ARTICLE V- MEMBERSHIP AND VOTING RIGHTS**

A. This Association shall be a membership corporation, without certificates of shares of stock.

B. Qualification for, and admission to, membership in the Association shall be regulated by the Bylaws of the Association.

**ARTICLE VI - BOARD OF DIRECTORS**

The affairs of this Association shall be managed by a Board of Directors, which shall consist of not fewer than five Directors. Directors shall be selected by members of the Association. The names and addresses of the persons, who are to act in the capacity of directors until their successors are elected and qualified, unless they sooner shall die, resign or be removed, are:

Brook Shepard, Chairman  
1623 Timber Run  
Havana, FL 32333

John Rushing  
1496 Timber Run  
Havana, FL 32333

Susie Shopmyer  
1507 Timber Run  
Havana, FL 32333

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ARTICLE VII - OFFICERS**

The Association shall be administered by such officers as may be designated in the Bylaws, and shall be elected at the time and in the manner prescribed in the Bylaws.

**ARTICLE VIII - DISSOLUTION**

The Association will exist in perpetuity. However, this Association may be dissolved in accordance with the laws of the State of Florida.

**ARTICLE IX - BYLAWS**

The Bylaws of this Association shall be initially adopted by the Board of Directors. Thereafter, the Bylaws may be amended, altered or rescinded in the manner provided by the Bylaws.

**ARTICLE XII - AMENDMENT OF ARTICLES**

These Articles of Incorporation may be amended, from time to time, with the approval of two-thirds of the votes present (in person or by proxy) at a duly called meeting of the members in which there is a quorum.

**ARTICLE XIII - INDEMNIFICATION**

Every director and every officer of the Association shall be indemnified by the Association to the fullest extent of the law against all expenses and liabilities, including counsel fees, reasonably incurred by or imposed on him in connection with any proceeding or settlement of any proceeding to which he may be a party or in which he may become involved by reason of his being or having been a director or officer of the Association, whether or not he is a director or officer at the time such expenses are incurred. The foregoing right of indemnification shall be in addition to and not exclusive of all other rights to which such director or officer may be entitled.

**ARTICLE XIV - INTERPRETATION**

Express reference is hereby made to the terms, provisions, definitions, and rules of interpretation contained in the Declarations where necessary to interpret, construe, and clarify the provisions of these Articles. In subscribing and filing these Articles, it is the intent of the undersigned that the provisions hereof be consistent with the provisions of the Declaration and, to the extent not prohibited by law, that the provisions of these Articles and of the Declarations be interpreted, construed, and applied so as to avoid inconsistencies or conflicting results.

IN WITNESS WHEREOF, the subscribing incorporators have hereunto set their hands and seals and caused these Articles of Incorporation to be executed this 2<sup>nd</sup> day of April, 2009.

INCORPORATOR:

NAME: *Brook S. Shepard* President  
ADDRESS: 1623 Timber Run  
HAWANA, FL 32333

STATE OF FLORIDA  
COUNTY OF Gadsden

BEFORE ME, a Notary Public authorized to take acknowledgments in the State and Gadsden County set forth above, personally appeared Brook Shepard known to be and known by me to be the person who executed the foregoing Articles of Incorporation, and she acknowledged before me that he/she executed these Articles of Incorporation.

IN WITNESS WHEREOF, I have set my hand and seal in the State and County above, this 2 day of April, 2009.

Elizabeth St. Clair  
NOTARY PUBLIC, State and County aforesaid

My commission expires: 09-02-2012

