

ARTICLES OF MERGER

**CROSS CREEK HOMEOWNERS ASSOCIATION OF DELAND, PHASE TWO, INC.
CROSS CREEK HOMEOWNERS ASSOCIATION OF DELAND, PHASE III, INC.**

The following Articles of Merger are submitted in accordance with the Florida Not For Profit Corporation Act, pursuant to section 617.1105, Florida Statutes.

1. The Plan of Merger of Cross Creek Homeowners Association of Deland, Phase Two, Inc. and Cross Creek Homeowners Association of Deland, Phase III, Inc. both Florida corporations not-for-profit, has been duly approved, as follows:
 - (a) By majority approval of the Board of Directors of Cross Creek Homeowners Association of Deland, Phase Two, Inc. at a meeting held _____, and by the membership of that Association at a membership meeting held _____.
 - (b) By majority approval of the Board of Directors of Cross Creek Homeowners Association of Deland, Phase III, Inc. at a meeting held _____ and by the membership of that Association at a membership meeting held _____.
2. The surviving corporation shall be Cross Creek Homeowners Association of Deland, Phase Two, Inc. a Florida not-for-profit corporation, Document No. N9400004937.
3. The merging corporation shall be Cross Creek Homeowners Association of Deland, Phase III, Inc., a Florida not-for-profit corporation, Document Number N01000002953.
4. As to the surviving corporation, the Plan of Merger was adopted by a vote of _____ members in favor and _____ member opposed at a meeting of the surviving corporation held on _____, which is a sufficient vote to approve the Plan of Merger.
5. As to the merging corporation, the Plan of Merger was adopted by a vote of _____ members in favor and _____ member opposed at a meeting of the merging corporation held on _____ which is a sufficient vote to approve the Plan of Merger.
6. The Plan of Merger adopted by the corporations is attached herewith to these Articles of Merger.
7. The Articles of Incorporation of the surviving corporation shall be the Articles of Incorporation of the surviving corporation, as filed with the Secretary of State on October 7, 1994 which were amended on November 6, 1996, and as shall be further amended as indicated below.

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Additions indicated by **bolding** and underlining.
Deletions indicated by ~~striking through~~.

1. Article II of the Articles of Incorporation shall be amended as follows:

ARTICLE II: This Association does not contemplate pecuniary gain or profit to the members thereof, and the specific purpose for which it is formed is to provide, within those certain tracts of real property described as: CROSS CREEK **OF DELAND, PHASE I**, a subdivision as recorded in Plat Book 43, Page 114, Public Records of Volusia County, Florida; ~~and~~ CROSS CREEK DELAND, Phase II, a subdivision as recorded in Plat Book 44, Page 176, Public Records of Volusia County, Florida; **; and CROSS CREEK DELAND, Phase III, as recorded in Plat Book 47, Page 86, Public Records of Volusia County, Florida,** together with any additions or annexations thereto as may hereafter be brought within the jurisdiction of this Association, for the promotion of the health, safety and welfare of the owners and residents within the described real properties, and to otherwise exercise all of the powers and privileges allowed and legal under the laws of the State of Florida and to perform all of the duties and obligations of the Association as set forth in that certain Declaration of Covenants and Restrictions, by the Developer dated October 2, 1990, and recorded October 9, 1990, in Official Records Book 3534, Page 1206, Public Records of Volusia County, Florida, ~~and~~ in that Declaration of Covenants and Restrictions dated November 23, 1994, and recorded December 2, 1994, in Official Records Book 3967, Page 3824, Public records of Volusia County, Florida, **in that Declaration of Covenants, Conditions, and Restrictions of Cross Creek Deland, Phase III, A Subdivision, recorded at Official Records Book 4475, Page 2044 of the Public Records of Volusia County, Florida,** and such other Declaration or Declarations of Covenants, Conditions and Restrictions as may hereafter be recorded and which provide for operation and management by this Association, **including all amendments to all of the above referenced Declarations,** and to fix, levy, collect and enforce payment by any lawful means, all charges or assessments pursuant to the terms of the aforesaid Declarations and directed to be assessed by the Association hereunder, and to pay all expenses incident to the conduct of the business of the Association, including all licenses, taxes or governmental charges and maintenance and upkeep of the Association's properties.

2. The first paragraph of Article VIII of the Articles shall be amended as follows:

ARTICLE VIII: The members of the Association shall consist of all of the record owners of all lots in CROSS CREEK OF DELAND, PHASE I, a subdivision, as recorded in Plat Book 43, Page 114, Public Records of Volusia County, Florida, ~~and in~~ CROSS CREEK DELAND, PHASE ~~II~~, a subdivision, as recorded in Plat Book 44, Page 176, Public Records of Volusia County, Florida, **CROSS CREEK DELAND, PHASE III,** and such other subdivisions as may be added by Developer or its successors and assigns.

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8. The merger shall become effective on the date of the Articles of Merger are filed with the Florida Department of State, as provided in the Plan of Merger.

CROSS CREEK HOMEOWNERS ASSOCIATION OF DELAND, PHASE TWO, INC.

BY: _____
Lee Somers, President

Date: _____

CROSS CREEK HOMEOWNERS ASSOCIATION OF DELAND, PHASE III, INC.

BY: _____
Cosmo Leboffe, President

Date: _____