

**PROPOSED AMENDMENTS TO
ARTICLES OF INCORPORATION OF CROSS CREEK HOMEOWNERS
ASSOCIATION OF DELAND, PHASE TWO, INC.
AND
BYLAWS OF CROSS CREEK HOMEOWNERS ASSOCIATION OF DELAND, PHASE
TWO, INC.**

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 of Incorporation 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.

3. Article I, Section 3 of the Bylaws shall be amended as follows:

Section 3, As used in these Bylaws, the word "corporation" shall be the equivalent of "association" and all other words and terms used herein shall have the same definitions attributed to them in the Declaration of Covenants, Conditions and Restrictions of Cross Creek DeLand, Phase II, as recorded in Official Records Book 3967, Page 3824, Public Records of Volusia County, **Declaration of Covenants, Conditions and Restrictions of Cross Creek, a Subdivision, in Official Records Book 3534, Page 1206, Public Records of Volusia County, Florida, and the 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, all as amended from time to time** (hereafter **collectively referred to as "Declaration"**). **In the event of a conflict in the definitions in the Declaration, the definition in the Declaration of Covenants, Conditions, and Restrictions of Cross Creek Deland, Phase II shall control.**

4. Article IV, Section 1 of the Bylaws shall be amended as follows:

Section 1. **Number, Term and Qualifications**: Unless otherwise reduced by a vote of the membership, the affairs of the Association shall be governed by a Board of Directors composed of five (5) persons. All Directors, except those designated by the Declarant, shall be members of the Association. The terms of the Directors' service shall be staggered. The first Board of Directors elected after turnover of control from the Declarant shall consist of five (5) Directors, who shall serve terms as follows: Two Directors shall serve for three (3) year terms each, two Directors shall serve for two (2) year terms each, and one Director shall serve for a one (1) year term. The two candidates receiving the most votes will be elected to the three-year terms; the candidates receiving the third and fourth highest number of votes shall be elected to the two-year terms; and the fifth director shall be elected to the one-year term. No Lot Owner shall be restricted from serving as a Director. **Upon the merger of Cross Creek Homeowners Association of Deland, Phase III, Inc. ("Phase III Association") into Cross Creek Homeowners Association of Deland, Phase Two, Inc. ("Phase Two Association"), two (2) directors of the current Phase Two Association shall resign and two (2) directors of the former Phase III Association shall be appointed to fill the vacancies, who shall hold office for the balance of the unexpired term of the positions vacated.**