

This instrument prepared by and)
 should be returned to:)
)
 Robyn M. Severs, Esq.)
 Becker)
 111 N. Orange Ave., Ste 1400)
 Orlando, Florida 32801)
)
 Cross Reference to Official Records)
 Book 4155, Page 2170;)
 Public Records of Volusia)
 County, Florida.)
 _____)

**CERTIFICATE OF FIRST AMENDMENT TO BYLAWS OF CROSS CREEK
 HOMEOWNERS ASSOCIATION OF DELAND, PHASE TWO, INC.**

THIS IS TO CERTIFY that the following language amending Article I, Section 3, and Article IV, Section 1 of the Bylaws of Cross Creek Homeowners Association of Deland, Phase Two, Inc. ("Bylaws"), which were originally recorded in Official Records Book 4155, Page 2170 of the Public Records of Volusia County, Florida, constitutes the First Amendment to the Bylaws. Pursuant to the requirements in Section 720.306(1)(b), Florida Statutes, this First Amendment was adopted by the affirmative vote of two-thirds of the voting interests of the Association on February 9, 2023.

1. 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.**

2. 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

Additions to text are indicated by **bold underline**; deletions by ~~strikeout~~.

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. In the event the Phase Two Association only has three (3) Directors at the time of the merger, the initial Board of the surviving corporation shall consist of the three (3) Directors from the Phase Two Association who shall then appoint two (2) of the Directors from the Phase III Association, who shall hold office for the balance of the unexpired term of the vacant positions on the Phase Two Association's Board.

Executed on this 18th day of MARCH, 2023.

Signed, sealed and delivered in the presence of:

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

ADOLPH BATTISTA JR

Printed Name:

By: Edward Lee Somers

Printed Name: Edward Lee Somers

Kenneth E. Bradley

Printed Name:

Title: President

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 18 day of March, 2023, by Edward Lee Somers as President of Cross Creek Homeowners Association of Deland, Phase Two, Inc. [] who is personally known to me or [] has produced _____ as identification.

(NOTARY SEAL)

Joyce Tolton - Bradley
NOTARY PUBLIC - STATE OF FLORIDA
Print Name: Joyce Tolton - Bradley
Commission No.: _____
Commission Expires: _____



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