

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 3534, Page 1206; Book 3967, Page )  
 3824; Book 4475, Page 2044; Book 4594, )  
 Page 1139; Book 4890, Page 3791; Book 4234, )  
 Page 1977; Book 4300, Page 4652; Book 4533, )  
 Page 4930; Book 4533, Page 4933; Book 8247, )  
 Page 507, Public Records of Volusia )  
 County, Florida. )  
 \_\_\_\_\_ )

**CERTIFICATE OF RECORDING / NOTICE OF MERGER**

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

WHEREAS, Cross Creek Homeowners Association of Deland, Phase Two, Inc. a Florida Corporation not for profit (“Phase Two”), is the corporate entity responsible for the operation and management of Cross Creek DeLand, Phase 2, a Subdivision, as per plat in Plat Book 44, Page 176, Public Records of Volusia County, Florida, as more particularly described in the Declaration of Covenants, Conditions and Restrictions of Cross Creek Deland, Phase II, A Subdivision, recorded at O.R. Book 3967, Page 3824 of the Public Records of Volusia County, Florida, as same has been amended from time to time; and of Cross Creek of Deland, Phase I, as per plat in Plat Book 43, Page 114, Public Records of Volusia County, Florida, as more particularly described in Declaration of Covenants, Conditions and Restrictions of Cross Creek, a Subdivision, in Official Records Book 3534, Page 1206, Public Records of Volusia County, Florida, as amended from time to time; and

WHEREAS, Cross Creek Homeowners Association of Deland, Phase III, Inc. a Florida Corporation not for profit (“Phase III”), is the corporate entity responsible for the operation and management of Cross Creek DeLand, Phase III, as per plat in Plat Book 47, Page 86, Public Records of Volusia County, Florida, as more particularly described in 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, as same has been amended from time to time; and

WHEREAS, the members of Phase Two voted to merge the two corporations into a single corporate entity by vote taken at a meeting held on February 9, 2023; and

WHEREAS, the members of Phase III voted to merge the two corporations into a single corporate entity by vote taken February 16, 2023; and

WHEREAS, said Plan of Merger has been finalized by the filing of Articles of Merger with the Secretary of State, Division of Corporations, which were accepted for filing on April 20, 2023.

NOW THEREFORE, record notice is placed as follows:

1. The above recitations are true and correct.
2. Cross Creek Homeowners Association of Deland, Phase III, Inc. a Florida Corporation not for profit, the merging corporation, has merged into Cross Creek Homeowners Association of Deland, Phase Two, Inc. a Florida Corporation not for profit.
3. Cross Creek Homeowners Association of Deland, Phase Two, Inc. shall assume all rights, title, and interests to all assets and liabilities of Cross Creek Homeowners Association of Deland, Phase III, Inc.
4. The merger shall take effect upon filing of Articles of Merger with the Department of State, pursuant to the Articles of Merger and Plan of Merger attached hereto.

Executed on this 18<sup>th</sup> day of MARCH, 2023.

Signed, sealed and delivered in the presence of:

Printed Name:

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

Printed Name:

By: Edward Lee Somers  
Printed Name: Edward Lee Somers  
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 Fulton-Bradley  
NOTARY PUBLIC - STATE OF FLORIDA  
Print Name: Joyce Fulton-Bradley  
Commission No.: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_





FLORIDA DEPARTMENT OF STATE  
Division of Corporations

April 21, 2023

FLORIDA CAPITAL COURIER SERVICES, INC.

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Re: Document Number N94000004937

The Articles of Merger were filed April 20, 2023, for CROSS CREEK HOMEOWNERS ASSOCIATION OF DELAND, PHASE TWO, INC., the surviving Florida entity.

Should you have any further questions concerning this matter, please feel free to call (850) 245-6050, the AMENDMENT SECTION.

Tammi Cline  
Regulatory Specialist II Supervisor  
Division of Corporations

Letter Number: 923A00009028

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 12/08/2022 and by the membership of that Association at a membership meeting held 2/09/2023.
  - (b) By majority approval of the Board of Directors of Cross Creek Homeowners Association of Deland, Phase III, Inc. at a meeting held 12/13/2022 and by the membership of that Association at a membership meeting held 2/16/2023.
2. The surviving corporation shall be Cross Creek Homeowners Association of Deland, Phase Two, Inc. a Florida not-for-profit corporation, Document No. N94000004937.
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 68 members in favor and 3 member opposed at a meeting of the surviving corporation held on 2/09/2023, 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 37 members in favor and 12 member opposed at a meeting of the merging corporation held on 2/16/2023 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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2023 / 20 : 4:24

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.

\* \* \* \* \*

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  
Lee Somers, President

Date: 02/17/23

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

BY: Jack Kuhatschek  
Jack Kuhatschek, President

Date: 2/16/2023

## PLAN OF MERGER

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

WHEREAS, Cross Creek Homeowners Association of Deland, Phase Two, Inc. a Florida Corporation not for profit ("Phase Two"), is the corporate entity responsible for the operation and management of Cross Creek DeLand, Phase 2, a Subdivision, as per plat in Plat Book 44, Page 176, Public Records of Volusia County, Florida, as more particularly described in the Declaration of Covenants, Conditions and Restrictions of Cross Creek Deland, Phase II, A Subdivision, recorded at O.R. Book 3967, Page 3824 of the Public Records of Volusia County, Florida, as same has been amended from time to time; and of Cross Creek of Deland, Phase I, as per plat in Plat Book 43, Page 114, Public Records of Volusia County, Florida, as more particularly described in Declaration of Covenants, Conditions and Restrictions of Cross Creek, a Subdivision, in Official Records Book 3534, Page 1206, Public Records of Volusia County, Florida, as amended from time to time; and

WHEREAS, Cross Creek Homeowners Association of Deland, Phase III, Inc. a Florida Corporation not for profit ("Phase III"), is the corporate entity responsible for the operation and management of Cross Creek DeLand, Phase III, as per plat in Plat Book 47, Page 86, Public Records of Volusia County, Florida, as more particularly described in 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, as same has been amended from time to time; and

WHEREAS, the Boards of Directors of the above-named corporations have met and determined that simplicity and economy of operation of the Associations will be enhanced by the merger of the aforementioned corporations into a single operating entity.

THEREFORE, BE IT RESOLVED that pursuant to Section 617.1101 to 617.1103, Florida Statutes, the following plan of merger is hereby adopted.

1. Phase III shall be the merging corporation, and Phase Two shall be the surviving corporation.
2. Subsequent to the merger, Phase III. will be subject to the Articles of Incorporation and Bylaws of Phase Two as amended. The proposed amendments to the Articles of Incorporation and Bylaws to be adopted in connection with the merger are attached hereto.
3. Phase Two shall, upon the merger, assume all the powers, rights, causes of action, choses in action, duties, assets and liabilities of Phase III. Upon the effective date of the merger, the surviving corporation shall continue in existence and without further transfer succeed to and possess all the rights, privileges and purposes of the merging corporation and all of the property, real and personal, including causes of action, and every other asset of the merging corporation shall vest in the surviving corporation without further act or deed, and the surviving corporation without further act or deed, and the surviving corporation shall be liable for all the liabilities, obligations, and penalties of the merging corporation. No liability or obligation due or to become due, claim or demand for any cause existing against either corporation, or any member, officer, director, or employee thereof, shall be released or impaired by such merger. No action or proceeding, whether civil or criminal, then

pending by or against either corporation, or any member, officer, director, or employee thereof shall abate or be discontinued by such merger but may be enforced, prosecuted, defended, settled or compromised as if such merger had not occurred, or the surviving corporation may be substituted in any action or proceeding in place of the merging corporation.

If at any time the surviving corporation shall consider or be advised that any further assignments, conveyances or assurances in law are necessary or desirable to best perfect or confirm of record in the surviving corporation the title of any property or rights of the merging corporation or otherwise to carry out the provisions thereof, the proper officers and directors of the merging corporation, as of the effective date of the merger, shall execute and deliver any and all proper deeds, assignments and assurances in law and do all things necessary or proper to best perfect or confirm title to such property or rights in the surviving corporation and otherwise to carry out the provisions thereof.

- 4. This Plan of Merger shall become effective upon the approval of the Boards of Directors and membership of each merging corporation, pursuant to Section 617.1103, Florida Statutes, the adoption of the amendments to the Articles of Incorporation for Cross Creek Homeowners Association of Deland, Phase Two, Inc. and Bylaws of Cross Creek Homeowners Association of Deland, Phase Two, Inc. attached hereto as required, and the filing of Articles of Merger with the Department of State pursuant to Section 617.1105, Florida Statutes (the "Effective Date").

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

BY: Lee Somers  
Lee Somers, President

Date: 02/17/23

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

BY: Jack Kuhatschek  
Jack Kuhatschek, President

Date: 2/16/2023