

EXHIBIT "4"

BY-LAWS
OF
FOUNTAINS SOUTH ATRIUM HOMES ASSOCIATION, INC.

35134 P0176

* See attached Amendments

FOUNTAINS SOUTH ATRIUM HOMES ASSOCIATION, INC.

A Corporation not for profit
under the laws of the State of Florida

BY-LAWS

1. GENERAL PROVISIONS.

- 1.1 Identity. These are the By-Laws of that certain association, a Florida corporation not for profit (the "Homeowners Association"), whose name appears in the title of this Document.
- 1.2 Purpose. The Homeowners Association has been organized for the purpose of administering the affairs of the FOUNTAINS SOUTH ATRIUM HOMES AREA which has been established pursuant to the FOUNTAINS SOUTH ATRIUM HOMES DECLARATION OF COVENANTS AND RESTRICTIONS (the "Declarant") to which these By-Laws are attached as an Exhibit. The provisions of these By-Laws are applicable to said FOUNTAINS SOUTH ATRIUM HOMES AREA and are expressly subject to the terms, provisions and conditions contained in the Articles of Incorporation of said Homeowners Association ("Articles") and the Declaration.
- 1.3 Definitions. All of the terms used in these By-Laws shall have the same definitions and meanings as set forth in the MASTER DECLARATION OF COVENANTS AND RESTRICTIONS FOR FOUNTAINS SOUTH when applicable, supplemented by the provisions of the FOUNTAINS SOUTH ATRIUM HOMES DECLARATION OF COVENANTS AND RESTRICTIONS.
- 1.4 Office. The office of the Association shall be as stated in the Articles or at such other place as may be designated by the Board of Directors of the Homeowners Association.
- 1.5 Seal. The Seal of the Homeowners Association shall bear the name of the Homeowners Association, the word "Florida," the words "Corporation not for Profit," and the year of incorporation.
- 1.6 Fiscal Year. The fiscal year of the Homeowners Association shall be the calendar year.
- 1.7 Subject to. All members of the Homeowners Association and their guests, tenants, invitees, including, without limitation, all present or future owners and tenants of Fountains South Atrium Homes Units ("Units") and other persons using the Atrium Homes Property or any of the facilities thereof in any manner, are subject to these By-Laws, the Articles, and the Declaration as well as to the MASTER DECLARATION OF COVENANTS AND RESTRICTIONS FOR FOUNTAINS SOUTH (the "Master Declaration") and all exhibits thereto.

2. MEMBERSHIP. The qualifications of members, the manner of their admission to membership, termination of such membership, and provisions for voting by members shall be as set forth in the Declaration, Articles, and these By-Laws. The Homeowners Association shall maintain a roster of the names and mailing addresses of all Unit Owners from evidence of ownership furnished to the Homeowners Association as required by the Articles and the Declaration.

3. MEETINGS.

- 3.1 Annual Meeting. The annual meeting of the members shall be held at least once in each calendar year at the office of the Homeowners Association at the time designated on the notice

thereof for the purpose of electing Directors and for transacting any other business authorized to be transacted by the members.

3.2 Special Meetings. Special meetings of the members shall be held when called by the President or Vice President or by a majority of the Board of Directors. Special meetings must be called by such Officers upon receipt of a written request from members of the Homeowners Association having a majority of the votes in the Homeowners Association.

3.3 Notice of Meetings; Waiver. Notice of all members' meetings, annual or special, shall be given by the President, Vice President, or Secretary of the Homeowners Association, to each member. Such notice will be written and must state the time, place, and purpose for which the meeting is called.

3.3.1 Notice of a special meeting must be given or mailed to each member and posted at a conspicuous place on the Atrium Homes Property prior to the date and time set for such meeting. The copy to be given to the members shall be hand delivered or mailed to the address of the member as it appears on the roster of members.

3.3.2 Notice of annual meetings shall be given or mailed to each Unit Owner and shall be posted in a conspicuous place on the Atrium Homes Property at least fourteen (14) days prior to the annual meeting.

3.3.3 Proof of delivery or mailing may be given by the Affidavit of the person giving the notice.

3.3.4 Notice of a meeting may be waived by any Unit Owner, before or after the meeting, in writing.

3.3.5 Notice of any meeting where assessments against Unit Owners are to be considered for any reason shall contain a statement that assessments will be considered and the nature of any such assessments, and the notice will have attached to it a copy of the proposed assessment.

*See Assoc.
1st Annual
meeting, in
minutes
form, attached.*

3.4 Quorum. The presence of persons having more than ~~forty~~ ^{33-1/3} percent of the total votes of the Homeowners Association, either in person or by proxy, shall constitute a quorum at any meeting.

3.5 Adjourned Meetings. If a meeting of members cannot be held because a quorum is not present, the members who are present, either in person or by proxy, may adjourn the meeting from time to time until a quorum is present, provided, however, that notice of the adjourned meeting shall be given.

3.6 Chairman. At all meetings of the membership, the President shall preside. In the absence of the President, the Board of Directors shall select a Chairman.

3.7 Order of Business. The order of business at the annual members' meetings, ~~and as far as practical, at any other members' meetings, shall be:~~ *see attached amendment dated 9/13/1990*
may be changed at the discretion of the President

- a. Calling of roll and certifying of proxies.
- b. Proof of notice of meeting or waiver of notice.
- c. Reading and approval of the minutes.
- d. Reports of Officers.
- e. Reports of committees.
- f. Appointment by Chairman of inspectors of elections.
- g. Election of Directors.
- h. Unfinished business.
- i. New business.
- j. Adjournment.

Name:

Address:

SEP-13-1990 09:41am 90-263811

ORB 6579 Pg 492

Property Appraisers Parcel Identification (File) Number:

FOUNTAINS SOUTH ATRIUM HOMES ASSOCIATION, INC.

4615 So. Fountains Drive, Lake Worth, Florida 33467-5065
Tel: (407) 964-3600

CERTIFICATION

I, THE UNDERSIGNED, President of Fountains South Atrium Homes Association, Inc., 4615 South Fountains Drive, Lake Worth, Florida 33467-5065, hereby certifies that at a Special Meeting of the members of the Association, held at 3:30PM, April 18, 1988, at which at least 75 percent (75%) of the members of said Association was present, either in person or by proxy, the following Resolutions were duly adopted:

"BE IT RESOLVED that Paragraph 3.4 of the By-Laws of of Fountains South Atrium Homes Association, Inc., be changed to read as follows:

"Quorum. The presence of persons having more than 33-1/3% of the total votes of the Homeowners Association, either in person or by Proxy, shall constitute a quorum at any meeting."

"BE IT RESOLVED that Paragraph 3.7 of the By-Laws of Fountains South Atrium Homes Association, Inc., be changed to read as follows:

"The order of business at the annual members' meetings may be changed at the discretion of the President."

"BE IT RESOLVED that Paragraph 5.1 of the By-Laws of Fountains South Atrium Homes Association, Inc., be changed to read as follows:

"The number of members of succeeding Boards of Directors may be from five (5) to seven (7)."

"BE IT RESOLVED that Paragraph 5.13 of the By-Laws of Fountains South Atrium Homes Association, Inc., be changed to read as follows:

"The order of business at the Directors' meetings shall be changed at the discretion of the President."

"BE IT RESOLVED that Paragraph 10.1 of the By-Laws of Fountains South Atrium Homes Association, Inc., be changed to read as follows:

"Amendments to these By-Laws shall require the affirmative vote of two-thirds of those present in person or by Proxy of the Homeowners Association."

August 30, 1990
Date Signed

Franklin Sheppard
President
Fountains South Atrium
Homes Association, Inc.

THE ATRIUMS

CERTIFICATION (Page 2)

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

Before me personally appeared Franklin Sheppard.
to me well known and known to me to be the person described in and
who executed the foregoing instrument, and acknowledged to and
before me that he executed said instrument for the purposes
therein expressed.

WITNESS my hand and official seal, this 30th day of
August, A.D., 1990.

Merion M. Stewart (SEAL)
Notary Public
State Of Florida

My Commission Expires: _____

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. MAR. 7, 1993
BONDED THRU GENERAL INS. GNO.

RECORD VERIFIED
PALM BEACH COUNTY, FLA
JOHN B. DUNKLE
CLERK CIRCUIT COURT

4. VOTING.

4.1 All provisions concerning voting, voting rights, and classes of voting membership are set forth in the Articles.

4.1.1 The affirmative vote of a majority of the voting interests present (provided there is a quorum) shall be decisive of all issues unless otherwise provided by the Declaration, the Articles, or as provided elsewhere in these By-Laws.

4.2 Corporate or Multiple Ownership. If a Unit is owned by one person, his right to vote shall be established by the roster of members. If a Unit is owned by more than one person, the persons entitled to cast the vote for the Unit shall be designated by a certificate signed by all of the record Owners of the Unit, as indicated on the roster of Unit Owners, and filed with the Secretary of the Homeowners Association. If a Unit is owned by a corporation, the person entitled to cast the vote for the Unit shall be designated by a certificate signed by the President or Vice President and attested by the Secretary or Assistant Secretary of the corporation and filed with the Secretary of the Homeowners Association. Any such certificate shall be valid until revoked by subsequent certificate. If no certificate is filed, the vote of such Unit Owners shall not be considered in determining a quorum or for any other purpose.

4.3 Proxies. Votes may be cast in person or by proxy. A proxy may be made by any person entitled to vote and shall be valid only for the particular meeting designated in the proxy and any lawfully adjourned meetings thereof. Proxies must be filed with the Secretary before the meeting. In no event shall any proxy be valid for a period longer than ninety (90) days after the date of the first meeting for which it was given. Every proxy shall be revocable at any time at the pleasure of the person entitled to vote who executed it. Provided, however, that as to Class B members (so long as Class B memberships exist), any or all votes held as to Class B members may be cast by proxy, which proxy may be in generally accepted corporate form.

5. DIRECTORS.

5.1 Number and Qualifications. The Board of Directors shall be initially composed of three (3) persons until such time as the Developer has conveyed title to all Units to be constructed in the FOUNTAINS SOUTH ATRIUM HOMES AREA. The number of members of succeeding Boards of Directors may be from ~~three (3) to five~~ ^{7 to 9} the actual number to be determined by a majority vote of members present at a duly called meeting of the Homeowners Association where a quorum is present. The Directors shall be elected by the members of the Homeowners Association at the annual meetings of the membership as provided by the By-Laws. A majority of the members of all Boards of Directors (other than those appointed by the Developer) shall be members of the Homeowners Association or shall be authorized representatives, Officers, agents, or employees of a corporate member of the Homeowners Association. When Unit Owners other than the Developer have closed upon all of the Units that ultimately will be operated by the Homeowners Association, said Unit Owners other than the Developer, shall be entitled to elect the members of the Board of Directors. Notwithstanding the foregoing, the Developer shall be entitled at any time to waive in writing its rights hereunder, and thereafter to vote in elections for members of the Board of Directors in the same manner as any other member of the Homeowners Association. The Developer shall be under no obligation to manage or control the Homeowners Association or to appoint its representatives to the Board of Directors and may, at any time, relinquish any rights it has to do so and have its representatives on the Board resign.

*Assoc.
1st amend.
attached.
see dated 4/12/2000
see attached
certification
3/6/1995*

B5134 P0179

✓ Mail to:
✓ Fountains Condominium Operations, Inc.
✓ 4615 Fountains Drive
✓ Lake Worth, Florida 33467-5065

AMENDMENT
TO THE BY-LAWS
OF
FOUNTAINS SOUTH ATRIUM HOMES ASSOCIATION, INC.

As recorded in Official Record Book 5134, Page 0180
Public Records of Palm Beach County, Florida

As used herein (unless substantially reworded), the following shall apply:

- A. Words in the text which are lined through with hyphens indicate deletions from the present text.
- B. Words in the text which are underlined indicate additions to the present text.

- 1. SECTION 5. DIRECTORS. Item 5.4 The Term, as described below, is changed in its entirety from:

~~"Beginning with the election to be held for Directors for the year 1994, seven (7) Directors shall be elected for that year. The four (4) so elected receiving the highest number of votes shall be deemed elected for two (2) years; and the remaining three (3) shall be deemed elected for one (1) year. For years after 1994, Directors shall be elected for two (2) year terms."~~

To:

"There shall be nine (9) Directors who shall be elected for two (2) year terms. In addition to the five (5) Directors previously elected to serve for the years 1999 and 2000, four (4) additional Directors shall be elected to serve for the years 2000 and 2001, and the following year, five (5) shall be elected to serve for the years 2001 and 2002, and this sequence shall be maintained thereafter."

AMENDMENT
TO THE ARTICLES OF INCORPORATION
OF
FOUNTAINS SOUTH ATRIUM HOMES ASSOCIATION, INC.

As recorded in Official Record Book 5134, Page 0191
Public Records of Palm Beach County, Florida

As used herein (unless substantially reworded), the following shall apply:

- A. Words in the text which are lined through with hyphens indicate deletions from the present text.
- B. Words in the text which are underlined indicate additions to the present text.

- 1. ARTICLE 8. DIRECTORS, Paragraph 8.3 is amended as follows:

~~"The number of members of the Board shall initially be three (3), but may be increased after all of the units have been sold, as stated above, up to seven (7) nine (9), by vote of a majority of the members of the Homeowners Association, present or by Proxy."~~

Page 2

WE HEREBY CERTIFY that the above Amendments were approved by the affirmative vote of two-thirds of the membership of this Association present in person and by proxy at a Special Unit Owner Meeting, held on Monday, January 31, 2000, at 3:00PM in Fountains Hall.

FOUNTAINS SOUTH ATRIUM HOMES
ASSOCIATION, INC.

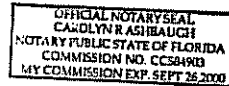
By: *Marvin Margolies*
Marvin Margolies, President, The Atriums
Attest: *Beverly Holtz*
Beverly Holtz, Secretary

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 28th day of March, 2000, by Marvin Margolies and Beverly Holtz, as President and Secretary, respectively, of FOUNTAINS SOUTH ATRIUM HOMES ASSOCIATION, INC., a Florida not-for-profit corporation. They are personally known to me and did not take an oath.

Carolyn R. Ashbaugh
Florida Notary

SEAL



THE ATRIUMS

CERTIFICATION (Page 2)

In addition, at the Annual Meeting of the Unit Owners of Fountains South Atrium Homes Association, Inc., held on December 29, 1994, the following amendment to the By-Laws was approved upon the affirmative vote casting two-thirds (2/3) of those present in person or by proxy of the general membership of the Association, Section 5.17 of the By-Laws is amended to read as follows:

SECTION 5.17 Miscellaneous Provisions

Amend by adding the following:

5.17.3 No Director, committee person or resident volunteer shall climb upon roofs or engage in any hazardous activity on behalf of the Association unless such person is a self-insured, professional person engaged in such activity. Neither the Association, nor the managing organization (F.C.O.), their Officers or employees, shall be responsible in the event of accidents by persons engaged in such activities.

March 1, 1995
Date

Bernard J. Manfred
Bernard Manfred, President
The Atriums

(continues on page 3)

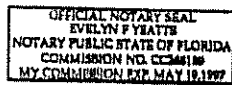
THE ATRIUMS

CERTIFICATION (Page 3)

ORB 8643 Pg 1484
DOROTHY H. WILKEN, CLERK PB COUNTY, FL

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

Before me, the undersigned authority, this 1st day of March, 1995, personally appeared Bernard Manford to me known to be the President of Fountains South Atrium Homes Association, Inc., (The Atriums) who being by me first duly cautioned and sworn upon oath, has acknowledged before me that he executed this instrument as such Certification, and that said instrument is the free act and deed of said Association.



Evelyn F. Yeatts
Notary public, State of Florida

Evelyn F. Yeatts
Print type for stamp name of Notary Public
Personally known ☒ OR Produced I.D. ☐
Type of I.D. produced:

Name

Address

SEP-13-1990 09:41am 90-263811

GRB 6579 Ps 492

Property Appraiser Parcel Identification (Folio) Number(s):

FOUNTAINS SOUTH ATRIUM HOMES ASSOCIATION, INC.

4615 So. Fountains Drive, Lake Worth, Florida 33467-5065
Tel: (407) 964-3600

CERTIFICATION

I, THE UNDERSIGNED, President of Fountains South Atrium Homes Association, Inc., 4615 South Fountains Drive, Lake Worth, Florida 33467-5065, hereby certifies that at a Special Meeting of the members of the Association, held at 3:30PM, April 18, 1988, at which at least 75 percent (75%) of the members of said Association was present, either in person or by proxy, the following Resolutions were duly adopted:

"BE IT RESOLVED that Paragraph 3.4 of the By-Laws of of Fountains South Atrium Homes Association, Inc., be changed to read as follows:

"QUORUM. The presence of persons having more than 33-1/3% of the total votes of the Homeowners Association, either in person or by Proxy, shall constitute a quorum at any meeting."

"BE IT RESOLVED that Paragraph 3.7 of the By-Laws of Fountains South Atrium Homes Association, Inc., be changed to read as follows:

"The order of business at the annual members' meetings may be changed at the discretion of the President."

"BE IT RESOLVED that Paragraph 5.1 of the By-Laws of Fountains South Atrium Homes Association, Inc., be changed to read as follows:

"The number of members of succeeding Boards of Directors may be from five (5) to seven (7).

"BE IT RESOLVED that Paragraph 5.13 of the By-Laws of Fountains South Atrium Homes Association, Inc., be changed to read as follows:

"The order of business at the Directors' meetings shall be changed at the discretion of the President."

"BE IT RESOLVED that Paragraph 10.1 of the By-Laws of Fountains South Atrium Homes Association, Inc., be changed to read as follows:

"Amendments to these By-Laws shall require the affirmative vote of two-thirds of those present in person or by Proxy of the Homeowners Association."

August 30, 1990
Date Signed

Franklin Sheppard
Franklin Sheppard
President
Fountains South Atrium
Homes Association, Inc.

THE ATRIUMS

CERTIFICATION (Page 2)

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

Before me personally appeared Franklin Sheppard,
to me well known and known to me to be the person described in and
who executed the foregoing instrument, and acknowledged to and
before me that he executed said instrument for the purposes
therein expressed.

WITNESS my hand and official seal, this 30th day of
August, A.D., 1990.

Merlin M. Stewart (SEAL)
Notary Public
State of Florida

My Commission Expires: _____

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. MAR. 7, 1993
BONDED THRU GENERAL INS. UND.

RECORD VERIFIED
PALM BEACH COUNTY, FLA
JOHN B. DUNKLE
CLERK CIRCUIT COURT

5.2 Initial Board of Directors. The initial Board of Directors shall consist of the persons named in the Articles. The initial Board shall serve until their successors are elected or appointed. The Developer shall have the absolute right at any time to remove any Director selected by it and replace such Director with any other individual.

5.3 Election of Directors. Election of Directors, other than the initial Board, shall be conducted in the following manner:

5.3.1 Election of Directors shall be held at the annual members' meeting.

5.3.2 A nominating committee of five (5) members shall be appointed by the Board of Directors not less than thirty (30) days prior to the annual members' meeting. The committee shall nominate one (1) person for each Director seat. Nominations for additional Directors may be made from the floor.

5.3.3 The election shall be by ballot (unless dispensed with by unanimous consent) and by a plurality of the votes cast, each person voting being entitled to cast his votes for each of as many nominees as there are vacancies to be filled.

5.3.4 Except as to vacancies provided by removal of Directors by members, vacancies in the Board of Directors occurring between annual meetings of members shall be filled by the remaining Directors.

5.3.5 Any Director may be removed by concurrence of a majority of the votes of the entire membership at a special meeting of the members called for that purpose. The vacancy in the Board of Directors so created shall be filled by the membership at the same meeting where the Director is removed.

5.3.6 Provided, however, that until a majority of the Directors are elected by the members other than the Developer, neither the first Directors of the Homeowners Association nor any Directors named by the Developer shall be subject to removal by members other than the Developer. The first Directors and any Directors named by the Developer may be removed by the Developer.

* 5.4 ~~The Term. The term of each Director's service shall extend until the next annual meeting of the members where his successor is duly elected and qualified or until he is removed in the manner elsewhere provided.~~

** 5.4.1. SEE ATTACHED CERTIFICATION RE: EX-OFFICIO PRESIDENTS.

5.5 Organization Meeting. The organization meeting of a newly elected Board of Directors shall be held within ten (10) days of its election at such place and time as shall be fixed by the Directors at the meeting at which they were elected, and no further notice of the organization meeting shall be necessary. *dated 1/20/1993*

5.6 Regular Meetings. Regular meetings of the Board of Directors may be held at such time and place as shall be determined, from time to time, by a majority of the Directors. Notice of regular meetings shall be given to each Director personally, or by mail, telephone, or telegraph, which notice shall state the time, place, and purpose of the meeting and shall be transmitted not less than three (3) days prior to the meeting. Notice of a regular meeting shall be posted conspicuously at least forty-eight (48) hours in advance for the attention of members of the Homeowners Association except in an emergency.

*See amendment on page 4a.

5.4. The Term. Beginning with the election to be held for Directors for the year 1994, seven (7) Directors shall be elected for that year. The four (4) so elected receiving the highest number of votes shall be deemed elected for two (2) years, and the remaining three (3) shall be deemed elected for one (1) year. For years after 1994, Directors shall be elected for two (2) year terms. There shall be nine (9) Directors who shall be elected for two (2) year terms. In addition to the five (5) Directors previously elected to serve for the years 1999 and 2000, four (4) additional Directors shall be elected to serve for the years 2000 and 2001, and the following year, five (5) shall be elected to serve for the years 2001 and 2002, and this sequence shall be maintained thereafter.

✓ 6 FOUNTAINS SOUTH ATRIUM HOMES ASSOCIATION, INC.

4615 So. Fountains Drive, Lake Worth, Florida 33467-5065
Tel: (407) 964-3600, FAX: (407) 641-5631

CERTIFICATION

I, THE UNDERSIGNED, President of Fountains South Atrium Homes Association, Inc., 4615 South Fountains Drive, Lake Worth, Florida, 33467-5065, hereby certify that at an Annual Meeting of the unit owners of Fountains South Atrium Homes Association, Inc., held on December 28, 1993, the following amendment was approved upon the affirmative vote 2/3 of those present in person or by proxy of the general membership of the Association. The amendment had received the approval of the Board of Directors. Section 5.4 of the By-Laws is amended to read as follows:

SECTION 5.4 The Term (B5134, P0180) currently reads:

The term of each Director's service shall extend until the next annual meeting of the members where his successor is duly elected and qualified or until he is removed in the manner provided.

is to be deleted in its entirety and the following substituted in its place:

SECTION 5.4 The Term (B5134, P0180)

Beginning with the election to be held for Directors for the year 1994, seven (7) Directors shall be elected for that year. The four (4) so elected receiving the highest number of votes shall be deemed elected for two (2) years; and the remaining three shall be deemed elected for one (1) year. For years after 1994, Directors shall be elected for two (2) year terms.

DATE: March 9, 1994

Bernard M. Ford
Bernard M. Ford, President, The Atriums

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THE ATRIUMS

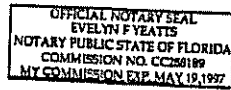
CERTIFICATION (Page 2)

ORB 8176 Pg 830
RECORD VERIFIED DOROTHY H WILKEN
CLERK OF THE COURT - PB COUNTY, FL

STATE OF FLORIDA }
 }
COUNTY OF PALM BEACH }

Before me personally appeared Bernard Manford
to me well known and known to me to be the person described in and
who executed the foregoing instrument, and acknowledged to and
before me that he executed said instrument for the purposes
therein expressed.

WITNESS my hand and official seal, this 9th day of
March, A.D., 1994.



Evelyn F. Yeatts
Notary Public
State of Florida

Evelyn F. Yeatts
Print type or raised print of Notary Public
Personally known ☒ Not Produced I.D. ☐
Type of I.D. produced:

FOUNTAINS SOUTH ATRIUM HOMES ASSOCIATION, INC.

4615 So. Fountains Drive, Lake Worth, Florida 33467-5065
Tel: (407) 964-3600, FAX: (407) 641-5631

CERTIFICATION

I, THE UNDERSIGNED, President of Fountains South Atrium Homes Association, Inc., 4615 South Fountains Drive, Lake Worth, Florida 33467-5065, hereby certify that at an Annual Meeting of the unit owners of Fountains South Atrium Homes Association, Inc., held on December 30, 1992, the following amendments were approved upon the affirmative vote of the voting members casting a majority of the total votes of the members of the Association, since this amendment has received the approval of the Board of Directors. Section 5.15 and Section 5.4 of the By-Laws are amended to read as follows:

SECTION 5.4 THE TERM (B5134, P0180)

5.4.1 Past Presidents shall serve as ex-officio members of the Board for one year without a vote.

SECTION 5.15 POWERS AND DUTIES OF THE BOARD OF DIRECTORS (B5134, P0182)

5.15.3(a) The Board of Directors must have the approval of a majority of the homeowners in order to spend any funds over \$25,000 for capital improvements, maintenance, or any other purpose.

January 13, 1993
Date

Bernard J. Manford
Bernard Manford, President, The Atriums

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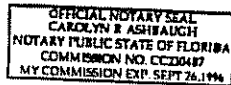
THE ATRIUMS

RECORD VERIFIED DOROTHY H WILKEN
CLERK OF THE COURT - PB COUNTY, FL

CERTIFICATION (Page 2)

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

Before me, the undersigned authority, this 13th day of January, 1983, personally appeared Bernard Manford, to me known to be the President of Fountains South Atrium Homes Association, Inc., (The Atriums) who being by me first duly cautioned and sworn upon oath, has acknowledged before me that he executed this instrument as such Certification, and that said instrument is the free act and deed of said Association.



Carolyn R. Ashbaugh
Notary public, State of Florida

CAROLYN R. ASHBAUGH

Print type or stamp a. name of Notary Public
Personally known ☒ OR Produced I.D. ☐
Type and number of I.D. produced

☐ DID take an oath, or
☒ DID NOT take an oath.

5.7 Special Meetings. Special meetings of the Directors may be called by the President and must be called by the Secretary at the written request of one-third (1/3) or more of the Directors. Notice of the meeting shall be given personally or by mail, telephone, or telegraph, which notice shall state the time, place, and purpose of the meeting and shall be transmitted not less than three (3) days prior to the meeting. Notice of a special meeting shall be posted conspicuously at least forty-eight (48) hours in advance for the attention of members of the Homeowners Association except in an emergency.

5.8 Waiver of Notice. Any Director may waive in writing notice of a meeting before or after the meeting and that waiver shall be deemed to be equivalent to the giving of notice.

5.9 Quorum. A quorum at Directors' meetings shall consist of a majority of the entire Board of Directors. The acts approved by a majority of those present at a meeting at which a quorum is present shall constitute the acts of the Board of Directors, except when approval by a greater number of Directors is required by the Declaration, the Articles, or these By-Laws.

5.10 Adjourned Meetings. If at any meeting of the Board of Directors there is less than a quorum present, the majority of those present may adjourn the meeting from time to time until a quorum is present. At any adjourned meeting any business that might have been transacted at the meeting as originally called may be transacted without further notice.

5.11 Joinder in Meeting by Approval of Minutes. A Director may join in the action of a meeting by signing and concurring in the minutes of that meeting, provided, however, that such joinder shall not be construed to constitute the presence of that Director for the purpose of determining a quorum.

5.12 Presiding Officer. The presiding Officer of the Directors' meeting shall be the Chairman of the Board if such an Officer has been elected; and if none, the President shall preside. In the absence of the presiding Officer, the Directors present shall designate one (1) of their number to preside.

5.13 Order of Business. The order of business at the Directors' meetings shall be *changed at the discretion of the President.*

- a. Calling of the roll.
- b. Proof of due notice of meeting or waiver of notice.
- c. Reading and disposal of any unapproved minutes.
- d. Reports of Officers and committees.
- e. Election of Officers.
- f. Unfinished business.
- g. New business.
- h. Financial matters.
- i. Adjournment.

5.14 Directors' Fees. Directors shall not receive any compensation or fee for their service as Director.

5.15 Powers and Duties of the Board of Directors. All of the powers and duties of the Homeowners Association existing under the Declaration, Articles, By-Laws, Master Declaration, and all exhibits thereto shall be exercised exclusively by the Board of Directors, the Officers, its agents, contractors, its employees, subject only to approval by Unit Owners when that is specifically required, and may include, without limitation, the right, power, and authority to:

*Assoc.
1st Amend.,
see attached,
certification dated
9/13/1990 -*

B5134 P0181

4615 So. Fountains Drive, Lake Worth, Florida 33467-5065
Tel: (407) 964-3600

Franklin Sheppard,
President
Fountains South Atrium
Homes Association, Inc.

THE ATRIUMS

CERTIFICATION (Page 2)

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

Before me personally appeared Franklin Sheppard,
to me well known and known to me to be the person described in and
who executed the foregoing instrument, and acknowledged to and
before me that he executed said instrument for the purposes
therein expressed.

WITNESS my hand and official seal, this 30th day of
August, A.D., 1990.

Kevin M. Stewart (SEAL)
Notary Public
State Of Florida

My Commission Expires: _____

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. MAR. 7, 1993
BONDED THRU GENERAL TRS. CO.

RECORD VERIFIED
PALM BEACH COUNTY, FLA
JOHN B. DUNKLE
CLERK CIRCUIT COURT

- 5.15.1 Levy and collect assessments against members of the Homeowners Association to defray the common expenses of the FOUNTAINS SOUTH ATRIUM HOMES AREA and other charges as provided in the Declaration, the Articles, and these By-Laws; including the power to levy and collect assessments for the purpose of paying assessments levied against the Units or the Homeowners Association by the FOUNTAINS SOUTH PROPERTY OWNERS ASSOCIATION, INC. (the "Association").
- 5.15.2 Buy, own, operate, lease, sell, and trade both real and personal property as may be necessary or convenient in the administration of the FOUNTAINS SOUTH ATRIUM HOMES AREA.
- 5.15.3 Maintain, repair, replace, reconstruct, add to, and operate the Atrium Homes Property and other property acquired or leased by the Homeowners Association for use by Unit Owners.
- 5.15.4 ~~5.15.3~~ (a) SEE ATTACHED CERTIFICATION/spend funds over insurance for the protection of the Association, its Officers, Directors, and members as Unit Owners. *\$25,000. dated 1/20/1993*
- 5.15.5 Make and amend reasonable rules and regulations for the maintenance, conservation, and use of the Atrium Homes Property and for the health, comfort, safety, and welfare of the Unit Owners.
- 5.15.6 Approve or disapprove the selling, purchasing, leasing, transfer, mortgaging, ownership, and occupancy of Units.
- 5.15.7 Enforce, by legal means, if necessary, the provisions of the Declaration, the Articles, these By-Laws, and the rules and regulations for the use of the Atrium Homes Property and those specified in Paragraph 5.15.5.
- 5.15.8 Contract for the management and maintenance of the Atrium Homes Property and to authorize the Homeowners Association or a management agent (if any) to assist the Homeowners Association in carrying out its powers and duties by performing such functions as the submission of proposals, collection of assessments, preparation of records, enforcement of rules and maintenance, repair, and replacement of the Atrium Homes Property with funds as shall be made available by the Homeowners Association for such purposes. The Homeowners Association and its Officers shall, however, retain at all times the powers and duties granted to it by the Declaration, Articles, By-Laws, and other applicable documents, including but not limited to, making of assessments, promulgation of rules, and execution of contracts on behalf of the Homeowners Association.
- 5.15.9 Employ personnel to perform the services required for proper operation of the Homeowners Association.
- 5.15.10 Pay any taxes and assessments which become liens against any part of the Atrium Homes Property, other than the Units and the appurtenances thereto, and to assess the members and their respective Units for the cost of same.
- 5.15.11 Carry insurance for the protection of the members, the Atrium Homes Property, and the Homeowners Association against casualty and liability.

FOUNTAINS SOUTH ATRIUM HOMES ASSOCIATION, INC.

4615 So. Fountains Drive, Lake Worth, Florida 33467-5065
Tel: (407) 964-3600, FAX: (407) 641-5631

CERTIFICATION

I, THE UNDERSIGNED, President of Fountains South Atrium Homes Association, Inc., 4615 South Fountains Drive, Lake Worth, Florida 33467-5065, hereby certify that at an Annual Meeting of the unit owners of Fountains South Atrium Homes Association, Inc., held on December 30, 1992, the following amendments were approved upon the affirmative vote of the voting members casting a majority of the total votes of the members of the Association, since this amendment has received the approval of the Board of Directors. Section 5.15 and Section 5.4 of the By-Laws are amended to read as follows:

SECTION 5.4 THE TERM (B5134, P0180)

5.4.1 Past Presidents shall serve as ex-officio members of the Board for one year without a vote.

SECTION 5.15 POWERS AND DUTIES OF THE BOARD OF DIRECTORS (B5134, P0182)

5.15.3(a) The Board of Directors must have the approval of a majority of the homeowners in order to spend any funds over \$25,000 for capital improvements, maintenance, or any other purpose.

January 13, 1993
Date

Bernard J. Manford
Bernard Manford, President, The Atriums

(continues on page 2)

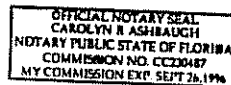
THE ATRIUMS

RECORD VERIFIED DOROTHY H WILKEN
CLERK OF THE COURT - PB COUNTY, FL

CERTIFICATION (Page 2)

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

Before me, the undersigned authority, this 13th day of January, 1983, personally appeared Bernard Manford, to me known ~~to~~ be the President of Fountains South Atrium Homes Association, Inc., (The Atriums) who being by me first duly cautioned and sworn upon oath, has acknowledged before me that he executed this instrument as such Certification, and that said instrument is the free act and deed of said Association.



Carolyn R. Ashbaugh
Notary Public, State of Florida

CAROLYN R. ASHAUGH

Print type or stamp name of Notary Public
Personally knows ☒ (If Not, Print name and address)
Type and number of I.D. produced

☐ DID take an oath, or
☒ DID NOT take an oath.

5.15.12 Pay all costs of power, water, and sewer as well as all other utility services rendered to the Atrium Homes Property and the Homeowners Association.

5.16 Resignation of Initial Board. The Developer shall have the right to withdraw one (1), two (2), or all of its representatives prior to the time at which it is required to so withdraw them in which case the Atrium Homes Unit Owners shall, at a special meeting of the membership, elect the necessary number of members of the Board of Directors to replace those withdrawn by the Developer who shall serve until the next annual meeting of the Unit Owners or until their successors are elected.

5.17 Miscellaneous Provisions.

5.17.1 Notwithstanding anything contained in these By-Laws to the contrary, any meeting of the members or the Board may be held at any place, within or without the State of Florida, designated in the notice of any such meeting or notice of which is waived.

5.17.2 To the extent now or from time to time hereafter permitted by the laws of Florida, the Board may take action which it might take at a meeting of the Board without a meeting; provided, that a record of all such actions so taken, signed by each Director, shall be filed and retained in the minute book of the Association.

5.17.3 SEE ATTACHED AMENDMENT

6. OFFICERS. 5.17.4 SEE ATTACHED AMENDMENT dated 3/4/1996
5.17.5 - see attached amendment dated 1/27/2011

5.17.4(a)
5.17.4(b)
5.17.4(c)
6.1 Executive Officers. The Executive Officers of the Homeowners Association shall be a President, who shall be a Director, a Vice President, who shall be a Director, a Treasurer, and a Secretary, all of whom shall be elected annually by the Board of Directors and who may be peremptorily removed at any meeting by concurrence of a majority of all of the Directors. A person may hold more than one (1) office except that the President may not also be the Secretary. No person shall sign an instrument nor perform an act in the capacity of more than one office. The Board of Directors from time to time shall elect such other Officers and designate their powers and duties as the Board shall find to be required to manage the affairs of the Homeowners Association.

6.2 President. The President shall be the chief executive Officer of the Homeowners Association. He shall have all of the powers and duties that are usually vested in the office of President of an association, including but not limited to the power to appoint committees from among the members from time to time to assist in the conduct of the affairs of the Homeowners Association as he in his discretion may determine appropriate.

6.3 Vice President. The Vice President shall exercise the powers and perform the duties of the President in the absence or disability of the President. He also shall assist the President and exercise such other powers and perform such other duties as shall be prescribed by the Directors.

6.4 Secretary. The Secretary shall keep the minutes of all proceedings of the Directors and the members. He shall attend to the serving of all notices to the members and Directors and other notices required by law. He shall have custody of the seal of the Homeowners Association and shall affix it to instruments requiring a seal when duly signed. He shall keep the records of the Homeowners Association, except those of the Treasurer, and shall perform all other duties incident to the office of Secretary of an association and as may be required by the Directors or the President.

THE ATRIUMS

CERTIFICATION (Page 2)

In addition, at the Annual Meeting of the Unit Owners of Fountains South Atrium Homes Association, Inc., held on December 29, 1994, the following amendment to the By-Laws was approved upon the affirmative vote casting two-thirds (2/3) of those present in person or by proxy of the general membership of the Association, Section 5.17 of the By-Laws is amended to read as follows:

SECTION 5.17 Miscellaneous Provisions

Amend by adding the following:

5.17.3 No Director, committee person or resident volunteer shall climb upon roofs or engage in any hazardous activity on behalf of the Association unless such person is a self-insured, professional person engaged in such activity. Neither the Association, nor the managing organization (P.C.O.), their Officers or employees, shall be responsible in the event of accidents by persons engaged in such activities.

March 1, 1995
Date

Bernard J. Manfred
Bernard Manfred, President
The Atriums

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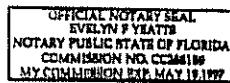
THE ATRIUMS

CERTIFICATION (Page 3)

ORB 8643 Pg 1484
DOROTHY H. WILKEN, CLERK PB COUNTY, FL

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

Before me, the undersigned authority, this 15th day of March, 1995, personally appeared Bernard Manford to me known to be the President of Fountains South Atrium Homes Association, Inc., (The Atriums) who being by me first duly cautioned and sworn upon oath, has acknowledged before me that he executed this instrument as such Certification, and that said instrument is the free act and deed of said Association.



Evelyn F. Yeatts
Notary public, State of Florida

Evelyn F. Yeatts
Print type for stamp name of Notary Public
Personally known ☒ OR Produced I.D. ☐
Type of I.D. produced:

Je FOUNTAINS SOUTH ATRIUM HOMES ASSOCIATION, INC.

4615 Fountains Drive, Lake Worth, Florida 33467-5065
Tel: (407) 964-3600, FAX: (407) 641-5631

CERTIFICATION

I, THE UNDERSIGNED, President of Fountains South Atrium Homes Association, Inc., 4615 Fountains Drive, Lake Worth, Florida 33467-5065, hereby certify that at a meeting of the Unit Owners of Fountains South Atrium Homes Association, Inc., held October 30, 1995, the following amendment was approved upon the affirmative vote of the voting members with proxies present casting a greater than 2/3 of the total votes of the members of the Association, since this amendment has received the approval of the Board of Directors. Section 5. of the By-Laws is amended to read as follows:

SECTION 5. DIRECTORS (B5134, P0179)

Amend by ADDING to B5134, P0183.

5.17.4 Grievance Committee

5.17.4(a) - Members. The Chairman shall be appointed by the President with approval of the Board of Directors. The Committee shall have three (3) members, including the Chairman. When in session, all three members must be present. If not, the Chairman or the President shall appoint substitutes. None of the members shall be Officers, Directors or employees of the Association, or the spouse, parent, child, brother or sister of an Officer, Director or employee.

5.17.4(b) - Powers. The Committee shall have the power to consider any complaint made against a member, employee, tenant or guest of the Association, or regarding any facility thereof, provided that any complaint shall have been submitted in writing to the Secretary, who shall transmit the complaint to the Committee for consideration and disposition.

(Continues on Page 2)

THE ATRIUMS

5.17.4(c) - Procedure. The Committee shall notify the charged person by Certified Mail at his recorded address and he shall have an opportunity to correct the violation. No infraction notice (except for parking) shall be sent out until two (2) Board members investigate the matter and agree to send a letter. In the event the homeowner does not agree with the determination, the matter shall be referred for a hearing (with a notice to the homeowner not less than 14 days prior to hearing and specify the charges, advising that said charges will be considered at the meeting.) Any such charged member must appear before the Committee and be heard in respect to charges being considered. Upon his or her failure to so appear, the Committee may proceed and consider and act upon said charges. (If it is determined that a violation exists, and should the homeowner fail to correct within a reasonable time, the Association may do so at the homeowner's expense, if appropriate.)

Whenever a unit owner of The Fountains commits a violation of the rules and regulations in any Court of The Fountains other than the Court of his or her residency, the Court in which such violation was committed shall request the Court wherein such unit owner resides to initiate grievance proceedings against said unit owner, based on the violation of the rules and regulations of the complaining Court.

The complaining Court shall supply the Court of residency of the violator with a written statement of the details of such violation and copy of its rules and regulations that were violated and that the Court of residency of the said violator shall thereafter initiate grievance proceedings against its resident violator to final adjudication, with the same force and effect as if the violation occurred in its Court.

(Continues on Page 3)

THE ATRIUMS

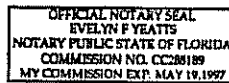
5.17.4(d) - Penalty/Fine. If a decision is rendered to take action against a unit owner, tenant, guest or to dismiss an employee, a written recommendation of the Committee shall be forwarded to the Board of Directors. If the grievance is sent to the Board of Directors for action, it shall be necessary to have a two-thirds majority vote of the Committee for a guilty verdict. The Committee shall have the right to recommend that the Board impose against any unit owner a monetary fine not to exceed \$50.00 per violation. Further, restitution for damages to The Atriums' facilities or property by any resident or his guest shall be in addition to the aforementioned penalties. The Committee may also recommend that the Board may suspend the use of common areas or recreational facilities for a period of up to one month.

2/29/96
Date

Bernard B. Manford
Bernard Manford, President
The Atriums

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

Before me, the undersigned authority, this 29th day of February, 1996, personally appeared Bernard Manford to me known to be the President of Fountains South Atrium Homes Association, Inc. (The Atriums), who being by me first duly cautioned and sworn upon oath, has acknowledged before me that he executed this instrument as such Certification, and that said instrument is the free act and deed of said Association.



Evelyn F. Yeatts
Notary Public, State of Florida
Evelyn F. Yeatts
Print type or stamp name of Notary Public
Personally known ☒ OR Produced I.D. ☐
Type of I.D. produced:

Name

Address:



CFN 20110032289
OR BK 24333 PG 1718
RECORDED 01/27/2011 12:34:38
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pg 1718; (1pg)

AMENDMENT TO THE
BY-LAWS
OF FOUNTAINS SOUTH ATRIUM HOMES ASSOCIATION, INC.

As recorded in Official Record Book 5134 Page 139
Public Records of Palm Beach County, Florida
As used herein (unless substantially reworded), the following shall apply:

- A. Words in the text which are lined-through indicate deletions from the present text.
- B. Words in the text which are underlined indicate additions to the present text.
- C. Whenever an ellipsis (...) appears in the text, this indicates that this portion of the present text remains intact to the point where the next typewritten material appears.

BY-LAWS

Article 5. DIRECTORS

...

5.17.5 Notices of all Board Meetings must 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. Notice may be given by electronic transmission, such as e-mails, for meetings of the Board of Directors, Committee Meetings requiring notice under the By-Laws, and Annual and Special Meetings of the members; however, a Unit Owner must consent in writing to receiving notice by electronic transmission.

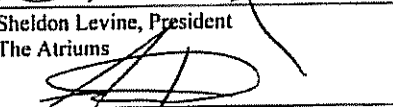
WE HEREBY CERTIFY that the above amendment to the By-Laws was approved by the affirmative vote of two-thirds (2/3) of those present in person or by Proxy of the Homeowners Association (which is the sufficient number as required by the documents), at the Annual Meeting of the Unit Owners, held on Monday, January 3, 2011, at 3:00 P.M. in Fountains Hall.

FOUNTAINS SOUTH ATRIUM
HOMES ASSOCIATION, INC.

By:


Sheldon Levine, President
The Atriums

Attest:

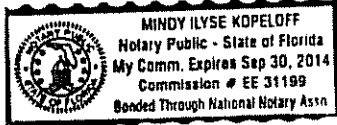

Stanley David, Secretary
The Atriums

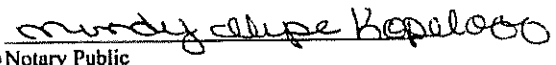
STATE OF FLORIDA)
COUNTY OF PALM BEACH)

On this 20th day of January, 2011, appeared before me, Sheldon Levine and Stanley David, as President and Secretary, respectively, of Fountains South Atrium Homes Association, Inc., a Florida corporation not-for-profit, who are personally known to me, and acknowledge that they executed the foregoing Notice for the purposes therein expressed and did (did not) take an oath.

Witness my hand and seal the day and year last above written.

My Commission Expires:




Notary Public

Mindy Ilyse Kopeloff
Printed Notary Name

- 6.5 Treasurer. The Treasurer shall have custody of all property of the Homeowners Association, including funds, securities, and evidences of indebtedness. He shall keep books of account for the Homeowners Association in accordance with good accounting practices, which, together with substantiating papers, shall be made available to the Board of Directors for examination at reasonable times. He shall submit a Treasurer's report to the Board of Directors at reasonable intervals and shall perform all other duties incident to the office of Treasurer.
- 6.6 Compensation. No Officer of the Homeowners Association shall receive any compensation for his services as same. The provisions that Directors shall not receive any fee or compensation for services as same shall not preclude the Board of Directors from employing a Director as an employee of the Homeowners Association nor preclude the contracting with a Director for the management of the FOUNTAINS SOUTH ATRIUM HOMES AREA.
- 6.7 Initial Officers. The initial Officers of the Homeowners Association, who shall serve until their resignation or removal and replacement by Developer or the election of their successors, shall be those persons so named in the Articles.

7. FISCAL MANAGEMENT.

- 7.1 The assessment roll shall be maintained in a set of accounting books in which there shall be an account for each Unit. Such account shall designate the name and mailing address to the Unit Owner(s) and mortgagee(s) (if known) of each Unit, the amount of each assessment and due date thereof, all amounts paid, and the balance due upon each assessment.
- 7.2 The Board shall adopt, for and in advance of, each calendar year, a budget showing the estimated costs of performing all of the functions of the Homeowners Association for the year. Each budget shall show the total estimated expenses of the Homeowners Association for that year and shall contain an itemized breakdown of the expenses, which shall include, without limitation, the costs of operating and maintaining the Atrium Homes Property, wages and salaries of Homeowners Association employees, management, legal and accounting fees, office supplies, public utility services not metered or charged separately to Units, premiums for insurance carried by the Homeowners Association, and any reserve accounts and/or funds which may be established from time to time by the Board.
- 7.3 Each budget shall also show the proportionate share of the total estimated expenses to be assessed against and collected from the Unit Owner(s) of each Unit and the due date(s) and amount of installments thereof. Unless changed by the Board, the fiscal year of the Homeowners Association shall be the calendar year. If any budget is subsequently amended, a copy shall be furnished to each affected member. Delivery of a copy of any budget or amended budget may be considered as a condition precedent to the effectiveness of the budget and assessments levied pursuant thereto. Nothing herein contained shall be construed as a limitation upon any additional assessment in the event that any budget originally adopted shall appear to be insufficient to pay costs and expenses of operation and management or in the event of emergencies.
- 7.4 A copy of the proposed annual budget of the Homeowners Association shall be mailed to the Unit Owners prior to the meeting of the Board at which the budget will be considered, together with a notice of the time and place of that meeting. Such meeting of the Board shall be open to all Unit Owners.

- 7.5 Upon adoption of a budget, the Board shall cause a written copy thereof to be delivered to each Unit Owner. Assessments shall be made against Unit Owners pursuant to procedures established by the Board and in accordance with terms of the Declaration and Articles. Provided, however, that the lien or lien rights of the Homeowners Association shall not be impaired by failure to comply with procedures established pursuant to these By-Laws.
- 7.6 If the Homeowners Association shall become the designated Homeowners Association for more than one community, notwithstanding the fact that the Homeowners Association shall maintain separate books of account for each of the communities, all sums collected by the Homeowners Association from all assessments against all Units in the communities may be commingled in a single fund, or divided into more than one fund, as determined from time to time by the Board of Directors.
- 7.7 The depository of the Homeowners Association shall be such bank or banks as shall be designated from time to time by the Board, in which all monies of the Homeowners Association shall be deposited. Withdrawal of monies from such bank(s) shall be only by checks signed by such persons as are designated by the Board.
- 7.8 A summary of the accounts of the Homeowners Association shall be prepared annually and a copy of the report shall be furnished to each member within a reasonable period following the year of which the report is made.
- 7.9 Fidelity bonds may be required by the Board from all Officers, employees, and/or agents of the Homeowners Association handling or responsible for Homeowners Association funds. The amount of such bonds shall be determined by the Directors. The premiums on such bonds shall be paid by the Homeowners Association.
- 7.10 Until the Developer has completed sales and closing of all Units ultimately to be constructed in the FOUNTAINS SOUTH ATRIUM HOMES AREA or until Developer relinquishes control of the Board of Directors, whichever shall first occur, the Board of Directors may omit from the budget all allowances for contingencies and capital surplus.

8. ASSESSMENTS.

- 8.1 Payment. Except as specified to the contrary in the Declaration or these By-Laws, funds for the payment of common expenses shall be equally assessed against each and every Unit Owner. The due dates shall be established by the Board of Directors such that the assessments may be collected on a monthly or quarterly basis, in advance, without notice. Unless otherwise required by the Board, assessments may not be made payable less frequently than monthly. In the event the annual assessment proves to be insufficient, the budget and assessments may be amended at any time by the Board of Directors.
- 8.2 Special Assessments. Special assessments for charges by the Homeowners Association against members for other than common expenses or for common expenses for emergencies that cannot be paid from the annual assessments for common expenses shall be levied in the same manner as here and before provided for regular assessments, except that notice thereof shall be given and they shall be payable in the manner determined by the Board.
- 8.3 Audit. An audit, which need not be certified, of the accounts of the Homeowners Association shall be made annually as directed by the Board of Directors. A copy of the audit report received as a result of the audit shall be made available to each member of the Homeowners Association within a reasonable period of time after

the end of the fiscal year of the Association. The report shall show the amounts of receipts by accounts and receipt classifications and shall show the amount of expenses by accounts and expense classification.

8.4 Default and Payment. In the event of a default by a Unit Owner in the payment of any assessment, the Homeowners Association shall have all rights and remedies provided by law, together with those provided by the Declaration.

9. RULES OF PROCEDURE. Roberts' Rules of Order (latest edition) shall govern the conduct of the Homeowners Association meetings as well as Board of Directors meetings when not in conflict with the Declaration, the Articles, or these By-Laws. The Board of Directors may adopt additional rules by majority vote.

10. AMENDMENTS. Amendments to these By-Laws shall be proposed and adopted in the following manner:

10.1 Amendments to these By-Laws shall require the affirmative vote of two-thirds (2/3) of the ~~total votes~~ ^{that present in person or by proxy} of the Homeowners Association.

10.2 Limitation. Provided, however, that no amendment shall make any changes in the qualifications for membership nor in the voting rights or property rights of members without approval in writing by all members and the joinder of all First Mortgagees of Record. No amendment shall be made that is in conflict with the Declaration nor shall any amendment make any changes which would in any way affect any of the rights, privileges, powers, or options herein provided in favor of or reserved to the Developer, any First Mortgagee of Record, or an affiliate of the Developer, unless the Developer and Mortgagees of Record shall join in the execution of the Amendment.

10.3 Recording. Such amendment or amendments of these By-Laws shall be transcribed and certified in such form as may be necessary to file the same in the office of the Homeowners Association and shall be recorded in the Public Records of Palm Beach County, Florida, within thirty (30) days from the date on which the same is approved.

The foregoing were adopted as the By-Laws of FOUNTAINS SOUTH ATRIUM HOMES ASSOCIATION, INC., a corporation not for profit established under the laws of the State of Florida, at the first meeting of the Board of Directors on the 6th day of January, 1987.

By: [Signature]
Stephen M. Platt, President

Attest: [Signature]
Claire Hoosac, Secretary

(CORPORATE SEAL)

*Assoc
1st Amend
see attached
certification dated
9/13/1990*

B5134 P0186

Name:

Address:

SEP-13-1990 09:41am 90-263811

GRB 6579 Pg 492

Property Appraiser's Parcel Identification (Folio) Number(s):

FOUNTAINS SOUTH ATRIUM HOMES ASSOCIATION, INC.

4615 So. Fountains Drive, Lake Worth, Florida 33467-5065
Tel: (407) 964-3600

CERTIFICATION

I, THE UNDERSIGNED, President of Fountains South Atrium Homes Association, Inc., 4615 South Fountains Drive, Lake Worth, Florida 33467-5065, hereby certifies that at a Special Meeting of the members of the Association, held at 3:30PM, April 18, 1988, at which at least 75 percent (75%) of the members of said Association was present, either in person or by proxy, the following Resolutions were duly adopted:

"BE IT RESOLVED that Paragraph 3.4 of the By-Laws of of Fountains South Atrium Homes Association, Inc., be changed to read as follows:

"QUORUM. The presence of persons having more than 33-1/3% of the total votes of the Homeowners Association, either in person or by Proxy, shall constitute a quorum at any meeting."

"BE IT RESOLVED that Paragraph 3.7 of the By-Laws of Fountains South Atrium Homes Association, Inc., be changed to read as follows:

"The order of business at the annual members' meetings may be changed at the discretion of the President."

"BE IT RESOLVED that Paragraph 5.1 of the By-Laws of Fountains South Atrium Homes Association, Inc., be changed to read as follows:

"The number of members of succeeding Boards of Directors may be from five (5) to seven (7).

"BE IT RESOLVED that Paragraph 5.13 of the By-Laws of Fountains South Atrium Homes Association, Inc., be changed to read as follows:

"The order of business at the Directors' meetings shall be changed at the discretion of the President."

"BE IT RESOLVED that Paragraph 10.1 of the By-Laws of Fountains South Atrium Homes Association, Inc., be changed to read as follows:

"Amendments to these By-Laws shall require the affirmative vote of two-thirds of those present in person or by Proxy of the Homeowners Association."

August 30, 1990
Date Signed

Franklin Sheppard
President
Fountains South Atrium
Homes Association, Inc.

THE ATRIUMS

CERTIFICATION (Page 2)

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

Before me personally appeared Franklin Sheppard,
to me well known and known to me to be the person described in and
who executed the foregoing instrument, and acknowledged to and
before me that he executed said instrument for the purposes
therein expressed.

WITNESS my hand and official seal, this 30th day of
August, A.D., 1990.

Min M. Stewart (SEAL)
Notary Public
State Of Florida

My Commission Expires: _____

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. MAR. 7, 1993
BONDED THRU GENERAL INS. UND.

RECORD VERIFIED
PALM BEACH COUNTY, FLA
JOHN B. DUNKLE
CLERK CIRCUIT COURT