



MARKUP #1 ->

- **Section 1.** Each Homeowner shall be entitled to the use and enjoyment of the Common Property and facilities located there on. ONE “DO NOT DUPLICATE” KEY may be obtained by request for a fee of \$10.00. Replacement keys are \$25.00.
- **Section 2.** Any Homeowner may delegate his rights and enjoyment in the Common Property to the members of his family who reside upon any LOT or to any of his long term TENANTS. Such Homeowner shall notify the Secretary in writing of the name of any such person and of the relationship of the Member to such person as well as complete an “Assignment of Rights” form, or convey by some other non-verbal means of communication the required information. Keys must be obtained by the Homeowner or designated adult representative for distribution to their tenants. Keys will not be distributed directly to a tenant. The rights and privileges of such persons are subject to suspension under Article V to the same extent as those of a Homeowner.

ISSUE #1

ARTICLE VII MEETING OF MEMBERS

- **Section 1.** GENERAL MEMBERSHIP MEETINGS- will be held quarterly and will be January, April, August, and November on the second Wednesday, and each subsequent regular Annual Meeting of the Members shall be held on the same day of the same month of each year thereafter, at the hour of 7:00 pm. If the day for the annual meeting of the Members is a legal holiday, the meeting will be held at the same hour on the first day following which is not a legal holiday.
- **Section 2.** MONTHLY MEETINGS of the Members may be called at any time by the President or by the Board of Directors or upon written request on one-half (1/2) the Members who are entitled to vote.
- **Section 3.** NOTICE OF MEETINGS. Written notice of each meeting of the Members shall be given by, or at the direction of, the Secretary or person authorized to call the meeting, by mailing, or had delivered by a copy of the Indian Ridge Newsletter called the ‘TRAILBLAZER”, at least fifteen (15) days before such meeting to each Member entitled to vote thereat; if mailed, addressed to the Member's address last appearing on the books of the Association or supplied by such Member Association for the purpose of notice. Such notice may also be posted on the Indian Ridge Website at least 15 days prior to such meeting. Such notices shall specify the day and hour of the meeting and, in the case of a special meeting, the purpose of the meeting.
- **Section 4.** QUORUM. The presence at any meeting of Members entitled to cast or of proxies entitled to cast, a majority of the votes of the entire Membership at attendance of such meeting shall constitute a quorum for any action except as otherwise provided in the Article of Incorporation or these By-Laws.
- **Section 5.** PROXIES. At all meetings of Members, each Member may vote in person or by proxy. All proxies shall be in writing and filed with the Secretary. Every proxy shall be

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. VII (p. 3): Proxy provision permits proxies to remain valid beyond 90 days (e.g., 11 months, 1 year, or indefinitely), conflicting with the mandatory 90-day statutory expiration limit.

Statutory / Legal Reference: Fla. Stat. § 720.306(8)(a) & 617.0721

Statutory Comparison: Although general Florida Not For Profit Corporation Act defaults (Fla. Stat. § 617.0721(3)) reference an 11-month proxy period for ordinary nonprofits, Fla. Stat. § 720.306(8)(a) (HOAs) and § 718.112(2)(b)3 (Condominiums) expressly override that period for community associations and mandate that a proxy is effective only for the specific meeting for which it was originally given and in no event is valid for a period longer than 90 days after the date of the first meeting for which it was given.

CURRENT WORDING IN DOCUMENT:

MEETING OF MEMBERS *Section 1. GENERAL MEMBERSHIP MEETINGS- will be held quarterly and will be January, April, August, and November on the second Wednesday, and each subsequent regular Annual Meeting of the Members shall be held on the same day of the same month of each year thereafter, at the hour of 7:00 pm.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

In accordance with Fla. Stat. §§ 720.306(8)(a) & 617.0721, a proxy is effective only for the specific meeting for which it was originally given, as the meeting may lawfully be adjourned and reconvened from time to time, and automatically expires no later than ninety (90) days after the date of the first meeting for which it was given. Every proxy is revocable at any time at the pleasure of the member executing it.