



CFN 96182379 10-25-96 10:52 am
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Sandy Crawford
Clerk Of Courts, Brevard County
#Pgs: 15 #Names: 2
Trust: 8.00 Rec: 61.00 Serv: 0.00
Deed: 0.00 Excise: 0.00
Mtg: 0.00 nt Tax: 0.00

BY-LAWS
DeSoto Townhouse Homeowners' Association, Inc.
Townhouse Estates North
Indian Harbour Beach, Florida



FN 2004310718 09-30-2004 02:02 pm
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CFN 2004279491 08-27-2004 12:13 pm
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PREAMBLE

These By-Laws will serve as a management tool for the Association in achieving the following four major goals:

- To provide maintenance services to the properties which it owns;
- To protect the investment and enhance the value of the property owned by its members;
- To provide an efficient mechanism for numerous people with diverse interests, backgrounds, and living habits to live in close proximity; and to share common possessions with a minimum of inconvenience and loss of personal rights; and
- To provide the matrix within which social contacts between neighbors can develop spontaneously.

ARTICLES

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Scott Ellis
Clerk Of Courts, Brevard County
#Pgs: 15 #Names: 2
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Deed: 0.00 Excise: 0.00
Mtg: 0.00 nt Tax: 0.00

Scott Ellis
Clerk Of Courts, Brevard County
#Pgs: 21 #Names: 2
Trust: 11.00 Rec: 169.00 Serv: 0.00
Deed: 0.00 Excise: 0.00
Mtg: 0.00 nt Tax: 0.00

DC - Frederick Gravel, Jr.
615 DeSoto Lane
I.H.B., FL 32937



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ARTICLE I - NAME AND LOCATION



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The name of this Corporation is "DeSoto Townhouse Homeowners' Association, Inc.," hereafter referred to as the "Association" in these By-Laws. This Corporation is located at Townhouse Estates North in Section 2, Township 27 South, Range 37 East, Indian Harbour Beach, Brevard County, State of Florida

ARTICLE II - PURPOSES

The general objectives and purposes of this Corporation shall be:

- a. To own, maintain, and develop the community property, not public, of Townhouse Estates North.
- b. To establish rules and regulations governing the use and restrictions upon the use of said community property, not public, including but not limited to establishing safety rules and hours of use of all common and recreational facilities, pools, and other facilities located in said community property.
- c. To perform all regulatory and control functions and services and all other privileges and responsibilities, in connection with a Notice of Restrictions and Agreement of Maintenance, dated December 6, A.D. 1974, hereafter referred to as "NRAM" in these By-Laws, as now filed in the Public records of Brevard County, and hereafter amended, which are binding upon all persons now owning and subsequently owning single family residences in said Townhouse Estates North.
- d. To make such other rules and regulations, to exercise such other authority, and to transact such other business as may be necessary or convenient to implement the above objectives and ensure the common good of the homeowners and residents of said Townhouse Estates North.

ARTICLE III - MEMBERSHIP AND VOTING

Section 1 - Membership. The membership of the Association shall constitute all persons who are or may become record owners of the single family residences in said Townhouse Estates North as shown by the recorded deeds in Brevard County.



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Section 2 - Limited Rights. No member shall have any vested right, interest, or privilege of, in or to the assets, functions, affairs, or franchises of the Association, or any right, interest, or privilege which is transferable or inheritable, or which shall continue while a member is not in good standing except that the title to individual residences may be freely transferred.

Section 3 - Voting. Members shall be entitled to one vote for each single family residence owned. In the event two or more persons hold recorded interests in any one single family residence the vote for such residence shall be exercised as they among themselves may determine, but in no event shall more than one vote be cast, in person, with respect to that single family residence. Non-resident record owners in good standing who permit immediate family to reside in their residences may authorize those family members to vote or hold office if they so notify the Association in writing. In so doing the non-resident members relinquish their right to vote or hold office until they cancel the authorization in writing.

Section 4 - Roberts Rules of Order will be used to resolve procedural questions at all Association meetings, unless in a particular instance or matter the Articles of Incorporation, NRAM, or these By-Laws specify otherwise.

Section 5 - Acceptance Vote. At any annual or special meeting of the members, the acceptance vote on any motion, or other matter, shall be by majority vote of those voting in person or by proxy, except when a two-thirds vote is specified by the Articles of Incorporation, NRAM, or these By-Laws.

Section 6 - Quorum Thirty percent of the members of the Association in good standing and those entitled to vote shall constitute a quorum for the commencement of any meeting. The presence of a quorum at the beginning of any meeting shall be presumed to continue until the conclusion of such meeting. The unanimous consent of all eligible voters present shall be required to pass any motion requesting a roll call to ascertain the number of members present at any time after the commencement of a meeting. If a meeting cannot be called to order because of the absence of a quorum the Chairman presiding shall adjourn the meeting to a specified subsequent date (not less than twenty (20) days later) at which time the presence of a quorum shall not be required.



Section 7 - Proxies. All members of the Association and those entitled to vote have an equal vote. Votes may be cast in person or by proxy. A proxy is defined as the authority to cast the vote of a member qualified to vote as set forth in Article 3 of the NRAM. To be valid, a proxy must be dated, must state the date, time, and place of the meeting for which it was given, and must be signed by the authorized person who executed the proxy. 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 90 days after the date of the meeting for which it was originally given. A proxy is revocable at any time at the pleasure of the person who executes it. If the proxy form expressly so provides, any proxy holder may appoint, in writing a substitute to act in his or her place. Proxies must be filed with the Association Secretary before the appointed time of the meeting.

ARTICLE IV - ASSOCIATION MEETING

Section 1 - Place of Meetings. Meetings of the members of the Association shall be held at a suitable place to be designated by the President of the Association.

Section 2 - Annual Meeting. The Annual Meeting of the Association shall be held in the month of December of each year at such place, time, and date as the President may designate.

Section 3 - Special Meetings. It shall be the duty of the President of the Association to call a special meeting when directed by resolution of the Board of Directors, or on receipt of a petition signed by twenty-nine (29) members who are eligible to vote under the provisions of these By-Laws. No business shall be transacted at a special meeting except as stated in the notice of the meeting, unless by unanimous consent of the voting members present in person.

Section 4 - Notice of Meetings. The President or the Secretary shall deliver or cause to be delivered, or shall mail, a notice of each annual or special meeting, stating the purpose thereof, as well as the time and place it is to be held, to each record owner of a single family residence, at least ten (10) but not more than thirty (30) days prior to such meeting.

Section 5 - Members in Good Standing. Only members in good standing of the Association and those entitled to vote may attend any meeting of the Association. The spouse of a member may attend any Association meeting, although he or she may not otherwise be a member.

Section 6 - Limiting Debate. At any meeting of the members of the Association, the chairman presiding thereat shall have the authority to limit debate, individually or collectively, on any issue, provided however, that each member present shall have an opportunity to speak on any question.





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ARTICLE V - OFFICERS

Section 1 - Designation. The officers of the Association shall be a President, First Vice-President, Second Vice-President, Secretary and Treasurer.

Section 2 - Election of Officers. The officers of the Association must be members of the Association and those entitled to vote and shall be elected at the annual meeting of the members of the Association. They shall be elected by ballot of the members at the annual meeting as hereinafter provided, and shall hold office for one year or until their successors take office. The candidates receiving a plurality of the votes cast shall be declared elected.

Section 3 - Removal of Officers. Any officer may be removed from office at any annual or special meeting called for that purpose by the members of the Association. Such removal may be with or without cause, but such removal must be by two-thirds (2/3) of the votes cast. Any officer whose removal has been proposed shall be given an opportunity to be heard at the meeting.

Section 4 - President.

- a. The President shall be the chief executive officer of the Association. The President shall preside at all meetings of the Association and of the Board of Directors, and shall have all of the general powers and duties which are usually vested in the office of the President of an Association, including, but not limited to, the power to appoint standing committees and such other committees from time to time as determined to be appropriate to assist in the conduct of the affairs of the Association.
- b. The President shall be empowered to obligate the Association for goods or services up to the sum of \$300.00 at any one time. Any expenditure in excess of that sum shall require Board approval.
- c. The President shall be an ex-officio member of all standing and special committees.

Section 5 - First Vice-President. The First Vice-President shall take the place of the President and perform those duties whenever the President shall be absent or unable to act. Perform such other duties as may be assigned by the President.

Section 6 - Second Vice-President. The Second Vice-President shall perform the duties of the President when both the President and First Vice-President are absent or unable to act. Perform such other duties as may be assigned by the President.



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Section 7 - Secretary.

- a. The Secretary shall keep the minutes of all meetings of the Board of Directors and Association meetings; shall maintain a current roster of the members of the Association and the Tenants; perform all the duties incident to the office of a secretary of an Association.
- b. The Secretary, when directed by the President, shall give notice of all meetings of the Association and the Board of Directors. The Secretary shall be the official custodian of the Seal of the Association.
- c. The Secretary, or the legal firm retained by the Association, shall be designated the Registered Agent for the Association upon whom service of process of legal notices may be served by the State of Florida, Division of Corporations.

Section 8 - Treasurer.

- a. The Treasurer shall be responsible for Association funds and securities and shall keep accounts of all receipts and disbursements in books or records of the Association; shall be responsible for the collection of regular or special monthly assessments from the members and report those who are delinquent to the President; shall deposit all monies and other valuable effects in the name of and to the credit of the Association; in such depositions as may from time to time be designated by the Board of Directors. The Treasurer shall be responsible for the preparation of periodic financial and tax reports as required by federal, state, local authorities, and the Board of Directors.
- b. Should the Association enter into a contract with a member or firm to accomplish any or all of the functions listed in a., above, the Treasurer shall retain the responsibility to ensure that the functions are accomplished in the best interests of the Association. The Treasurer shall report the activities of such a contractor together with his own assessment of degree of compliance and performance of the contractor at all meetings of the Association and the Board of Directors.



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ARTICLE VI - BOARD OF DIRECTORS

Section 1 - Number and Qualifications. The affairs of the Association shall be governed by a Board of Directors. It shall consist of the officers of the Association and two (2) members of the Association and those entitled to vote elected by the members as hereinafter provided. The President shall act as the Chairman of the Board.

Section 2 - Powers and Duties.

- a. The Board shall have the powers and duties necessary for the administration of the Association in accordance with applicable Florida Laws, the Association's Articles of Incorporation, as amended, NRAM dated December 6, 1974, and these By-Laws. The fiscal year of the Association shall begin on January 1 and end on December 31 of each year.
- b. The Board shall have the power to employ and dismiss personnel and to contract with independent contractors in connection with the administration, operations, and maintenance of the community property facilities and those functions and services in connection with the residences and property in Townhouse Estates North as authorized or required by these By-Laws.
- c. The Board shall have the power to fix and collect annual or special assessment fees in support of the operations and maintenance of the recreational facilities and the care and maintenance required under these By-Laws with respect to the residences and property of the members of the Association. The fees required to be paid by members shall be due on the first day of every month, unless otherwise specified, and shall be delinquent thirty (30) days after due date. The failure to pay any such fees, shall in addition to other legal remedies for collection, render the member liable to suspension as provided in Article 4c of the NRAM.
- d. At the annual meeting the Board will present to the membership the proposed annual budget. A special meeting of the membership will be called for the purpose of defraying in whole or in part the cost of any unexpected repair or replacement of any capital improvement upon community property and its facilities, or construction of additional facilities on the community property, if these costs would require a special assessment to defray costs. Such special assessment will be limited to one calendar year.
- e. The Board must submit to the members at any annual or special meeting called for that purpose any proposal for authority to borrow money for any valid purpose. The affirmative vote of two-thirds (2/3) of the members voting in person or by proxy shall be required to approve any proposal to borrow money.





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Section 3 - Tenants. Tenants are subject to all regulations set forth in the NRAM, By-Laws or other published rules governing use of Association facilities.

Section 4 - Term of Office, Nominating Committee, and Election

- a. The term of office for officers and directors shall be one (1) year.
- b. The President shall appoint a Nominating Committee consisting of a member from the Board and two (2) members of the Association, not less than 45 days before the annual meeting. The report of the Nominating Committee will be mailed to the membership at least fifteen (15) days before the annual meeting. Nominations from the floor at the annual meeting will be called for.
- c. The Directors shall hold office until their successors have been elected and hold their first meeting.

Section 5 - Vacancies. Vacancies on the Board caused by any reason, other than the removal of a Director by vote of the Association shall be filled by a majority vote of the remaining Directors until a successor is elected at the next annual meeting.

Section 6 - Removal of Directors. At any annual or special meeting called for that purpose any one or more Directors may be removed with or without cause, by a two-thirds vote in person of the membership. At any such meeting a Director or Directors shall be elected to fill the vacancy or vacancies caused by removal.

Section 7 - Regular Meetings. Regular meetings of the Board should be held monthly, unless deemed unnecessary, at such time and place as determined by the President. At least six (6) such meetings shall be held during each calendar year. Notice for these meetings shall be given to each Officer and Director, and posted on the pool bulletin board for the information of members, at least five (5) days prior to the day set for such meeting.

Section 8 - Special Meetings. Special meetings of the Board may be called by the President, by giving personal notice to each Director and stating the purpose.

Section 9 - Board Quorum. At all meetings of the Board a majority of the Directors present constitutes a quorum.

Section 10 - Fidelity Bonds. The Board shall require that officers and/or employee positions responsible for Association funds be covered by position bonds paid for by the Association.



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ARTICLE VII - PRIVILEGES AND RESPONSIBILITIES OF MEMBERS AND TENANTS

Section 1 - Privileges. Every member and those entitled to vote shall have the privilege of using the recreational facilities of the Association subject to its Rules and Regulations.

Section 2 - Assessment Fees. All homeowners are obligated to pay assessment fees imposed by the Association. Such fees shall be due on the first day of the month to be effective on closing or occupancy whichever comes first that month, one thirtieth (1/30th) of the fee to be paid for each day remaining in that month. The amount of such fees shall become, on and after notice, an indebtedness to the Association collectible by due process of law in case of failure to pay such fees. Any assessment fee not paid within thirty (30) days after the due date shall bear a penalty of ten dollars (\$10.00) for each month an assessment is in arrears (i.e. each 30 days).

Section 3 - Structural Modification to Homes. An owner shall not make structural modifications or alterations to the external structures and surfaces of a home without prior approval of the Board of Directors. Requests for approval of such projects shall contain plans and specifications and be submitted to the Architectural Control Committee. This Committee will take into consideration, among other things, how the proposed construction or alteration plans fit in with the harmony of external design with existing and adjacent structures, and as to location with respect to topography and finished grade elevations and the common good of the other residents of Townhouse Estates North. The Architectural Control Committee will submit their findings to the Board of Directors together with their recommendations. Final decision will be made by the Board of Directors.

Section 4 - Lot and Dwelling Maintenance. Each unit must be maintained in a state of repair comparable to its original condition, including but not limited to: exterior screens, windows, doors, garage doors, lamp posts, exterior lights, etc.

Section 5 - Fences, Trees, and Hedges.

- a. The Association shall maintain all lawns, trees, shrubs, hedges, plantings, etc., original or replacement, on the common and private property in DeSoto Townhouse Estates North. New or additional plantings must have prior approval of the Board of Directors and will, after planting, be maintained by the homeowner. It is prohibited for a homeowner to construct a fence or build any structure of any nature, form, or kind, whether temporary or permanent, without prior approval of the Board.





- b. Ground maintenance shall consist of watering, fertilizing, mowing, edging, pruning, etc., of all lawns, trees, shrubs, plantings, etc., original or replacement on the common and private property of the Association, and additionally, the Association may, at its common expense, replace such original plantings as may die or be destroyed if such death or destruction shall be determined an "Act of God," vandalism or not primarily the fault of the owner or occupant. The decision of the Board of Directors shall be accepted by all parties. (Replacement shall be interpreted as the same or acceptable equivalent, at the choice of the Maintenance Committee, which replacement may or may not exceed the cost of the original.) Requests for new or additional plantings must be submitted to the Architectural Control Committee for final approval by the Board of Directors.

Section 6 - Exterior Painting. The Board of Directors shall establish a perpetual exterior painting program for all homes at the expense of the Association. If all of the owners in one lot agree amongst themselves to paint the exterior of their respective homes at their own expense prior to the Association's schedule of painting, these owners shall elect a spokesman who in turn will submit a request to the Architectural Control Committee for consideration and final approval by the Board of Directors. This request shall contain information as to quality, color, and specifications of the paint for both wood and stucco surfaces. The Board shall consider whether the proposed color will be in harmony with existing colors in Townhouse Estates North. Building surfaces which have been enclosed with screen or glass porches or any other enclosure or addition become the responsibility of the home owner.

Section 7 - Wells and Tubes for Air-Conditioning and Heating Systems. The modification or replacement of wells or tubing for air-conditioning and heating systems, or for any other purpose, will be at the expense of joint owner-users of their respective lot.

Section 8 - Clothes Lines. It is prohibited for an owner or tenant to construct or improvise a clothesline in any outside area of his residence.

Section 9 - Antenna Systems. No owner or tenant shall install an exterior TV or radio antenna system or other exterior electronic communications system without prior written consent of the Board.

Section 10 - Exterior Surface Maintenance. The maintenance, repair, and replacement of any roof and construction material will be at the owner's expense.





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Section 11 - Use of Homes and Lots.

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- a. Since Townhouse Estates North is located in an area zoned only for residence, no home or lot will be used for any commercial or business enterprise. Simultaneous garage sales by all members of the Association may be scheduled by the Board of Directors. Private garage sales may be held not to exceed two per year per residence. In each case, the President shall be notified at least one week in advance of the sale.
- b. No lot or public street within Townhouse Estates North shall be used or maintained as a dumping ground for rubbish or trash. Such materials will be kept in sanitary wrapped or enclosed containers, for pickup by the local sanitation service at the owner or renter's expense.
- c. No lot or public street will be used as an area to perform repairs on vehicles except if the vehicle(s) are contained in a garage.
- d. No sign of any kind shall be displayed to the public view except a sign advertising the property for sale or rent, a security alarm sign, or a political sign.
- e. It is prohibited to hang and/or shake garments, rugs, or any other materials from the windows or from the exterior of any residence. This prohibition also applies in placing garments, rugs, etc., on lawns or shrubbery for the purpose of drying them.
- f. No noxious or offensive activity shall be carried on, at, upon any lot or premise, nor shall anything be done thereon which may be or may become an annoyance or nuisance within Townhouse Estates North.

Section 12 - Control of Animals. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept provided they are not kept, bred, or maintained for commercial purposes. In accordance with Brevard County and Indian Harbour Beach ordinances, these pets shall not be permitted to run at large, creating a nuisance or causing annoyance to neighboring residents.



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Section 13 - Parking of Vehicles. No boat, truck (exceeding 3/4 ton), trailer, camper, motor home or any vehicle used for commercial purposes shall be parked on a regular (permanent), recurring basis upon the premises of DeSoto Townhouse Estates North, unless it is contained within a garage. Privately owned automobiles and vans are exempt to this By-Law. In cases of residents having out-of-town guests, permission may be granted by the President to temporarily park a camper, trailer, or motor home for a period not to exceed one week in a driveway or on common property. Vehicles shall not be parked on lawns or other non-paved areas. Repairs of damage caused by such parking will be at the owner's expense.

Parking on common property (pool area parking). Parking of any passenger car or vehicle described above, in excess of one week shall not be permitted. The President of the Association shall have the authority to grant an extension under special circumstances or to have the vehicle removed at the owner's expense.

Section 14 - Change of Ownership. Members who sell their homes shall notify the Secretary of the name and address of the purchaser and date of transfer. The Secretary will then furnish the new owner a copy of the NRAM, By-Laws and related Regulations.

Section 15 - Leasing. An owner may not lease or rent his or her home more than once in any calendar year; said lease or rental may not be for a term of less than nine (9) months in duration. Owners who rent or lease their homes shall notify the Secretary of the Association in writing of the name and address of the lessee/renter and duration of the lease, and such other information as may be required by the Board of Directors, and shall provide a copy of the lease to the Association prior to the date of the potential occupancy under the proposed lease. The Secretary will furnish the lessee/tenant a copy of tenant regulations. Subleasing is prohibited. Notwithstanding the foregoing, no owner shall enter into a lease, rental agreement or other similar arrangement during the first twenty-four (24) months after conveyance of the home to the owner.

Section 16 - Enforcement of Rules Governing Recreational Facilities. Refusal to comply with Pool Rules shall result in the suspension of recreational privileges for any Association member or tenant who violates or permits guests to violate the published rules of the Association. Violations, disciplinary action and suspension shall be considered and determined by the Board of Directors of the Association.

ARTICLE VIII - HOLD HARMLESS PROVISION

In consideration of the fact that the officers and Board of Directors render their services on a voluntary basis and without compensation, the Association agrees to hold harmless the officers and Directors, individually or collectively, from all damage suits in connection with or arising out of the management and operation of the Association's business and the real estate involved therein, both community and private. The Association agrees that it will indemnify and hold harmless the officers and Directors from any liability for injuries suffered by any employee, independent contractor, or other person whomsoever that may be injured on the premises. In furtherance of this purpose the officers and Directors are directed to include themselves as co-insureds in any insurance policy providing for public liability and workmen's compensation protection for the Association. It is further agreed that the officers and Directors shall not be liable to anyone for any error of judgment or for any mistake of fact or law, or for anything that they may do or refrain from doing hereafter in



connection with the business of the DeSoto Townhouse Homeowners' Association, Inc., except for cases of willful misconduct or gross negligence. The Association agrees to indemnify the officers and Directors for the expense of any suit or for damages claimed as a result of their lawful actions as officers and Directors.





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ARTICLE IX - STANDING COMMITTEES

The Association shall have the following standing Committees, the members thereof to be appointed by the President to serve upon request:

Architectural Control
Maintenance

Pool
Hospitality

ARTICLE X - MEANING OF TERMS

Wherever used in these By-Laws the words "residence," "home," "building site," shall be construed to be synonymous. Plantings include trees, shrubs, hedges, bushes, and similar horticultural units.. "Household pets" includes only such domesticated animals as dogs, cats, birds, etc.

ARTICLE XI - AMENDMENTS TO THESE BY-LAWS

Proposed amendments to these By-Laws by committee or any member shall first be submitted to the Board of Directors for consideration. If approved by the Board, the proposed amendments shall be considered by the members at either the Annual Meeting or a special meeting. Should the proposed amendment not be approved by the Board, the proposing member(s) may request the President to have them considered by the members at a meeting. Written notice of any proposed amendment to be considered at a membership meeting will be distributed to the members not less than ten (10) days nor more than thirty (30) days prior to the scheduled meeting. Acceptance of any proposed amendment shall be by a two-thirds (2/3) vote of those voting in person or by proxy. By-Laws and/or their amendments will be published and distributed to homeowners and be properly recorded in the permanent records of the Association.



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ARTICLE XII - DISSOLUTION

Upon dissolution of this Corporation in accordance with applicable law, the net assets shall be distributed equally among the then recorded owners in the said Desoto Townhouse Estates North, provided however, that for this purpose, joint or several owners of one residence shall be deemed to be one.

Revisions approved by the membership August 26, 2004.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 16th day of September A.D. 2004.



Marlena P. Dolin
MY COMMISSION # CC985115 EXPIRES
November 30, 2004
BONDED THRU TROY FAIN INSURANCE, INC.

DESOTO TOWNHOUSE HOMEOWNERS'
ASSOCIATION

FREDERICK D. GRAVEL JR.
President

Vice-President

2nd Vice-President

Treasurer

Director

Director

Secretary