

PROPOSED AMENDED AND RESTATED
BYLAWS OF CROSS CREEK AT EAST LAKE WOODLANDS
HOMEOWNERS ASSOCIATION, INC.

A Corporation Not For Profit Under the Laws of the State of Florida

ARTICLE 1 H - IDENTITY

1.1 ~~Section 1.~~ These are the amended and restated Bylaws of Cross Creek at East Lake Woodlands Homeowners Association, Inc., called Association by these Bylaws, a corporation not-for-profit under the Laws of the State of Florida, ~~the Articles of Incorporation of which was incorporated on~~ were filed in the office of the Secretary of State on August 9, 1990.

1.2 ~~Section 2.~~ The office of the Association shall be the management company or registered agent for the Association as designated by the Board of Directors from time to time at #1 Woodlands Boulevard, Oldsmar, Florida 34677.

1.3 ~~Section 3.~~ The Association shall operate upon the calendar year beginning on the first (1st) day of January and ending on the thirty-first (31st) day of December of each year. The Board of Directors is expressly authorized to change from a calendar year basis to a fiscal year basis whenever deemed expedient and for the best interests of the Association.

~~Section 4.~~ ~~The seal of the Association shall bear the name of the Association, the word "Florida," and the words "Corporation not-for-profit" and the year of incorporation, , an impression of which is as follows:~~

ARTICLE 2 H - DEFINITIONS

~~Section 1.~~ All words, phrases, names and terms used in these Bylaws, the Declaration and the Articles of Incorporation of the Association shall have the same meaning and be used and defined the same as they are in the Declaration of Covenants, Conditions and Restrictions of Cross Creek at East Lake Woodlands.

ARTICLE 3 H - THE ASSOCIATION

3.1 ~~Section 1.~~ Members. The members of the Association shall be those individuals or entities as so defined in the Declaration of Covenants, Conditions and Restrictions and the Articles of Incorporation, and shall be any legal entity capable of ownership of real property under the Laws of Florida.

3.2 ~~Section 2.~~ Place of Meetings. Meetings of the membership shall be held at the principal office or place of business of the Association, or at such other suitable place convenient to the membership as may be designated by the Board of Directors.

3.3 ~~Section 3.~~ Annual Meetings. ~~The first annual meeting of the Association shall be held one (1) year from the date of incorporation of the Association. Thereafter the annual~~

meetings of the Association shall be held on the date and time designated by the Board of Directors, but no more than thirteen (13) months may elapse between annual meetings, same day of the month of each succeeding year. If the day so designated falls on a legal holiday, then the meeting shall be held on the first secular day thereafter. At the annual meeting, the members may transact such business of the Association as may properly come before them. ~~The time of all meetings shall be set by the directors and the directors, by majority vote, may change the date of the annual meeting.~~

3.4 ~~Section 4.~~ Special Meetings. Special membership meetings ~~of the members may be called by the President and shall be held whenever called by the president or secretary at the request in writing by a majority of the Board of Directors, or at the~~ and must be called by such officers upon receipt of a written request in writing of twenty five percent (25%) of the eligible voting members who are entitled to vote one-fourth (1/4) of all of the votes of Class A membership. Such requests shall state the purpose or purposes of the proposed meeting. Business transacted at all special meetings shall be confined to the subjects stated in the notice thereof.

3.5 ~~Section 5.~~ Notice of Membership Meetings. It shall be the duty of the secretary to mail a notice of each annual or special meeting, stating the purpose thereof as well as the date, time and place where it is to be held, to each member of record, at his address as it appears on the membership books of the Association, and if no such address appears, at his last known place of address, at least fourteen (14) days fifteen (15) days for an annual meeting and ten (10) days for a special meeting, prior to such meeting. The mailing of a notice in the manner provided in this section shall be considered notice served. ~~The notice shall specify the day, place and hour of the meeting, and if a special meeting, the purpose.~~

3.6 ~~Section 6.~~ Minutes. Minutes of all meetings shall be kept in a businesslike manner and available for inspection by lot owners and Board members at all reasonable times in accordance with the Florida Statutes.

3.7 ~~Section 7.~~ Quorum. The presence in person or by proxy at the meeting of members entitled to cast thirty percent (30%) thirty-three and one-third per cent (33-1/3%) of all votes, ~~regardless of class of membership,~~ shall constitute a quorum for any action required by the membership, except as otherwise provided in the Articles of Incorporation, the Declaration of Covenants, Conditions and Restrictions or these Bylaws.

3.8 ~~Section 8.~~ Adjourned Meetings. If any meeting of members cannot be organized because a quorum has not attended, the members who are present, either in person or by proxy, may adjourn the meeting to a time not later than ninety (90) ten (10) days from the time the original meeting was called, and hold the meeting adjourned, without additional notice, provided that a quorum can be obtained for such meeting.

3.9 ~~Section 9.~~ Voting. The members of the Association are entitled to one (1) vote for each lot owned by them. The total number of votes ("voting interests") is equal to the total number of lots. The vote of a lot is not divisible. If a lot is owned by one natural person, individually or as trustee, his right to vote shall be established by the record title to the lot. If a

lot is owned jointly by two or more persons, that lot's vote may be cast by any of the owners provided only one vote shall be cast. If the multiple owners cannot agree how to vote, and attempt to cast votes which are in conflict with those cast by another owner, the vote for that lot will not be counted. The vote of an owner which is not a natural person shall be cast by any officer of a corporation, or any partner or managing agent of another type of entity. At every meeting of the members, the owner or owners of each unit, or combination of units, either in person or by proxy, shall have the right to cast one vote as set forth in the Declaration. The vote of the majority of those present, in person or by proxy, shall decide any question brought before such meeting, unless the question is one upon which, by express provision of statute, or of the Declaration of Condominium, or of the Articles of Incorporation, or of these Bylaws, a different vote is required, in which case such express provision shall govern and control. If a unit is owned by more than one person, the person entitled to cast the vote for the unit shall be designated by a certificate signed by all of the record owners the unit according to the roster of unit owners and filed with the Secretary of the 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 Association. Those certificates shall be valid until revoked or until superseded by a subsequent certificate or until a change in the ownership of the unit concerned. A certificate designating the person entitled to cast the vote for a unit may be revoked by any owner of a share in the unit. If a certificate designating the person entitled to cast the vote for a unit is not on file, the vote of the owners shall not be considered in determining whether a quorum is present nor for any other purpose, except if the unit is owned jointly by husband and wife. If a unit is owned jointly by husband and wife, the following provisions are applicable:

- ~~(a) — They may, but are not required, to designate a voting member;~~
- ~~(b) — If they do not designate a voting member, and if both are present at a meeting and are unable to concur on a decision upon any subject requiring a vote, they shall lose the right to vote on the subject at that meeting;~~
- ~~(c) — When they do not designate a voting member, and only one is present at a meeting, the person present may cast the unit's vote.~~

3.10 ~~Section 10.~~ Proxies. A member may appoint any other member, any owner of any lot, ~~the Developer,~~ or the manager as a proxy. Any proxy must be filed with the secretary before the appointed time of each meeting.

3.11 ~~Section 11.~~ Order of Business.

A. The order of business at all annual or special meetings of the members shall be as follows:

1. ~~(a)~~ Roll call.
2. ~~(b)~~ Proof of notice of meeting or waiver of notice.
3. ~~(c)~~ Reading of the minutes of preceding meeting.

4. ~~(d)~~ Reports of officers.
5. ~~(e)~~ Reports of committees.
6. ~~(f)~~ Election of officers (if election is to be held).
7. ~~(g)~~ Unfinished business.
8. ~~(h)~~ New business.

B. The Board of Directors shall have the discretion and authority to modify the order of business at any meeting.

ARTICLE ~~4~~ IV - ADMINISTRATION

4.1 ~~Section 1. (A) Number and Qualification. The affairs of the Association shall be governed by a Board of Directors. The number of directors which shall constitute the Board shall be not less than three (3) nor more than nine (9). The number of directors may be increased or decreased within the above limits by affirmative vote of a majority of the membership and shall become effective for the election year following such vote. All directors, ~~except for the initial directors named in the Articles of Incorporation,~~ shall ~~either~~ be members of the Association, ~~or designees of the Developer.~~ The directors shall be elected at the annual meeting of the owners and shall serve for staggered terms of three years. No director may serve more than two consecutive terms without interruption. However, in the event a vacancy remains on the Board after an election, the Board may appoint a director to such vacant seat regardless of whether such director has already served two consecutive terms without interruption. ~~by a majority vote. The initial Directors shall serve until their resignation or relinquishment of control of the Association by the Developer. No director, other than the Developer or its representatives, shall serve for more than two (2) consecutive three (3) year terms. The Developer reserves the right, in its sole discretion, to remove and replace any of the initial directors or their replacements. After the Developer has relinquished control, there shall be three (3) Directors elected, one (1) for a one (1) year term, one (1) for a term of two (2) years and one (1) for a term of three (3) years, and at each annual meeting thereafter the members shall elect one (1) Director for a term of three (3) years.~~~~

4.2 ~~(B) Removal. Directors, except for the Developer's representatives, may be removed in the manner provided for recall of directors by the Florida Statutes, for cause by an affirmative vote of a majority of the owners. The vacancy so created shall be filled by the members of the Association. No Director, other than the initial Directors named in the Articles of Incorporation, or their duly elected replacements, shall continue to serve on the Board if, during his term of office, his membership in the Association shall be terminated for any reason whatsoever.~~

4.3 ~~(C) Vacancies. Except as to vacancies provided by removal of directors by recall members, vacancies in the Board of Directors occurring between annual meetings of members shall be appointed by the remaining directors. Any such appointed director shall serve the unexpired term of his predecessor.~~

4.4 ~~Section 2.~~ Powers and Duties. The Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Association, and may do all such acts and things as are not by the Declaration, the Articles of Incorporation of the Association, or these Bylaws directed to be exercised and done by the members or officers. The powers and duties of the Board shall include, but not be limited to, the following:

A. To operate and maintain the common areas, and to maintain the portions of the lots as specified by the Declaration. ~~All powers and duties of the Association as set forth in the Articles of Incorporation of the Association, except as limited as above provided.~~

B. To prepare and adopt an annual operating budget, which budget shall be sufficient in amount to pay for all necessary expenses and expenditures to be shared in common by the respective owners of lots units, and including a reasonable reserve for repairs, upkeep, and replacement of the common area, and for contingencies.

C. To levy and collect special assessments against each lot for unusual, non-recurring, or unbudgeted common expenses. ~~prepare a detailed report of the acts, accounts, and statements of income and expense for the previous year, and present same at the annual meeting of members.~~

D. To employ the professional assistance necessary to assist with operation of the Association. ~~determine who shall act as legal counsel for the Association whenever necessary.~~

E. To determine the depository for the funds of the Association, provided such funds must be held in an insured depository in a "no-risk" account.

F. To acquire the necessary personnel needed for the maintenance, care, and upkeep of the common parcels and access ways, and set the salaries or compensation of said personnel.

G. Assess and collect all assessments pursuant to the Declaration.

H. Establishment of reserves or making assessments for betterments to the community development property.

I. Within ninety (90) days following the end of the fiscal year or calendar year of the Association, the Association shall prepare, or have prepared, a financial report for the preceding fiscal year in accordance with the requirements of Section 720.303(7) of the Florida Statutes as amended from time to time. To the extent Section 720.303(7)(d) of the Florida Statutes permits the members of the Association to approve a lower level of financial reporting than otherwise required, the Association may only provide the lower level of financial reporting for up to five (5) years, at which time a full reporting to the members must be made in accordance with Section 720.303(7)(a). ~~Board of Directors shall mail or furnish by personal delivery to each owner of a Lot a complete financial report of actual receipts and~~

~~expenditures for the previous twelve (12) months. The report shall show the amounts of receipts by accounts and receipt classifications and shall show the amounts of expenses by accounts and expense classifications, including, if applicable, but not limited to the following:~~

- ~~(1) — Cost for security;~~
- ~~(2) — Professional and management fees and expenses;~~
- ~~(3) — Taxes;~~
- ~~(4) — Cost for recreation facilities;~~
- ~~(5) — Expenses for refuse collection and utility services;~~
- ~~(6) — Expenses for lawn care;~~
- ~~(7) — Cost for building maintenance and repair;~~
- ~~(8) — Insurance costs;~~
- ~~(9) — Administrative and salary expenses; and~~
- ~~(10) — General reserves, maintenance reserves and depreciation reserves.~~

~~The report, upon written request, shall be sent to holders, insurers or guarantors of any first mortgage on a Lot and, if required, the report shall be in the form of a financial statement certified by a corporate officer.~~

J. To adopt and amend reasonable rules and regulations concerning the operation, use, maintenance, and conservation of the common areas and lots, and for the health, comfort, safety, and welfare of the lot owners. The Board shall make available for inspection, during reasonable business hours or circumstances, to Lot Owners and holders, insurers or guarantors of first mortgages current copies of the Declaration of Covenants, Conditions and Restrictions, the Bylaws and other rules concerning the operation of the Association, and the books, records and financial statements of the Association.

K. To levy fines against owners (or their tenants/guests) for violations of the Association's governing documents or the rules and regulations adopted by the Association, in accordance with the procedures established by the Florida Statutes.

L. To borrow money when required in connection with the operation, care, upkeep and maintenance of the common areas or the lots, or for the acquisition of property for the benefit of the owners, and granting mortgages and/or security interests in Association-owned property; provided, however, that the consent of the owners, by the affirmative vote of a majority of those voting members who are present and voting, in person or by proxy, at a meeting duly called for such purpose, shall be required for the borrowing of any sum in excess of ten thousand dollars (\$10,000.00).

M. Emergency Board Powers. In the event of any emergency as defined below, the Board of Directors may exercise the emergency powers described in this section, and any other emergency powers authorized by Sections 617.0207, and 617.0303, Florida Statutes, as amended from time to time.

1. The Board may name as assistant officers persons who are not Directors, which assistant officers shall have the same authority as the executive officers to whom

they are assistant during the period of the emergency, to accommodate the incapacity of any officer of the Association.

2. The Board may relocate the principal office or designate alternative principal offices or authorize the officers to do so.

3. During any emergency the Board may hold meetings with notice given only to those Directors with whom it is practicable to communicate, and the notice may be given in any practicable manner, including publication or radio. The Director or Directors in attendance at such a meeting shall constitute a quorum.

4. Corporate action taken in good faith during an emergency under this section to further the ordinary affairs of the Association shall bind the Association; and shall have the rebuttable presumption of being reasonable and necessary.

5. Any officer, director, or employee of the Association acting with a reasonable belief that his actions are lawful in accordance with these emergency Bylaws shall incur no liability for doing so, except in the case of the willful misconduct.

6. These emergency bylaws shall supersede any inconsistent or contrary provisions of the Bylaws during the period of the emergency.

7. For purposes of this Section only, an “emergency” exists only during a period of time that the immediate geographic area in which the community is located, is subjected to:

a. A state of emergency declared by local civil or law enforcement authorities.

b. A hurricane warning.

c. A partial or complete evacuation order.

d. Federal or state “disaster area” status.

e. A catastrophic occurrence, whether natural or manmade, which seriously damages or threatens to seriously damage the physical existence of the community, such as an earthquake, tidal wave, fire, hurricane, tornado, war, civil unrest, or act of terrorism.

8. An “emergency” also exists for purposes of this section during the time when a quorum of the Board cannot readily be assembled because of the occurrence of a catastrophic event, such as a hurricane, earthquake, act of terrorism, or other similar event. A determination by any two (2) Directors, or by the president, that an emergency exists shall have presumptive quality.

4.5 ~~Section 3.~~ Election of Directors. Election to the Board of Directors shall be by ~~secret~~ written ballot. Members who are not present at the election may give a general proxy to another member for voting purposes. At such election the members or their proxies may cast, in respect to each vacancy, one vote per lot. ~~At such election the members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Declaration.~~ The persons receiving the largest number of votes shall be elected. Cumulative voting is not permitted.

4.6 ~~Section 4.~~ Management Agent. The Board of Directors may employ for the Association a management agent at a compensation established by the Board to perform such duties, services and powers as the Board shall authorize, ~~including, but not limited to, the duties, services and powers listed in Section 2 of this paragraph.~~

4.7 ~~Section 5.~~ Compensation. No compensation shall be paid to directors for their services as directors. No remuneration shall be paid a director for services performed by him for the Association in any other capacity, unless a resolution authorized such remuneration shall have been unanimously adopted by the Board of Directors before the services are undertaken.

4.8 ~~Section 6.~~ Organization Meeting. The first meeting of the Board of Directors shall be held ~~within ten days~~ after the annual members' meeting, at such place and time as shall be fixed by the Board and no notice shall be necessary to the newly elected directors in order legally to constitute such meeting, providing all of the Board of Directors shall be present.

4.9 ~~Section 7.~~ Regular Meetings. Regular meetings of the directors may be held at such time and place as shall be determined, from time to time, by a majority of the directors, but at least two such meetings shall be held during each fiscal year. Notice of regular meetings of the Board of Directors shall be given to each director in the manner provided by the Florida Statutes, ~~personally or by mail, telephone or telegraph,~~ at least forty-eight (48) hours ~~three days~~ prior to ~~the day named for such meeting.~~

4.10 ~~Section 8.~~ Special Meetings. Special meetings of the Board of Directors may be called by the President with notice to the Directors given in the manner provided by the Florida Statutes, at least forty-eight (48) hours prior to such meeting. ~~on three days' notice to each director, given personally or by mail, telephone or telegraph, which notice shall state the time, place (as hereinabove provided) and purpose of the meeting.~~ Special meetings of the Board of Directors shall be called by the president and secretary, in like manner and on like notice, on the written request of at least two directors.

4.11 ~~Section 9.~~ Notice of Meetings to Lot Owners. Meetings of the Board of Directors shall be open to all lot owners and notices of meetings shall be posted in a conspicuous place in the community at least either hand delivered or mailed by regular mail forty-eight (48) hours in advance for the attention of unit owners, except in an emergency.

4.12 ~~Section 10.~~ Waiver of Notice. Before or at any meeting of the Board of Directors, any director may, in writing, waive notice of such meeting, and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a director at any meeting of the Board of

Directors shall be a waiver of notice by him of the time and place thereof. ~~If all the directors are present at any meeting of the Board, no notice shall be required and any business may be transacted at such meeting.~~

4.13 ~~Section 11.~~ Minutes. Minutes of all meetings of the Board of Directors and of the lot owners shall be kept in a businesslike manner and available for inspection by unit owners and Board members at all reasonable times.

4.14 ~~Section 12.~~ Quorum. At all meetings of the Board of Directors a majority of the directors shall constitute a quorum for the transaction of business, and the acts of the majority of the directors present at a meeting at which a quorum is present shall be the acts of the Board of Directors. If at any meeting of the Board of Directors there be less than a quorum present, the majority of those present may adjourn the meeting from time to time.

4.15 ~~Section 13.~~ Fidelity Bonds. The Board of Directors may require that all officers and employees of the Association handling or responsible for Association funds shall furnish adequate fidelity bonds. The premiums of such bonds shall be paid by the Association.

4.16 ~~Section 14.~~ Designation of Officer. The principal officers of the Association shall be a president, a vice president, a secretary, and a treasurer, all of whom shall be elected by the Board of Directors. The Board of Directors may appoint an assistant treasurer and an assistant secretary, and such other officers as in their judgment may be necessary.

4.17 ~~Section 15.~~ Election of Officers. The officers of the Association shall be elected annually by the Board of Directors at the organization meeting of each new Board, and shall hold office at the pleasure of the Board.

4.18 ~~Section 16.~~ Removal of Officers. Upon an affirmative vote of a majority of the members of the Board of Directors, any officer may be removed, either with or without cause, and his successor elected at any regular meeting of the Board of Directors, or at any special meeting of the Board called for such purpose.

4.19 ~~Section 17.~~ President. The president shall be the chief executive officer of the Association. He shall preside at all meetings of the Association and of the Board of Directors. He shall have all of the general powers and duties which are usually vested in the office of president of the Association.

4.20 ~~Section 18.~~ Vice President. The vice president shall take the place of the president and perform his duties whenever the president shall be absent or unable to act. If neither the president nor the vice president is able to act, the Board of Directors shall appoint some other member of the Board to do so on an interim basis. The vice president shall also perform such other duties as shall from time to time be imposed upon him by the Board of Directors.

4.21 ~~Section 19.~~ Secretary. The secretary shall keep the minutes of all meetings of the Board of Directors, and the minutes of all meetings of the Association; he shall have charge of such books and papers as the Board of Directors may direct; and he shall, in general, perform all

the duties incident to the office of secretary.

4.22 ~~Section 20.~~ Treasurer. The treasurer shall have responsibility for Association funds and securities, and shall be responsible for keeping full and accurate accounts of all receipts and disbursements in books belonging to the Association. He shall be responsible for the deposit of all monies and other valuable effects in the name, and to the credit, of the Association in such depositories as may from time to time be designated by the Board of Directors.

4.23 Within ninety (90) days after being elected or appointed to the Board, each director shall certify in writing to the secretary of the Association that he or she has read the Association's Declaration of Covenants, Articles of Incorporation, Bylaws, and current written rules and policies; that he or she will work to uphold such documents and policies to the best of his or her ability; and that he or she will faithfully discharge his or her fiduciary responsibility to the Association's members.

A. In lieu of this written certification, the newly elected or appointed director may submit a certificate of satisfactory completion of the educational curriculum administered by a division approved education provider.

B. A director who fails to timely file the written certification or educational certificate is suspended from service on the Board until he or she complies with the aforementioned requirements.

C. The Board may temporarily fill the vacancy during the period of suspension.

4.24 Committees. The Board of Directors, by majority vote, may appoint such committees and chairpersons as the Board of Directors may determine appropriate for management of the business and affairs of the community, and invest in such committees such powers and responsibilities as the Board shall deem advisable. Committees authorized to take action on behalf of the Board, or to make recommendations to the Board regarding the Association budget, shall conduct their affairs in the same manner as provided in these Bylaws for Board of Director meetings. All other committees may meet and conduct their affairs in private without prior notice or owner participation.

ARTICLE 5 ~~V~~ - ASSESSMENT AND COLLECTION OF COMMON EXPENSES

As more fully provided in the Declaration of Covenants, Conditions and Restrictions, each Owner is obligated to pay to the Association annual and special assessments which are secured by a continuing lien against the lot against which it is made, ~~which lien is in favor of the Association and shall come into effect upon recordation of the Declaration of Covenants, Conditions and Restrictions.~~ Said lien shall secure not only unpaid, delinquent assessments, but also interest, late fees, and reasonable attorney's fees and other costs of collecting assessments, ~~and interest at the highest lawful rate.~~ Said lien shall date back to the date of recording of the original Declaration of Covenants, Conditions and Restrictions and shall be prior to the creation of any homestead status or subsequent lien or encumbrance, except that said lien shall be subordinate and inferior to that of any institutional first mortgage lender.

ARTICLE ~~6~~ VI - ANNUAL BUDGET

6.1 Pursuant to ~~Article IV, Section 2, paragraph b.~~ of these Bylaws, ~~t~~ The Board of Directors shall have the power and duty of preparing and adopting an annual operating budget for the Association. Each lot owner shall be given written notice of the time and place at which the meeting at which the budget will be considered shall be held, and such meeting shall be open to the lot owners. If a budget is adopted by the Board of Directors which requires assessment against the Lot Owners in any fiscal or calendar year exceeding one hundred fifteen percent (115%) of such assessments for the preceding year, upon written application of ten percent (10%) of the Lot Owners, a special meeting of the Lot Owners shall be held upon not less than ten (10) days' written notice to each Lot Owner, but within thirty (30) days of the delivery of such application to the Board of Directors or any member thereof, at which special meeting Lot Owners may consider and enact a revision of the budget, or recall any and all members of the Board of Directors and elect their successors. In either case, the revision of the budget or the recall of any and all members of the Board of Directors shall require a vote of not less than two-thirds (2/3) of each Class of members of the Association. In determining whether assessments exceed one hundred fifteen per cent (115%) of similar assessments in prior years, there shall be excluded in the computation any provision for reasonable reserves made by the Board of Directors in respect of repair or replacement of the property or in respect of anticipated expenses by the Association which were not anticipated to be incurred on a regular or annual basis. There shall also be excluded from such computation assessments for betterments to the property. An example of this procedure is if a previous year's assessments for a Lot were \$250.00 per year, then the assessment may increase to \$287.50 per year by Board of Directors action alone.

6.2 The Board of Directors shall fix the amount and the due date for the payment of the annual assessment and the periods of collection. At any time, the Board Of Directors may increase or decrease the amount of the annual assessment, change the due date of the annual assessment, or change the periods of collection. Assessments will be at an equal rate for all lots. The Board shall notify the owner(s) of each lot, the amount and the due date on which the assessments are payable. If the budget is increased by more than fifteen percent (15%) over the prior year's budget, excluding any charges for reserves or other non-recurring items, the membership can request that a special meeting be held for purposes of reconsidering the budget increase. Such request is to be made by a petition signed by at least thirty-three percent (33%) of the membership, and must be submitted to the Association within thirty (30) days following the adoption of the budget. Upon receipt of the petition the board shall schedule a special meeting of the membership within thirty (30) days. At the membership meeting, the members or their proxy holders may adopt a substitute budget of not less than fifteen percent (15%) over the prior year's budget, if the substitute budget is approved by at least two-thirds (2/3) of the members voting in person or by proxy, provided that at least a majority of all members entitled to vote participate in the voting. If the substitute budget is not approved, then the original budget adopted by the board of directors shall take effect.

6.3 The proposed annual budget shall be detailed and shall show the amounts budgeted by accounts and expense classifications.

ARTICLE 7 ~~VH~~ - AMENDMENT OF BYLAWS

The Bylaws of the Association may be modified, amended or revoked, unless specifically prohibited elsewhere herein, at any regular or special meeting of the members of the Association by a vote of not less than seventy-five percent (75%) of the members who are entitled to vote and who participate in the voting in person or by proxy, at a duly noticed membership meeting, provided at least a majority of the membership participates, and further provided that no less than fourteen (14) days' notice of said meeting has been given to the members of the Association, which notice contained a full statement of the proposed modification, change or revocation.

~~The foregoing were adopted as the Bylaws of CROSS CREEK AT EAST LAKE WOODLANDS HOMEOWNERS ASSOCIATION, INC., a corporation not for profit under the Laws of the State of Florida, at the first meeting of the Board of Directors on Aug. 16, 1990.~~

~~CROSS CREEK AT EAST LAKE
WOODLANDS HOMEOWNERS
ASSOCIATION, INC.~~

END OF PROPOSED AMENDED AND RESTATED BYLAWS