

BOOK 14, PG 404

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BY-LAWS  
OF  
TURKEY CREEK PROPERTY OWNERS ASSOCIATION, INCORPORATED

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ARTICLE I: PURPOSE

The purpose of the Turkey Creek Property Owners Association, Inc. is to maintain the common properties situated within the subdivision's boundaries, to administer and enforce the deed restrictions, to coordinate mutual programs for the benefit of members of the Association and to encourage all owners within the subdivision to build, maintain and occupy their homes in such a manner as will promote neighborhood harmony and will assist in maintaining property values. The business affairs of the Corporation shall be managed by a Board of Directors.

ARTICLE II: DIRECTORS

The Board of Directors shall consist of seven (7) members elected by the Association membership. A Director must be a member and a resident within the subdivision. The term of office shall be for one (1) year and shall commence immediately after the Annual Meeting at which his/her election took place. The outgoing President shall serve an additional year as a non-voting consultant.

Four (4) Directors shall be elected each year at the Annual Meeting to replace the non-officer members whose term of office are completed. Three (3) additional Directors shall be the duly elected President, Vice-President and Secretary.

The Board may fill any vacancies without temporary replacement who shall serve until the next Annual Meeting of the Association.

The Board shall meet only a special, not regularly as called by the President, at a location selected by the President. A Director shall be automatically removed from office if not present at three (3) consecutive Board meetings.

A majority of Directors must approve all transactions of business. All Board of Directors meetings shall be open to all members of the Association.

ARTICLE III: OFFICERS

The officers of this Association shall consist of a President, Vice-President, Secretary and Treasurer. These officers will be elected at the Association's Annual Meeting for a term of one (1) year. Each officer, with the exception of the Treasurer, shall serve as a voting member of the Board of Directors.

ARTICLE IV: ANNUAL MEETINGS

There will be an Annual Meeting of Members of the Association to elect Directors and Officers, approve the budget, amend the By-Laws, and conduct any necessary business. The Annual Meeting shall be held in Polk County on the first Thursday in March of each year, or at such other time as deemed appropriate by the Board of Directors. Notices shall be mailed to all members of the Association at least fifteen (15) days before the Annual Meeting and shall include the proposed budget. Other general meetings may be called by the Board of Directors as deemed necessary on written request by ten (10) percent of the Association members. All such special membership meetings shall limit the business conducted to that fully identified in the notice of meetings.

At least one-third (33.33%) of the Association membership, represented in person or by proxy, shall constitute a quorum for conducting Association business. Proxies must be submitted in writing to the Chairman of the meeting and shall be good for not more than thirty (30) days. Except for amendment of these By-Laws, motions will require a simple majority of those represented at the meeting.

A financial statement for the year and budget for the forthcoming year shall be presented at the Annual Meeting. Each budget shall contain provision for the accumulation, on a gradual basis, of a surplus equal to the costs of operation for not more than six (6) months of the Association. Such surplus provision shall under no circumstances exceed ten (10) percent of the total budget for any one year (1) year.

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POLK CO. REG. PAGE



Section 2. Purpose of Assessments. The assessments levied by the Association shall be used to promote the recreation, health, safety and welfare of the residents in the Properties and for the improvements and maintenance of the Common Area. Without limitation, the assessments shall also be used to maintain the landscaping, retention areas, surface water and management systems, and other improvements on the sidewalks, entrances, medians and other dedicated areas within the Properties, if necessary. The Association may, and shall not be obligated to, use assessments to improve and maintain property adjacent to the Common Area or the Property in order to improve or maintain the property values within the Property.

Section 3. Maximum Annual Assessments and Declarant Obligations to Pay Assessments.

(a) The initial maximum annual assessment per lot owner, other than Declarant shall be One Hundred Twenty Dollars (\$120.00) per lot. Declarant shall not be obligated to pay any assessment for lots owned by Declarant or seventy-five percent (75%) of the lots have been conveyed by Declarant to third parties. On January 1 of the year immediately following the conveyance of seventy-five percent (75%) of the lots by Declarant, Declarant shall commence making an annual assessment for each lot then owned by Declarant. As to the time that Declarant is obligated to pay an annual assessment, the total expenses of the Association for that fiscal year shall be paid herein shall be paid from the funds assessments received by the Association from owners other than Declarant. Any reference in the amount of total expenses of the Association to the amount collected from owners other than Declarant shall be made by Declarant to include Declarant's net paying assessments for lots owned by Declarant. There shall be no special assessments for capital improvements until Declarant begins paying assessments for lots owned by Declarant. At any time Declarant may elect to pay assessments for each lot owned by Declarant other than pay the difference between the amount collected by the Association and the total expenses of the Association.

Section 4. Suspension of Assessments. It shall be the duty of the Board of Directors of the Association to prepare a budget covering estimated costs of operations the Association during the coming year, which budget shall include a capital contribution or reserve in accordance with a capital budget separately prepared. The budget shall become effective unless disapproved at a meeting of the majority of the owners. Notwithstanding the foregoing, however, if the owner of the membership disapproves the proposed budget and the Board of Directors fails for any reason to determine the budget for the succeeding year, then and until such time as a budget shall have been determined, as provided herein, the budget in effect for the then current year shall continue for the succeeding year.

Section 5. Special Assessments for Capital Improvements. In addition to the annual assessments authorized above, the Association may, from year to year, a special assessment, applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the Common Area, including fixtures and personal property related thereto. If any, provided that any such assessment shall have the assent of two-thirds (2/3) of the votes of each class of members who are voting in person or by proxy at a meeting duly called for this purpose.

Section 6. Notice and Quorum for any Action Authorized under Section 5. Notice of any meeting called for the purpose of taking any action authorized under Section 5 shall be mailed to all members of the Association thirty (30) days before the date of the meeting. The date of a meeting of the meeting. At such meeting, the presence of a majority of the proxies entitled to vote shall constitute a quorum. All classes of membership shall constitute a majority.

Section 7. Priority of Assessments. All assessments and special assessments shall be paid at a defined rate of interest and may be collected on a monthly basis.

Section 8. Delinquent Assessments and Interest. Any assessment due hereunder shall be considered delinquent if it is not paid within thirty (30) days after the date of the month following the assessment of the Common Area. The first annual assessment shall be collected on or before the first of January following the year of the assessment. The Board of Directors shall fix the amount of the annual assessment against each lot and each third (3/3) part of a lot of each annual assessment period. Within ninety (90) days of the assessment shall be deemed to be delinquent unless the Association shall, upon demand made by a certificate charge, furnish a certificate signed by the President of the Association, setting forth whether the assessment has been paid in specified lot. The Association may, in its discretion, execute a certificate of assessment on any lot or lots of the Common Area if the assessment is not paid to the Association within the time of the date of its issuance.

Section 9. Effect of Non-Payment of Assessments. Remedies of the Association. Any Assessment not paid within thirty (30) days after the due date shall bear interest from the due date at the rate of fifteen percent (15%) per annum. The Association may bring an action at law or equity against the Owner personally obligated to pay the same or to insure the lien against the property. No Court may waive or otherwise escape liability for the assessment provided for herein by any use of the Common Area or abandonment of his lot. All payments shall be applied first to costs and attorney's fees, then to late charges, then to interest, then to delinquent assessments, then

to any unpaid installments of the annual assessment or special assessments which are not the subject matter of suit in order of their coming due, and then to any unpaid installments of the annual assessment or special assessments which are the subject matter of suit in the order of their coming due.

Section 18. Subordination of the Lien to Mortgage. The lien of the assessment provided for herein shall be subordinate to the lien of any first mortgage. Sale or transfer of land shall not affect the assessment lien. However the sale or transfer of any lot pursuant to mortgage foreclosure proceedings proceeding in lieu thereof, shall extinguish the assessment lien by such sale or transfer. In case of transfer of land following foreclosure the liability for any assessment thereafter levied on the lot from the lien thereof.

Section 19. Mortgages, Mortgages are not required to collect assessments.

ARTICLE VIII. COUNCILMAN

The President shall have the power to suspend or expel any member of the Association for cause which is a violation of the bylaws necessary to get upon the subject referred to in the Board of Directors. The Board of Directors shall have the power to issue subpoenas or subpoenas which shall be enforceable in writing and shall be enforceable by the Board of Directors. The Board of Directors shall have the power to suspend or expel any member of the Association which shall promptly take all the necessary steps.

Any member may submit a petition to the Board of Directors of general interest to the members of the Association. The Board of Directors shall have the power to suspend or expel any member of the Association which shall promptly take all the necessary steps.

ARTICLE IX. BYLAWS

Officers and Directors shall possess all the powers which such Officer and/or Director, including duties as a member of any committee of the Board, in good faith, in a manner which is reasonably believed to be in the best interests of the Association, and with the care that an ordinarily prudent person in a similar position would exercise under similar circumstances. A Director or Officer who is present at a meeting of the Board of Directors at which action is taken on any Association matter, is presumed to have assented to the action unless the minutes of the meeting show that he/she voted against it or expressly abstained from voting on it.

A majority of the Board of Directors constitutes a quorum for the transaction of business. Any act of the majority of the Directors at a meeting at which a quorum is present is an act of the Board of Directors. Directors may not vote by proxy. Any action that could be transacted at a meeting of the Board of Directors may be accomplished by the unanimous written consent of the total membership of the Board, without necessity of formal meeting.

In January of each year, the President, with the advice and consent of the Board of Directors, shall appoint a nominating committee for the purpose of securing nominees for officers and members of the Board of Directors for the forthcoming Annual Meeting of the Association. Such committee shall consist of not more than five (5) nor fewer than three (3) members of the Association, not more than one (1) of whom can be a serving member of the Board of Directors. Such committee shall only present the names of nominees who have been previously elected. Such committee shall endeavor to present the names of at least two (2) members for each position to be filled by election at the Annual Meeting and shall seek to report to the Board of Directors not later than February 1st of the year in which the roster of members may be prepared, with the written notice of the Annual Meeting when it is required to be submitted. Nominations from the floor at the annual meeting for all offices to be voted upon will be accepted only if the person or persons so nominated agree to receive the nomination in person at the successful meeting.

The President shall:

Function as the chief executive officer of the Association and provide at all meetings of the Association and the Board of Directors and see that all such meetings are in accordance with and conform to the Articles of Incorporation and By-Laws of the Association.

Appoint all committees, and be an ex-officio member of all committees except the nominating committee.

Appoint an audit committee by January 15th of each year consisting of three (3) members of the Association, not members of the Board of Directors.

Such other duties as may be designated by the Board of Directors or the members of the Association at an annual or special meeting.

The Vice-President shall:

Assume the duties and have the authority of the President in the President's absence.

Such other duties as may be designated by the President, the Board of Directors or the members of the Association at an annual or special meeting.

3360 1948  
PARK OFF. REC. PAGE

The Secretary shall:  
Record, keep and maintain the minutes of all regular and special meetings of the Association and the Board of Directors.

Read or cause to be read, the Minutes of each Association meeting at the next succeeding meeting of the Association and have the minutes of the Board of Directors meetings available for review.

Prepare ballots for the election of the Board of Directors and Officers.

Handle official correspondence of the Association.

Such other duties as may be designated by the President, the Board of Directors, or the members of the Association at an annual or special meeting.

The Treasurer shall:

Receive all moneys of the Association.

Maintain proper books and records of the assets and accounts of the Association.

Submit a correct statement of Association finances at each meeting of the Board of Directors and report to the Association and a complete annual report at the Annual Meeting.

Require all payments by the Association to be by check. Checks must be received by the President or Vice-President and the Treasurer.

Such other duties as may be designated by the President, the Board of Directors, or the members of the Association at an annual or special meeting.

ARTICLE IV: COMMITTEES

The various Association activities may be conducted through standing or special committees, other than committees of the Board of Directors. Unless otherwise provided, for each committee, the President shall appoint the chairman or chairwoman and the members of the committee. Each chairman may establish subcommittees as deemed necessary. There is hereby established an audit committee of three (3) members appointed by the President to audit or cause to be audited the financial records of the Association at the end of the Association's fiscal year or at such time as the Treasurer resigns or is removed, or otherwise leaves office. Special committees are those committees that function for a brief period of time to undertake a study of the feasibility or need of an action or which dissolve upon the report of their findings to the Association.

ARTICLE X: FISCAL YEAR

The fiscal year of the Association shall begin January 1st and end December 31 of each year.

ARTICLE XI: AMENDMENT

These By-Laws may be repealed or amended, and additional By-Laws may be adopted by a vote of two-thirds (2/3) of the members of the Association, at a regular or special meeting of the Association.

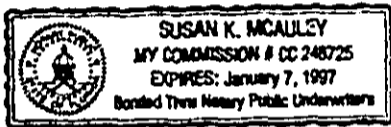
TURKEY CREEK PROPERTY  
OWNER'S ASSOCIATION, INC.

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BY William E. Evans  
William E. Evans, President

STATE OF FLORIDA  
COUNTY OF POLK

The foregoing instrument was acknowledged before me this 14th day of March, 1994, by WILLIAM E. EVANS, President of TURKEY CREEK PROPERTY OWNERS ASSOCIATION, INC., a Florida corporation, on behalf of the corporation. He is personally known to me and did take an oath.



Susan K. McAuley  
Signature of Notary Public

Susan K. McAuley  
Type/Print Name of Notary Public

Notary Public  
State of Florida at Large

Commission Expiration:

(SEAL)

DEPT 115 41.00  
DEPT 291 5.50  
1253 #  
CHECKS 46.50  
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03/14/94

FILED, RECORDED, AND  
RECORD VERIFIED  
E.D. "Bud" DIXON, Clk. Cir. Ct.  
POLK COUNTY, FLA.

BY [Signature] D.C.