



BY-LAWS
OF
CRYSTAL BAY MOBILE HOME CLUB, INC.
AN ADULT PARK OWNED AND OPERATED BY
THE HOME OWNERS

Revised	March	1994
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ARTICLE I - Office

The principle office of the Corporation in the State of Florida shall be located at Crystal Bay Mobile Home Park, Palm Harbor, Florida.

ARTICLE II - Shareholders

Section 1. Ownership of shares in Crystal Bay Mobile Home Club, Inc. Any buyer must acquire the 99year lease on the lot which bears the same number as the stock certificate being purchased. Any home on that lot, or to be placed on that lot, must be owned by the holder of the share certificate bearing the same number as the lot.

Section 2. The annual meeting of the shareholders shall be held in the Clubhouse on the fourth Tuesday of January each year to receive the reports of the outgoing Board of Directors, to install Directors and Alternate Director for the ensuing year and to transact such other business as may come before the meeting. Any shareholder wishing to make a motion at the annual meeting, which would result in a change in either the By-Laws of the Corporation or the Rules and Regulations, must write up the proposed change along with his/her explanation for the change. Fifteen (15) days before the annual meeting the proposal must be posted on the Corporation bulletin board in the Clubhouse and/or distributed to each shareholder. The time and place of such meeting shall be posted on the bulletin board of the Clubhouse fifteen (15) days prior to the meeting.

Section 3. A special meeting of the shareholders may be called at any time by the President, or in his absence by the Vice President, or the Secretary, or at the written request of any three Board members, upon fifteen (15) days notice, which notice shall be posted on the bulletin board of the Clubhouse, stating the time, place and purpose of such meeting.

Section 4. A quorum shall consist of the majority of the shareholders, in person or by proxy – each share being entitled to one vote. Unless otherwise stated in these By-Laws the act of a majority of the shareholders present at a meeting in which a quorum is present shall be the act of this Corporation.

Section 5. Informal action by shareholders: Any action required to be taken at a meeting of the shareholders, or any other action which may be taken at a meeting of the shareholders, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the shareholders entitled to vote with respect to the subject thereof.

ARTICLE III - Board of Directors

Section 1. All business of the Corporation shall be managed by the Board of Directors in accordance with the provisions of Chapter 719, Florida Statutes. Wherever applicable, in the event of a conflict between Chapter 719, Florida Statutes, and these By-Laws, Chapter 719 shall prevail.

Section 2. The Board of Directors shall consist of six (6) persons elected by the shareholders of the corporation.

Section 3. One Board member shall be elected by the Board to serve as a voting member of the board during the absence of any other Board member. This alternate will attend and participate in all meetings of the Board of Directors, but only has the right to vote should a voting member be absent.

Section 4. In the event of a vacancy, a new director will be appointed by the Board of Directors for a term as necessary to retain the balance of four terms expiring each year. A member of the Board of Directors who misses three (3) consecutive regular meetings without being excused will be considered inactive and the Board will request the resignation of that board member. A Board member may resign at any time, said resignation to be in writing to the President.

Section 5. Three (3) shareholders shall be elected as Board members each year, pursuant to the requirements of Chapter 719, Florida Statutes.

Section 6. Meetings of the Board of Directors may be called at any time by the President, or in his absence by the Vice President, or the Secretary, or at the written or oral request of any three members of the Board, upon five (5) days notice, which notice shall state the time, place and purpose of such meeting. Board members at their summer residences shall be notified of the agenda, sufficiently in advance of the date of meeting. Minutes of said meeting will then be sent to the Board member.

Section 7. Notice of meetings will be posted, both in and outside of the Clubhouse 48 hours prior to each meeting.

Section 8. A quorum shall consist of three (3) Directors. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the Board of Directors.

Section 9. The Board shall not, under any circumstances, make and/or approve motions on subjects that are not agenda items.

ARTICLE III cont'd

Section 10. Any emergency action of the Board of Directors can be taken without a meeting of the Board, so long as the action of the Board is taken pursuant to the requirements of Chapter 719, Florida Statutes, and by telephone contact or conference call. The results of any such action must be recorded in official minutes followed by confirmation of such.

Section 11. The first Board meeting will be held within five (5) days after the annual meeting. The Board of Directors shall select from its members a President, Vice President, Secretary, Treasurer, Finance Director, Building and Grounds Director, Park Development Director and Alternate Director, and post the results on the bulletin board. The President, with the consent of the Board, may also elect or appoint such other officers, associates or assistants, as the Board shall deem necessary. Associates and assistants need not be members of the Board. Vacancies in offices may be filled by the Board at any meeting at which a quorum is present.

Section 12. The Board of Directors shall appoint a Share Transfer Agent, who shall be responsible for processing the transfer of all shares on behalf of the Board.

Section 13. The Board may employ a Park Manager, if necessary, and fix the terms of his employment and salary. It may remove the Park Manager whenever it is the best judgement that such action is in the best interests of the Corporation.

Section 14. In the event of a legal suit against a Board member for an act committed in good faith in the pursuit of his duties, as described by the By-Laws, and not covered by insurance, the Corporation assumes the liability.

ARTICLE IV – Officers and Committees

Section 1. The **PRESIDENT** is the chief executive officer of the Corporation.

- He/she shall:
- a. preside at all meetings of the shareholders and the Board.
 - b. appoint all standing and special committee chairman.
 - c. represent the Corporation and the Board of Directors at any meeting at which representation is requested or is considered advisable, unless otherwise directed by the Board.

Section 2. The **VICE PRESIDENT** shall preside in the absence of the President and perform all the duties of the President in the event of their absence or disability.

- a. present to the Board of Directors applications in duplicate on approved form, for any person desiring to reside in any mobile home in the park present to the Board of Directors
- b. take care of share transfers for Shareholders.

Section 3. The **SECRETARY** shall keep or have under their supervision all records and proceedings of the Corporation and the Board of Directors.

- He/she shall:
- a. preside at any meeting in the absence of the President and Vice President.
 - b. maintain the records of shareholders.
 - c. record the minutes of all official meetings of the shareholders and the Board.
 - d. post all required notices of upcoming meetings for the Board members and the shareholders.
 - e. perform such other duties as the Board may designate.

Section 4. The **TREASURER** shall:

- a. preside in the absence of the President, Vice President and Secretary.
- b. receive and keep in safe custody all monies, funds and property of the Corporation, all monies of this Corporation shall be deposited in a bank designated by the Board of Directors in the name of, and to the credit of, this Corporation.
- c. keep all legal documents and papers of importance in a safe deposit box in a bank designated by the Board of Directors.
- d. pay all proper bills and vouchers.
- e. establish and maintain the books of accounts of the Corporation including rental records of tenants and shareholders.
- f. report in writing the state of accounts of the Corporation at each regular meeting of the Board of Directors and to the Finance Committee whenever requested.

ARTICLE IV – Officers and Committees cont'd

- g. produce a statement of the accounts of the Corporation for the twelve month period ending December 31st. each year to the Board of Directors prior to the annual meeting of the shareholders of the Corporation.
- h. make the accounts and vouchers available to an auditor, named by the Board of Directors, for an inspection and audit at any time.
- i. perform such other duties as the Board may designate.

All records, books, and vouchers shall be the property of this Corporation and subject to the control of the Board of Directors.

Section 5. The **FINANCE Director** shall be a member of the Board of Directors and in the absence of all the officers shall preside at Board meetings.

- He/she shall:
- a. act as Chairman of the Finance Committee.
 - b. appoint shareholders to act on the Finance Committee.
 - c. advise with the officers in connection with the budget and financial affairs of the Corporation, and shall report to the Board at each regular meeting.
 - d. prepare the annual budget of the Corporation.
 - e. recommend to the Board any changes to be made in monthly rates to tenants and shareholders.
 - f. recommend to the Board any changes to be made in fees for services rendered to tenants and shareholders by the park.
 - g. have prepared for filing with the proper governmental agencies all reports required.

Section 6 The **ALTERNATE Director** shall be a member of the Board of Directors.

- He/she shall:
- a. act as a voting member of the Board if less than five (5) Directors are present.
 - b. carry out such other duties and assignments as the Board designate.

ARTICLE IV – Officers and Committees cont'd.

Section 7. The **PARK DEVELOPMENT COMMITTEE CHAIRMAN** shall be appointed by the President of the Board of Directors.

- He/she shall:
- a. act as Chairman of a Park Development Committee, if needed as directed by the Board of Directors.
 - b. appoint shareholders to act on Park Development Committee and/or Rules and Regulation Committee and By-Laws Committee.
 - c. review and report to the Board of Directors any suggestions, comments or criticisms submitted by tenants or shareholders relative to the facilities or rules of the park.
 - d. formulate, publish and report to the Board of Directors the Rules and Regulations in effect in the park, and any changes thereto; and, upon approval of the Board, deliver a printed copy or changes, to the tenants and shareholders.
 - e. prepare a long range plan for keeping the facilities of the park in first class condition.
 - f. Prepare the annual budget for improvements to the park for review by the Board and Finance Committee for inclusion in the annual budget.
 - g. establish coach standards for all units brought into the park.
 - h. carry out such other duties and assignments as the Board may designate.

Section 8 The **BUILDING and GROUNDS COMMITTEE CHAIRMAN** shall be appointed by the President of the Board of Directors.

- He/she shall:
- a. act as Chairman of the Building and Grounds Committee, if needed, as directed by the Board of Directors.
 - b. secure the necessary manpower, materials and equipment to maintain all the common property of the Corporation
 - c. prepare an annual budget of expense for review by the Board and Finance Committee.
 - d. make sure all County, State and Park regulations are met in regards to Shareholder or Park work requiring such documents, and that said documents are in order.
 - e. Carry out such other duties and assignments as the Board designates.

ARTICLE V – Rules and Regulations

The Rules and Regulations as adopted by the Board of Directors shall be in force and binding on shareholders and tenants until such time as amended by the Board of Directors.

ARTICLE VI – Legal

An attorney, designated by the Board of Directors, shall advise in all legal matters and shall render such legal services as may be requested by the Board of Directors.

ARTICLE VII Seal

The Corporate Seal of the Corporation shall bear the words:

CRYSTAL BAY MOBILE HOME CLUB, INC. 1975

ARTICLE VIII – Bonding

All officers, employees and assistants authorized to handle money or funds, at the direction of the Board of Directors, shall be bonded in an amount deemed appropriate by the Board of Directors.

ARTICLE IX – Contracts - Loans - Checks and Deposits

Section 1. **Contracts:** The Board of Directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instruments in the name of, and on behalf of, the Corporation. Such authority may be general or confined to specific instances. All contracts must be approved first by the Board of Directors in writing. All contracts must be signed by two (2) Officers of the Board of Directors.

Section 2, **Loans:** No loans shall be contracted on behalf of the Corporation and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the Shareholders. Such authority may be general or confined to specific instances.

Section 3. **Checks, Drafts, etc.:** All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Corporation shall be dispensed in the following manner:

- a. The Treasurer shall not pay any bills over Two Thousand Dollars, (\$2,000.00) unless approved by the Board of Directors, in writing, and be signed by two (2) Officers of the Board of Directors.
- b. Board approval is required for checks drawn from Reserve Fund.

Section 4. **Deposits:** All funds of the Corporation, not otherwise employed, shall be deposited from time to time to the credit of the Corporation in such banks, trust companies, or other depositories as the Board of Directors may select.

ARTICLE X – Certificates for Shares and Their Transfer

[It must be first understood that a shareholder owns the mobile home but does not own the land it sits on.]

Section 1. Certificates representing shares of the Corporation shall be in such form as shall be determined by the Board of Directors. Such certificates shall be signed by the President or Vice President and by the Secretary or an assistant Secretary. All certificates surrendered to the Corporation for transfer shall be cancelled and no new certificate shall be issued until the former certificate shall have been surrendered and cancelled. In the case of a lost, destroyed or mutilated certificate a new one may be issued therefore upon such terms and indemnity to the Corporation as the Board of Directors may prescribe. Certificates will be issued for one (1) share and shall be numbered the same number as the lot, except for lot 1A, which certificate shall be numbered 107. On resale of a certificate the new certificate shall bear the same number but letters of the alphabet will be used to differentiate that it is not an original certificate.

Section 2. Subject to requirements in ARTICLE XI, transfer of shares of the Corporation shall be made only on the stock book of the Corporation by the holder of record or his legal representative, who shall furnish proper evidence of authority to transfer, or by his attorney thereunto authorized by power of attorney duly executed and filed with the secretary of the Corporation, and on surrender or cancellation of the certificate for such share. The person in whose name shares stand on the books of the Corporation shall be deemed by the Corporation to be the owner thereof for all purposes. The Corporation shall have a first and prior lien upon all shares registered in the name of each shareholder for debts due the Corporation by such shareholder except to the extent the same may be subject to a prior pledge or mortgage to an institutional lender. Except as otherwise provided, the registration of a transfer of shares upon the books of the Corporation shall operate as a waiver of the Corporation's lien on the shares so transferred as to pre-existing obligations of the transferor.

ARTICLE XI – Leases and Their Assignment

Section 1. The form of lease and all the provisions and conditions of the lease are prescribed by these By-Laws by incorporation of said lease as a part hereof, the same being attached hereto and made a part hereof.

Section 2. A shareholder-lessee shall not assign his lease or transfer the demised premises, or any part thereof, nor the share certificate appertaining thereto, except on the following terms and conditions:

ARTICLE XI – Leases and Their Assignment cont'd

A shareholder-lessee may assign the leasehold estate hereby created and the share certificate appertaining thereto only with the previous consent of the Board of Directors of Lessor, provided the assignee shall also simultaneously acquire shareholder-lessee's share of the Corporation as hereinto provided, and shall have in writing assumed all obligations of the shareholder-lessee to the Corporation and shall delivered to it a duplicate of such assignment and assumption duly executed by shareholder-lessee and the assignee in accordance with the provisions hereof. A Shareholder-lessee so assigning shall be relieved from all liability thereafter accruing under said lease, or these By-Laws.

The shareholder-lessee desiring to make such assignment shall make written application to the Board of Directors through the Park Development Director / Committee. The application shall be in duplicate on a form approved and furnished by the Board of Directors. The Board of Directors shall pass upon the application within thirty (30) days from the date of its receipt and the decision Of the Board of Directors shall be final and conclusive. Recognizing that the Corporation intends to qualify for the exemption to the Fair Housing Act as defined in Section 807 (b) (2) (c), the Board of Directors, in excercising its authority, shall take into consideration the following;

- a. Eighty-five percent (85%) of all shares shall consist of shares that have at least one shareholder/occupant who is fifty-five (55) years of age or older. The Board must be provided documented proof of age, as per the most current recorded Fair Housing Act.
- b. Any proposal to rent a housing unit with respect to occupancy must be considered in the same regard to maintaining the 85% age requirement in the approval or disapproval of an application.
- c. Buyers who intend the purchase exclusively for rental or investment Purposes will not be approved.

Section 3. The following restrictions on renting of mobile homes in Crystal Bay Mobile Home Club, Inc. will apply:

- a. All rentals will be handled in accordance with instructions on the application forms furnished by the Board of Directors.
- b. One rental of a mobile home will be permitted in a twelve month period. This seasonable twelve month period will begin in October.
- c. The length of the rental may be no less than one (1) month nor more than six (6) months.

ARTICLE XII – Fiscal Year

The fiscal year of the Corporation shall be determined by the Board of Directors.

ARTICLE XIII – Assessments

Section 1. Determination: The Board of Directors shall, from time to time, determine the sum or sums necessary and adequate for the continued ownership, operation and maintenance of the Corporation property including its operating expenses, the payment for any items of betterment and the establishment of appropriate reserve funds as are required by Chapter 719, Florida Statutes, and as the Board shall deem meet and proper. That sum or sums shall include the following:

- a. Provision for property taxes and assessments of the Corporation
- b. Insurance premiums for fire, windstorm, flood and extended coverage on real property and improvements thereon and such personal property as is part of the common elements; such insurance may include a deductible provision.
- c. Premium for adequate public liability insurance as determined by the Board.
- d. Legal and accounting fees.
- e. Management fees.
- f. Operating expenses of the property and this Corporation.
- g. Maintenance, repairs and replacement charges, janitorial and cleaning service of the common elements and lawn maintenance.
- h. Expenses and liabilities incurred by this Corporation in connection with the indemnification officers and directors provided herein and in and about the enforcement of its rights and duties against lessees and others.
- i. Charges for utilities and water used in common for the benefit of this Corporation.
- j. The creation of reasonable contingency or reserve requirements.

Regular assessments shall be paid by each Lessee – shareholder on a monthly basis due on the first of each month, or such other basis as the Board may from time to time determine. If the full assessment amount is not received by the Fifth, (5th) of the month, an administrative late fee of Twenty (\$20.00) dollars will be assessed and will be payable immediately. The assessment fixed hereunder is based on the projection and estimate of the Board of Directors and may be in excess of or less than, the sums required to meet the cash requirements of the Corporation, in which event the Board of Directors, by the appropriate, action may increase or diminish the amount of said assessment and make such adjustments respecting the reserves as in its discretion is meet and proper, including the assessment of each Lessee-shareholder of his proportionate share of any deficiency, or the distribution to each Lessee-shareholder of his proportionate excess of sums paid beyond the requirements of the Corporation or its reasonable reserves as fixed by the Board.

ARTICLE XIII- Assessments cont'd

The afore described assessment charges shall not include assessment for utilities separately charged and metered to each mobile home lot and consumed therein. Nor shall said assessments include any charges for alteration, repairs, painting or maintenance within the interior or exterior of any mobile home, but only for such alteration, repairs, maintenance, etc., to the common elements of the Corporation unless, as aforesaid, repairs or replacements which would ordinarily be the obligation of a Lessee-shareholder must be made for the protection of the common elements of the Corporation and same have not been made by the Lessee-shareholder of the mobile home lot concerned.

After the first proposed budget is established, the Board of Directors, on or before November 15th. of the year, shall prepare a proposed budget to cover all operating expenses and otherwise for the ensuing year, and distribute said budget to lessee-shareholders.

When a budget covering all operating expenses and reserve requirements has been established by the Board of Directors, the Board shall post the same in the Clubhouse and mail or hand deliver a copy of said budget to each lessee-shareholder. The Board shall disclose the amount of assessment necessary for each lessee-shareholder to pay for each month during the ensuing calendar year. The budget and assessment for each lessee-shareholder shall be used for the calendar year for which it is prepared, unless otherwise as hereinafter stated. The aforementioned posted, mailing and hand delivery of the budget and assessment shall be done no less than fourteen (14) days before the budget meeting.

An informational meeting of the Shareholders will be held on or before December 1st. to explain the proposed budget, to answer questions and take suggestions from the Shareholders. The Shareholders will vote on said budget at this time.

The Board will enact said budget on January 1st.

Special assessments, should they be required, shall be levied and paid in the same manner as heretofore provided for regular assessments. Special assessments can be of two kinds:

- a. those chargeable to all Lessee-shareholders in the same proportions as regular assessments to meet shortages or emergencies.
- b. those assessed against one or more Lessee-shareholders to accomplish repairs, maintenance or utility services (including water and sewer hook-up fees) for which he or they are responsible within the lot area.

Common expenses not hereinabove listed which are the subject of said assessment shall be defined from time to time by the Board of Directors provided, however, that material alterations or substantial additions to the common elements may be authorized only upon a three-fourths (3/4) vote of the Board of Directors and Shareholders.

ARTICLE XIII – Assessments cont'd

Section 2. Liability, Lien and Priority, Interest, Collection The holder of a lease, regardless of how acquired, including without limitation a purchaser at a judicial sale, shall be liable for all assessments coming due while he is the holder thereof. In a voluntary conveyance the grantee shall be jointly and severally liable with the grantor for all unpaid assessments against the latter for his share of the common expenses up to the time of such voluntary conveyance, without prejudice to the rights of the grantee to recover from the grantor the amounts paid by the grantee thereof.

The liability for assessments may not be avoided by waiver of the use or enjoyment of any common elements or by abandonment of the lease against which the assessments are made.

Assessments and installments thereon not paid when due shall bear interest from the date when due until paid at the rate of 10% per annum.

Lessor shall have a lien on each lease and attendant share certificate from any unpaid assessments, and penalty and interest thereon, as well as a claim against Lessee. Said lien shall also secure reasonable attorney's fees incurred by Lessor incident to the collection of such assessment or enforcement of lien.

For special assessments the Board of Directors shall determine the time period in which a payment or installment shall be made, the penalty charged for late payments or installments and the interest charged on unpaid balances. The Board shall announce this at the same time at which the special assessment is announced; otherwise, no penalties or interest will be charged.

ARTICLE XIV – Age and Pet Restrictions

Section 1 – Age Restrictions

- a. It is the intention of the Corporation to qualify for the exemption to the Fair Housing Act by providing housing for older persons as defined in Section 807(b) (2) C of the Federal Fair Housing Act (1988). No less than eighty-five (85%) percent of the units shall have at least one (1) permanent occupant who is age fifty-five (55) years or older, and all permanent occupants must be at least eighteen (18) years of age.
- b. While there are no limitations on the length or number of visits by children or grandchildren, The Board of Directors reserves the right to limit individual visits if they interfere with the other shareholders' enjoyment of their homes, sites and the common park facilities.
- c. It shall be a common expense to the Corporation to provide significant facilities and services, or the availability of significant facilities and services, specifically designed to meet the physical or social needs of older persons as contemplated by the Federal Fair Housing Act.
- d. The Board of Directors shall promulgate, from time to time, such rules, regulations and procedures as are necessary to insure compliance with this restriction and consistent with an intent to comply with Section 807(b) (2) C of the Federal Fair Housing Act (1988).

Section 2 – Pet Restrictions

- a. One (1) small house pet, weighing a maximum of twenty-five lbs. (25) at maturity is permitted.
- b. Pet must be kept on a leash at all times when outside the house.
- c. All pet messes are to be picked up immediately, and disposed of properly.
- d. When loss of current pet occurs, all shareholders shall conform to and abide by the aforementioned rules.
- e. Management shall have the right to screen all pets.

ARTICLE XV – Responsibilities for Sewer and Water Lines

Section 1. When a water leak is discovered, prompt action must be taken by the Shareholder whose water line seems to be affected. If the Shareholder is not available or delays taking action, the Corporation will call a plumber to make necessary repairs as promptly as possible.

Section 2. The shareholder is responsible for the cost of waterline repairs from the tap-in device, either "tee" or "saddle" or shut off valve to his home. The Corporation is responsible for any leak in the main water line, including the "tee", "saddle" or shut off valve.

Section 3. The Shareholder is responsible for the cost of sewer line repairs of all plumbing units from the home to and including the connective device or method used to join the main sewer line. The Corporation is responsible for repairs to the main sewer line, which are not the result of the Shareholder's problem. In the event of a blockage, the Corporation will accept the opinion of a responsible person as to whether the blockage was located in the main sewer line or the homeowner's line. The same guidelines govern restoration of the ground to original state where necessary.

Section 4. Shareholders may place poured concrete or decorative blocks, at ground level, up to the edge of the sea wall cap. At the time of approval to do such work, said shareholder will sign a waiver stating that they are responsible for the cost of removing the concrete or blocks should the Corporation deem underground work necessary which would require this removal.

ARTICLE XVI – Mortgage of Corporate Assets

The Corporation shall not mortgage the land or buildings thereon, or any part thereof, without the express approval of three-quarters ($\frac{3}{4}$) of the Shareholders of the Corporation.

ARTICLE XVII – DISSOLUTION

This Corporation shall have perpetual existence, in the event of dissolution of the Corporation, it shall require the vote of 100% of the Shareholders, except in the case of natural disasters, where the dissolution of the Corporation shall require the affirmative vote of 75% of the Shareholders.

ARTICLE XVIII – Amendments

The By-Laws of the Corporation may be altered, amended, or repealed at any regular or special meeting of the Shareholders by a majority vote of all Shareholders of the Corporation, not merely a majority of Shareholders attending a meeting of the Shareholders.