

Division of Corporations

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From: **GAIL S. ANDRE**

Account Name : LOWNDES, DROSDICK, DOSTER, KANTOR & REED, P.A.
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Phone : (407) 843-4600
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PLEASE ARRANGE FILING OF THE ATTACHED ARTICLES OF INCORPORATION AND RETURN CERTIFICATE OF STATUS AND CERTIFICATION TO ME AS SOON AS POSSIBLE. THANK YOU FOR YOUR ASSISTANCE IN THIS MATTER.

FLORIDA NON-PROFIT CORPORATION

MOSS PARK LANDINGS HOMEOWNERS ASSOCIATION, INC.

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**ARTICLES OF INCORPORATION
OF
MOSS PARK LANDINGS HOMEOWNERS ASSOCIATION, INC.**

The undersigned subscribers, all of whom are above the age of eighteen (18) years and competent to contract, have this day voluntarily associated themselves together for the purpose of forming a corporation not for profit under the provisions of Chapter 617, Florida Statutes (2001), and do hereby agree and certify as follows:

**ARTICLE I.
NAME**

The name of this Association shall be MOSS PARK LANDINGS HOMEOWNERS ASSOCIATION, INC., a Florida not for profit corporation, hereinafter referred to as the "Association" or "Corporation".

**ARTICLE II.
PRINCIPAL OFFICE**

The principal office and mailing address of the Association shall be located initially at 450 South Orange Avenue, 12th Floor, Orlando, Florida 32801, but the Association may maintain offices and transact business in such other places within or without the State of Florida as may from time-to-time be designated by the Board of Directors.

**ARTICLE III.
INITIAL REGISTERED OFFICE AND AGENT**

The initial registered office of the Association shall be located at 450 South Orange Avenue, 12th Floor, Orlando, Florida 32801 and the initial registered agent of the Association at that address shall be Mark Meyer. The Association may change its registered agent or the location of its registered office, or both, from time-to-time without amendment of these Articles of Incorporation. The registered agent for the Association shall maintain copies of all permits issued by South Florida Water Management District for the benefit of the Association, if any, so long as such copies are provided to the registered agent by the Association.

**ARTICLE IV.
PURPOSE AND POWERS OF THE ASSOCIATION**

This Association does not contemplate pecuniary gain or profit to the Members thereof, and the specific purposes for which it is formed are to provide for maintenance, preservation and architectural control of the Residential Property, Units, Lots and Common Area within those

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certain tracts of land located in Orange County, Florida, as more particularly described on **Exhibit "A"** attached hereto and incorporated herein (the "Property").

The Property is subject to that certain Development Order For Moss Park Planned Development of Regional Impact approved by the Orange County Board of County Commissioners on November 14, 2000, and recorded on January 3, 2001 in Official Records Book 6163, Page 782, Public Records of Orange County, Florida ("Development Order"). The Property is encumbered by the terms, covenants, restrictions and conditions contained in the Declaration of Covenants, Conditions and Restrictions of Moss Park Landings dated July 21, 2003, which will be recorded in the Public Records of Orange County, Florida, as the same may be amended from time-to-time (hereinafter the "Declaration"). The Property is also subject to that certain Declaration of Master Covenants, Conditions and Restrictions of Moss Park Community (Residential Properties) dated May 21, 2002, and recorded on June 6, 2002 in Official Records Book 6539, Page 5942, Public Records of Orange County, Florida, as the same may be amended from time-to-time (hereinafter the "Master Declaration"). The Property is also subject to that certain Declaration of Master Easement and Joint Use Agreement for Moss Park Community dated January 28, 2002, and recorded on February 4, 2002 in Official Records Book 6449, Page 6704, Public Records of Orange County, Florida (the "Master Easement"). The defined terms set forth in Article I of the Declaration shall have the same meaning in this document as in the Declaration.

The Association is being formed to promote the health, safety and welfare of the residents within the above-described Property and any additions to the Property as may hereafter be brought within the jurisdiction of the Association and shall have the power to:

- (a) exercise all of the powers, enforcement rights and privileges and to perform all of the duties and obligations of the Association as set forth in that certain Declaration, as the same may be amended from time-to-time as therein provided;
- (b) fix, levy, collect and enforce payment by any lawful means, all charges or assessments pursuant to the terms of the Declaration and the Master Easement; to pay all expenses in connection therewith and all office and other expenses incident to the conduct of the business of the Association, including all licenses, taxes or governmental charges levied or imposed against the property of the Association;
- (c) acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Association;
- (d) borrow money, and with the assent of the Master Association and of at least two-thirds (2/3) of each class of Members, mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred;

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(e) dedicate, sell or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the Members. No such dedication, sale or transfer shall be effective unless an instrument has been approved in writing by the Master Association and signed by at least two-thirds (2/3) of each class of Members, agreeing to such dedication, sale or transfer. However, there shall be no requirement of participation by or agreement of the Members in the event the dedication, sale or transfer is incidental to a replatting of any portion of the Common Property;

(f) participate in mergers and consolidations with other nonprofit corporations organized for the same purposes or annex additional residential property and Common Area;

(g) have and to exercise any and all powers, rights and privileges which a corporation organized under the Non-Profit Corporation Law of the State of Florida by law may now or hereafter have or exercise.

ARTICLE V. **MEMBERSHIP**

Declarant, who is initially Moss Park Investments, LLC., a Florida limited liability company, and every person or entity who is a record Owner of a fee or undivided fee interest in any Property which is subject to the Declaration, shall be a Member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant to and may not be separated from ownership of any Parcel, Lot, Unit or other property which is subject to assessment by the Association.

ARTICLE VI. **VOTING RIGHTS**

The Association shall have two (2) classes of voting membership:

(a) **Class A.** Class A members shall be all Owners, with the exception of Class B members. Voting by Class A members shall be allocated at one (1) vote per Lot, and all votes hereunder shall be cast in accordance with Article III of the Declaration:

(b) **Class B.** The Class B member shall be Declarant, or its specifically designated successor, which successor must be designated in writing and in accordance with the provisions and limitations of the Declaration. The Class B member shall be allocated a number of votes equal to nine (9) times the total number of Class A votes at any time; provided, that the Class B membership shall cease and become converted to Class A membership upon Turnover. The Turnover of the Association by Declarant shall occur at the Turnover meeting, which meeting shall take place within three (3) months of the occurrence of the following events, whichever occurs earliest:

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- (i) January 31, 2020.
- (ii) Upon voluntary conversion to Class A membership by Declarant.
- (iii) When ninety percent (90%) of the Lots are conveyed to Members of the Association other than to Declarant, builders, contractors or others who purchase a Lot for the purpose of constructing improvements thereon for resale.
- (c) Association. The Association as an owner of the Common Area shall not be entitled to any votes.
- (d) Multiple Owners. Each vote in the Association shall be cast as a single vote, and fractional votes shall not be allowed. In the event that joint or multiple Owners are unable to agree among themselves as to how their vote or votes shall be cast, they shall lose their right to vote on the matter in question. If any Owner or Owners cast a vote on behalf of a particular Parcel, it shall thereafter be conclusively presumed for all purposes that he was or they were acting with the authority and consent of all other Owners thereof. In the event more than the appropriate number of votes are cast for a particular Parcel, none of such votes shall be counted and such votes shall be deemed void.

ARTICLE VII.
BOARD OF DIRECTORS

The affairs of this Association shall be managed by a Board of three (3) directors, who need not be Members. The number of directors shall be increased to five (5) upon the elimination of Class B members. In addition, the number of directors may be either increased or diminished from time-to-time as provided in the By-Laws. The name and street address of the initial directors of this Association are:

Charles W. Gregg	1105 Kensington Park Drive Altamonte Springs, Florida 32714
Hampton P. Conley	1105 Kensington Park Drive Altamonte Springs, Florida 32714
Mark Meyer	450 South Orange Avenue, 12 th Floor Orlando, Florida 32801

Directors may be removed with or without cause. Prior to Turnover, directors shall be appointed by Declarant and shall serve until removed by Declarant. From and after Turnover, the Members shall elect one (1) director for a term of one (1) year, two (2) directors for terms of two (2) years, and two (2) directors for terms of three (3) years. Thereafter, the members of the Board shall be elected for three (3) year terms.

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ARTICLE VIII.
OFFICERS

The Board of Directors shall elect a President, Vice President and Secretary and Treasurer and as many additional Vice Presidents and Assistant Secretaries and Assistant Treasurers as the Board shall determine. The President and any Vice President shall be elected from among the membership of the Board of Directors but no other officer needs to be a director. The same person may hold two offices, the duties of which are not incompatible; provided, however, that the office of the President and Vice President shall not be held by the same person, nor shall the office of President and Secretary or Treasurer or Assistant Secretary or Treasurer be held by the same person.

The affairs of the Association shall be administered by the officers designated in the Bylaws of this Association. Said officers will be elected by the Board of Directors at its first meeting following the annual meeting of the members of the Association and, with the approval of the Board of Directors, may employ a managing agent and/or such other managerial and supervisory personnel or entities to administer or assist in the administration of the operation and management of the Common Areas and the affairs of the Association, and any such person or entity may be so employed without regard to whether such person or entity is a member of the Association or a Director of the Association.

The names and addresses of the officers who will serve until their successors are designated are as follows:

<u>Office:</u>	<u>Name:</u>	<u>Address:</u>
President	Charles W. Gregg	1105 Kensington Park Drive Altamonte Springs, Florida 32714
Vice President	Hampton P. Conley	1105 Kensington Park Drive Altamonte Springs, Florida 32714
Secretary/Treasurer	Simon Snyder	1105 Kensington Park Drive Altamonte Springs, Florida 32714

ARTICLE IX.
DISSOLUTION

The Association shall exist in perpetuity. Provided, however, if the Association is dissolved all Common Property owned by the Association at such time shall be transferred to another association or appropriate public agency having similar purposes. If no other association or agency will accept such property then it will be conveyed to a Trustee appointed by the Circuit Court of Orange County, Florida, which Trustee shall sell the Common Property free and clear of the limitations imposed hereby upon terms established by the Circuit Court of Orange County, Florida. That portion of the Open Space or Common Property consisting of the Surface Water

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Management System cannot be altered, changed or sold separate from the lands it serves. The proceeds of such a sale shall first be used for the payment of any debts or obligations constituting a lien on the Common Property, then for the payment of any obligations incurred by the Trustee in the operation, maintenance, repair and upkeep of the Common Property. The excess of proceeds, if any, from Common Property shall be distributed among Owners in a proportion which is equal to the proportionate share of such Owners in Common Expenses. In any event, the Association may only be dissolved with the assent given in writing and signed by not less than the representatives of two-thirds (2/3rds) of each class of Members.

ARTICLE X.
COMMENCEMENT AND DURATION OF CORPORATE EXISTENCE

This Association shall commence corporate existence on the date of filing these Articles with the Florida Secretary of State and shall have perpetual existence unless sooner dissolved according to law. In the event of termination, dissolution or final liquidation of the Association, the responsibility for the operation and maintenance of the surface water or stormwater management systems must be transferred to and accepted by an entity which would comply with Section 40C-42.027, Florida Administrative Code ("F.A.C."), and be approved by the South Florida Water Management District prior to such termination, dissolution or liquidation. Any other assets will be dedicated to a public body, or conveyed to a non-profit organization of similar purposes.

ARTICLE XI.
AMENDMENT

The Owners shall have the right to amend or repeal any provisions contained in these Articles of Incorporation, or any amendment hereto. Such amendment shall require the assent of at least two thirds (2/3) of the Owners of each Class.

ARTICLE XII.
INCORPORATORS

The name and street address of the person signing these Articles as Incorporators is:

Mark Meyer

450 South Orange Avenue, 12th Floor
Orlando, Florida 32801

ARTICLE XIII.
BY LAWS

The power to adopt, alter, amend or repeal By-Laws shall be vested in the Board of Directors.

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ARTICLE XIV.
INDEMNIFICATION

In addition to any rights and duties under applicable law, this Association shall indemnify and hold harmless all its directors, officers, employees and agents, and former directors, officers, employees and agents from and against all liabilities and obligations, including attorneys' fees and costs, incurred in connection with any actions taken or failed to be taken by said directors, officers, employees and agents in their capacity as such except for willful misconduct or gross negligence.

The Association shall have the power to purchase and maintain insurance on behalf of any person who is or was a director or officer of the Association, or is or was serving at the request of the Association as a director or officer of another corporation against any liability asserted against him or her and incurred by him or her in any such capacity, or arising out of his status as such, whether or not the Association would have the power to indemnify him or her against such liability under the provisions of these Articles of Incorporation.

ARTICLE XV.
DEFINITIONS

Capitalized terms contained herein shall have the definitions and meaning set forth in the Declaration.

ARTICLE XVI.
APPROVALS

So long as there is a Class B Membership, the following actions require the prior approval of the FHA/VA: annexation of additional properties, mergers and consolidations, mortgaging of the Common Area, dedication of the Common Area, dissolution and amendment of these Articles of Incorporation.

IN WITNESS WHEREOF, the undersigned do hereby make and file these Articles of Incorporation declaring and certifying that the and hereby subscribe thereto and hereunto set their hand and seal this 23rd day of July, 2003.


_____(SEAL)
MARK MEYER

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STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 23rd day of July, 2003, by **MARK MEYER**, who is personally known to me or who has produced N/A as identification.



Sonya Y Brauer
My Commission Expires March 18, 2008

Sonya Y Brauer
Signature of Notary Public

Sonya Y Brauer
(Print Notary Name)

My Commission Expires: 3-18-04

Commission No.: DD077485

AFFIX NOTARY STAMP

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**CERTIFICATE DESIGNATING PLACE OF BUSINESS
FOR THE SERVICE OF PROCESS WITHIN FLORIDA AND
REGISTERED AGENT UPON WHOM PROCESS MAY BE SERVED**

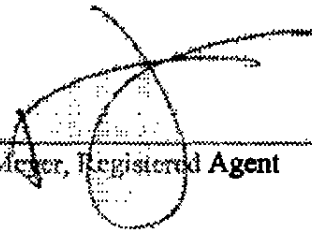
In compliance with Section 48.091, Florida Statutes, the following is submitted:

MOSS PARK LANDINGS HOMEOWNERS ASSOCIATION, INC. desiring to organize as a corporation under the laws of the State of Florida with its registered office and principal place of business at 450 South Orange Avenue, 12th Floor, Orlando, Florida 32801 has named and designated Mark Meyer as its Registered Agent to accept service of process within the State of Florida.

ACKNOWLEDGMENT:

HAVING BEEN NAMED to accept service of process for the above named corporation, at the place designated in this Certificate, I hereby agree to act in this capacity, and I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties as Registered Agent.

Dated this 23rd day of July, 2003.



Mark Meyer, Registered Agent

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EXHIBIT "A"LEGAL DESCRIPTION OF PROPERTY SUBJECT TO DECLARATION

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MOSS PARK LANDING

DESCRIPTION:

Parcel A:

A portion of Sections 9 and 10, Township 24 South, Range 31 East, Orange County, Florida, being more particularly described as follows:

Commence at the Northeast corner of Section 9, Township 24 South, Range 31 East, Orange County, Florida, said point also being the Northwest corner of Section 10, Township 24 South, Range 31 East, Orange County, Florida; thence S01°26'01"W along the East line of the Northeast 1/4 of said Section 9, said line also being the West line of the Northwest 1/4 of said Section 10, a distance of 1210.49 feet to a point on the South right-of-way line of the Orlando Utilities Commission railroad right of way, as described in Official Records Book 3491, Page 539, and reassigned in Official Records Book 4424, Pages 1870 through 1882, Public Records of Orange County, Florida; thence S57°15'22"W along said South right-of-way line a distance of 591.45 feet to the POINT OF BEGINNING; said point being on the West line of Tract A, conservation area of the Plat of Wycliffe Bible Translators Corporate Office Campus Phase 1, as recorded in Plat Book 50, Pages 35 through 37, of said Public Records; thence along the West line of said plat the following sixteen (16) courses and distances: S03°11'52"W, a distance of 76.70 feet; thence S13°49'39"E, a distance of 174.32 feet; thence S09°17'52"E, a distance of 170.47 feet; thence S10°50'21"W, a distance of 165.87 feet; thence S30°00'55"E, a distance of 186.30 feet; thence S23°19'10"W, a distance of 132.63 feet; thence S16°57'16"W, a distance of 108.20 feet; thence S56°23'31"E, a distance of 164.83 feet; thence S13°24'06"E, a distance of 133.15 feet; thence S26°03'30"E, a distance of 131.99 feet; thence S41°27'18"E, a distance of 191.10 feet; thence S39°20'39"E, a distance of 99.88 feet; thence S22°41'11"E, a distance of 146.91 feet; thence S28°47'27"E, a distance of 157.77 feet; thence S17°51'59"E, a distance of 186.42 feet; thence S43°39'52"W, a distance of 80.32 feet to a point on the Northerly right-of-way line of Moss Park Road as shown on said plat, said point being on a curve concave Southwesterly, having a radius of 785.00 feet, a central angle of 40°52'18", and a chord of 548.21 feet that bears N66°53'52"W; thence Northwesterly along the arc of said curve and along said Northerly right-of-way line a distance of 560.00 feet to the Point of Tangency; thence N87°20'01"W along said Northerly right-of-way line a distance of 281.17 feet to a point on the monumented Easterly right-of-way line of Moss Park Road as shown on Orange County Highway Construction Right-of-Way Map, County

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EXHIBIT "A"
(Page 2 of 4)

Project No. Y5-813-MK, Page 4 of 6, dated May 24, 1996, and revised January 27, 1998; thence N23°08'17"W along said right-of-way line, a distance of 574.78 feet to the point of curvature of a curve concave Southwesterly, having a radius of 299.11 feet, a central Angle of 16°11'19", and a chord of 84.24 feet that bears N31°13'56"W; thence Northwesterly along the arc of said curve and along the aforesaid Easterly right-of-way line, a distance of 84.52 feet to a point; thence leaving said Easterly right-of-way line N01°34'57"W, a distance of 99.79 feet; thence N10°55'04"E, a distance of 93.14 feet to a point on the apparent Easterly right-of-way line of Wewahootee Road (by prescriptive use) as shown on a boundary survey by HLA/REPS dated January 15, 1999; thence N21°21'47"E along said apparent Easterly right-of-way line a distance of 1041.03 feet to a point on the South right-of-way line of said Orlando Utilities Commission right of way; thence N57°15'22"E along said South right-of-way line a distance of 80.04 feet to the POINT OF BEGINNING.

AND:

Parcel B:

A portion of Section 9, Township 24 south, Range 31 East, Orange County, Florida, described as follows:

Commence at the Northwest corner of the Northeast 1/4 of the Southeast 1/4 of said Section 9; thence run S01°22'53"W, along the West line of the Northeast 1/4 of the Southeast 1/4 of said Section 9, a distance of 50.01 feet to a point on the South right-of-way line of Moss Park Road, as described in Official Records Book 1332, Page 793, Public Records of Orange County, Florida, and the POINT OF BEGINNING; thence run along said right-of-way line of Moss Park Road the following three (3) courses and distances: run S89°49'31"E, a distance of 176.40 feet to the point of curvature of a curve concave Southwesterly, having a radius of 199.11 feet and a central angle of 66°40'45"; thence run Southeasterly along the arc of said curve, a distance of 231.72 feet to the point of tangency thereof; thence run S23°08'46"E, a distance of 525.88 feet to a point lying on the Northerly right-of-way line of Moss Park Road; thence run N87°19'25"W, a distance of 511.01 feet to a point; thence run N03°57'39"W, a distance of 46.50 feet; thence run N31°08'25"W, a distance of 54.07 feet; thence run N89°43'28"E, a distance of 87.24 feet; thence run N73°48'50"E, a distance of 58.48 feet; thence run N01°09'18"W, a distance of 185.00 feet; thence run S89°49'15"W, a distance of 176.12 feet; ~~thence run S00°25'19"W, a distance of 139.42 feet; thence run~~ N51°42'02"W, a distance of 40.15 feet; thence run N13°51'26"W, a distance of

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EXHIBIT "A"
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75.92 feet; thence run N14°45'05"E, a distance of 51.14 feet; thence run N47°35'22"W, a distance of 55.95 feet; thence run N08°12'04"E, a distance of 38.14 feet; thence run N06°12'57"W, a distance of 93.83 feet; thence run N19°11'15"W, a distance of 60.48 feet; thence run N58°27'40"E, a distance of 101.04 feet to a point on the South right-of-way line of Moss Park Road; thence run S89°49'31"E, along said South right-of-way line, a distance of 29.97 feet to the POINT OF BEGINNING.

AND:

Parcel C:

That part of Tract A, WYCLIFFE BIBLE TRANSLATORS CORPORATE OFFICE CAMPUS PHASE I, as recorded in Plat Book 50, Pages 35 through 37, of the Public Records of Orange County, Florida, described as follows:

Commence at the intersection of the East right-of-way line of New Moss Park Road, as described in said WYCLIFFE BIBLE TRANSLATORS CORPORATE OFFICE CAMPUS PHASE I, and the West line of said Tract A; thence run the following twelve (12) courses along said West line of Tract A: thence run N43°41'24"E for a distance of 80.32 feet; thence run N17°51'59"W for a distance of 186.42 feet; thence run N28°47'27"W for a distance of 157.77 feet; thence run N22°41'11"W for a distance of 146.91 feet; thence run N39°20'39"W for a distance of 99.88 feet; thence run N41°27'18"W for a distance of 191.10 feet; thence run N26°03'30"W for a distance of 131.99 feet; thence run N13°24'06"W for a distance of 133.15 feet; thence run N56°23'31"W for a distance of 164.83 feet; thence run N16°57'16"E for a distance of 108.20 feet; thence run N23°19'10"E for a distance of 132.63 feet; thence run N30°00'55"W for a distance of 170.34 feet to the POINT OF BEGINNING; thence continue N30°00'55"W along said West line for a distance of 15.96 feet; thence run N10°50'21"E along said West line for a distance of 165.87 feet; thence run S06°37'13"W for a distance of 97.89 feet; thence run S09°14'59"W for a distance of 51.91 feet; thence run S07°13'05"W for a distance of 28.48 feet to the POINT OF BEGINNING.

AND:

Parcel D:

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EXHIBIT "A"
(Page 4 of 4)

That part of Tract A, WYCLIFFE BIBLE TRANSLATORS CORPORATE OFFICE CAMPUS PHASE I, as recorded in Plat Book 50, Pages 35 through 37, of the Public Records of Orange County, Florida, described as follows:

Commence at the intersection of the East line of New Moss Park Road, as described in said WYCLIFFE BIBLE TRANSLATORS CORPORATE OFFICE CAMPUS PHASE I, and the West line of said Tract A; thence run the following nine (9) courses along said West line of Tract A: N43°39'52"E for a distance of 80.32 feet; thence run N17°51'59"W for a distance of 186.42 feet; thence run N28°47'27"W for a distance of 157.77 feet; thence run N22°41'11"W for a distance of 146.91 feet; thence run N39°20'39"W for a distance of 99.88 feet; thence run N41°27'18"W for a distance of 191.10 feet; thence run N26°03'30"W for a distance of 131.99 feet; thence run N13°24'06"W for a distance of 133.15 feet; thence run N56°23'31"W for a distance of 110.19 feet to the POINT OF BEGINNING; thence continue N56°23'31"W along said West line for a distance of 54.64 feet; thence run N16°57'16"E along said West line for a distance of 66.01 feet; thence run S09°36'49"E for a distance of 48.80 feet; thence run S21°48'13"E for a distance of 48.76 feet to the POINT OF BEGINNING.

Together containing 26.918 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

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