

N05000009204

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

☐

PICK-UP

☐

WAIT

☐

MAIL

(Business Entity Name)

(Document Number)

Certified Copies _____

Certificates of Status _____

Special Instructions to Filing Officer:

Office Use Only

509
W05-38545



000058184710

08/15/05--01018--009 **78.75

ALLAHABAD STATE
TALLAHASSEE FLORIDA

2005 SEP - 7 AM 9:13

FILED

9/9/05

CUMMINS & NAILOS, P.A.

ATTORNEYS AT LAW

1009 N. 14th Street
P.O. Box 491656
Leesburg, Florida 34749-1656
Phone: (352) 787-5411
Fax: (352) 365-1917

Norman C. Cummins
Heath B. Nailos
Kristin Cummins Nailos
Jeanie M. Dolby Dubinski

Reply to Clermont

2215 Cluster Oak Drive, Ste. 2
Clermont, Florida 34711
Phone: (352) 394-8550
Fax: (352) 394-8216

July 26, 2005

Division of Corporations
Department of State
Post Office Box 6327
Tallahassee, FL 32314

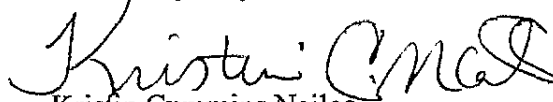
RE: Articles of Incorporation of
Apshawa View Subdivision Homeowners Association, Inc.

Dear Sir or Mam:

Enclosed please find the original and one copy of the Articles of Incorporation for the above-named corporation. Please file the original Articles and certify the enclosed copy as the certified copy, and return same to me. Enclosed is my firm's check in the sum of \$78.75 to cover the filing costs for the above corporation.

Please do not hesitate to contact me if you have any questions.

Yours very truly,


Kristin Cummins Nailos
Attorney at Law

FILED
2005 SEP -7 AM 9:13
TALLAHASSEE FLORIDA



FLORIDA DEPARTMENT OF STATE

Glenda E. Hood
Secretary of State

FILED
2005 SEP -7 AM 9:13
SECRETARY OF STATE
TALLAHASSEE FLORIDA

August 25, 2005

CUMMINS & NAILOS, P.A.
2215 CLUSTER OAK DRIVE
SUITE 2
CLERMONT, FL 34711

SUBJECT: APSHAWA VIEW SUBDIVISION HOMEOWNERS ASSOCIATION,
INC.
Ref. Number: W05000038545

We have received your document for APSHAWA VIEW SUBDIVISION HOMEOWNERS ASSOCIATION, INC. and your check(s) totaling \$78.75. However, the enclosed document has not been filed and is being returned for the following correction(s):

You failed to make the correction(s) requested in our previous letter.

The name of the entity must be identical throughout the document.

Please return the original and one copy of your document, along with a copy of this letter, within 60 days or your filing will be considered abandoned.

If you have any questions concerning the filing of your document, please call (850) 245-6973.

Claretha Golden
Document Specialist
New Filings Section

Letter Number: 905A00054036



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State

FILED
2005 SEP -7 AM 9:13
SECRETARY OF STATE
TALLAHASSEE FLORIDA

August 16, 2005

CUMMINS & NAILOS, P.A.
2215 CLUSTER OAK DRIVE
SUITE 2
CLERMONT, FL 34711

SUBJECT: APSHAWA VIEW SUBDIVISION HOMEOWNERS ASSOCIATION,
INC.
Ref. Number: W05000038545

We have received your document for APSHAWA VIEW SUBDIVISION HOMEOWNERS ASSOCIATION, INC. and your check(s) totaling \$78.75. However, the enclosed document has not been filed and is being returned for the following correction(s):

The name of the entity must be identical throughout the document.

Please return the original and one copy of your document, along with a copy of this letter, within 60 days or your filing will be considered abandoned.

If you have any questions concerning the filing of your document, please call (850) 245-6973.

Claretha Golden
Document Specialist
New Filings Section

Letter Number: 005A00052157

FILED
2005 SEP -7 AM 9:13
CLERK OF STATE
TALLAHASSEE, FLORIDA

ARTICLES OF INCORPORATION
OF
APSHAWA VIEW SUBDIVISION HOMEOWNERS ASSOCIATION, INC.,
A FLORIDA CORPORATION NOT-FOR-PROFIT

In compliance with the requirements of Chapter 617, Florida Statutes, as amended, the undersigned, of full age, is hereby forming a corporation not for profit and does hereby certify

ARTICLE I
NAME

The name of the corporation is **APSHAWA VIEW SUBDIVISION HOMEOWNERS ASSOCIATION, INC.**, hereinafter referred to as the "Association".

ARTICLE II
ADDRESS

The principal office of the Association is located at 300 E. Division Street, Minneola, FL 34755.

ARTICLE III
PURPOSE AND POWERS OF THE ASSOCIATION

The Association does not contemplate pecuniary gain or profit to the members hereof, and the specific purpose for which it is formed is to provide for the maintenance within that certain tract of property described on Exhibit "A" attached hereto, to enforce the Declaration of Covenants applicable to any lots or tracts from the said overall tract and also to:

A. Exercise all of the powers and privileges and to perform all of the duties and obligations of the Association as set forth in that certain Declaration of Covenants, hereinafter called the "Declaration", applicable to the property and recorded, or to be recorded, in the Office of the Clerk of the Circuit Court, Lake County, Florida, and as the same may be amended from time to time as therein provided, said Declaration being incorporated herein as if set forth at length;

B. Fix, levy, collect and enforce payment by any lawful means, of all charges or assessments pursuant to the terms of the Declaration; to pay all expenses in connection therewith and all office and other expenses incidental to the conduct of 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 two-thirds (2/3) of the total membership (combined Class A and Class B members, with Class B members having three (3) votes for each lot owned) mortgage, pledge, deed-in-trust or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred;

E. Participate in mergers and consolidations with other non-profit corporations organized for the same purposes or annex additional residential property and common areas, provided that any such merger, consolidation, or annexation not specifically authorized in the Declaration shall have the assent of two-thirds (2/3) of the total membership;

F. Have and to exercise any and all powers, rights and privileges which a corporation organized under the Not-For-Profit Corporation Law of the State of Florida may now or hereafter have or exercise;

G. Operate, maintain and manage the surface water or stormwater management system(s) in a manner consistent with the St. Johns River Water Management District permit no. _____ requirements and applicable District rules, and assist in the enforcement of the Declaration of Covenants and Restrictions which relate to the surface water or stormwater management system.

The Association shall levy and collect adequate assessments against members of the Association for the costs of maintenance and operation of the surface water or stormwater management system.

ARTICLE IV **MEMBERSHIP**

Every person or entity who is a record owner of a fee or undivided fee interest in any Lot which is subject by covenants of record to assessment by the Association, including contract sellers, 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 is appurtenant to and inseparable from Ownership of the Lot.

ARTICLE V **VOTING RIGHTS**

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

A. THE CLASS "A" MEMBERS shall be all Owners of Lots, except Declarant as the term is defined in the Declaration, and shall be entitled to one (1) vote for such Lot owned. When more than one (1) person holds an interest in any Lot, all such Persons shall be members. The vote for such Lot shall be exercised as the multiple owners may determine, but in no event shall more than (1) vote be cast with respect to any one Lot;

B. THE CLASS "B" MEMBER shall be the Declarant (as defined in the Declaration) and shall be entitled to three (3) votes for each lot it owns and it doesn't matter if the lot is vacant or has a residential unit thereon. The Class "B" Membership shall cease and be converted to Class "A" Membership upon the first occurrence of either of the following events:

- (1) Upon the sale of 75% of Declarant's/Developer's ownership interest in all lots; or
- (2) On January 1, 2010; or
- (3) Within thirty (30) days after Declarant/Developer sends to the Association and to each member notice that Declarant/Developer voluntarily wishes to turn over its control to the Association.

ARTICLE VI
DIRECTORS

A. The affairs of the Association will be managed by a Board consisting of not less than three (3) nor more than five (5) directors. All directors must be members of the Association, however, Declarant's employees may serve as directors until the Class B membership of the Association ceases.

B. Directors of the Association shall be elected by the membership in the manner described in the Bylaws and Declaration. Directors may be removed and vacancies on the Board of Directors filled as provided in the Bylaws.

C. The directors names in these Articles shall serve until the first election of directors, and any vacancies in their number occurring before the first election shall be filled by the remaining directors.

D. The names and addresses of the members of the first Board of Directors who shall hold office until their successors are elected and have qualified, or until removed, are as follows:

JERRY KOCIELKO
300 E. Division Street
Minneola, FL 34755

ROBERT THOMPSON
1958 Brantley Circle
Clermont, FL 34711

ARTICLE VII
OFFICERS

The affairs of the Association shall be administered by the Officers designated in the Bylaws. The officers shall be elected by the Board of Directors at its meeting following the annual meeting of the members of the Association and shall serve at the pleasure of the Board of Directors. The names and addresses of the officers who shall serve until their successors are designated by the Board of Directors are as follows:

JERRY KOCIELKO - PRESIDENT

ROBERT THOMPSON - VICE PRESIDENT

ROBERT THOMPSON - SECRETARY/TREASURER

ARTICLE VIII
VA AND FHA APPROVAL

As long as there is a Class B membership, the following actions will require the prior approval of the Veterans Administration and Federal Housing Administration when either of such entities has an interest: Annexation of additional properties, mergers and consolidations, mortgaging

of any common area, dedication of common area, amendment of these Articles of Incorporation and dissolution of the corporation; provided, however, notwithstanding anything contained herein to the contrary concerning references herein to approvals being necessary or to be obtained from the Veterans Administration or Federal Housing Administration, such approvals shall not be necessary or required by these Articles of Incorporation unless financing in connection with APSHAWA VIEW SUBDIVISION HOMEOWNERS ASSOCIATION, INC., has been obtained through the Veterans Administration or Federal Housing Administration, so as to make such approvals by Veterans Administration and Federal Housing Administration mandatory under the requirements or either the Veterans Administration or Federal Housing Administration.

ARTICLE IX **DISSOLUTION**

The Association may be dissolved with the assent given in writing and signed by not less than two-thirds (2/3) of each Class of members. Upon dissolution of the Association, other than incidental to a merger or consolidation, the assets of the Association shall be dedicated to an appropriate public agency to be used for purposes similar to those for which this Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed, and assigned to any non-profit corporation, association, trust or other organization to be devoted to such similar purposes.

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 system must be transferred to and accepted by an entity which would comply with Section 40C-42.027, F.A.C., and be approved by the St. Johns River Water Management District prior to such termination, dissolution or liquidation.

ARTICLE X **BYLAWS**

The Bylaws of the Association shall be adopted by the Board of Directors and may be altered, amended or rescinded in the manner provided by the Bylaws.

ARTICLE XI **EXISTENCE AND DURATION**

Existence of the Association shall commence with the filing of these Articles of Incorporation with the Secretary of State, Tallahassee, Florida and the corporation shall exist perpetually.

ARTICLE XII **AMENDMENTS**

Amendments to the Articles of Incorporation shall be proposed and adopted in the following manner:

A. Notice of the subject matter of a proposed amendment shall be included in the notice of any meeting at which a proposed amendment is considered.

B. A resolution approving a proposed amendment may be proposed either by the Board of Directors or by a majority of the Class A members of the Association. Members present in person or by proxy at the meeting considering the amendment may express their approval in writing, providing such approval is delivered to the Secretary at or prior to the meeting. Except as elsewhere provided, approval of a proposed amendment must be by the approval of at least 2/3 vote of members entitled to vote thereon.

C. Provided, however, that no amendment shall make any changes in the qualifications of membership nor the voting rights of members without approval in writing by all members, and joinder of all record owners or mortgages upon a Lot. No amendment shall be made that is in conflict with any Declaration of Covenants, Restrictions and Conditions as amended applicable the State of Florida.

ARTICLE XIII
INCORPORATOR

The name and address of the incorporator of these Articles of Incorporation is as follows:

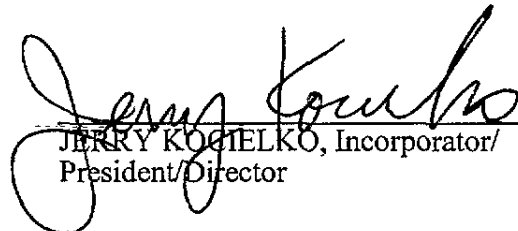
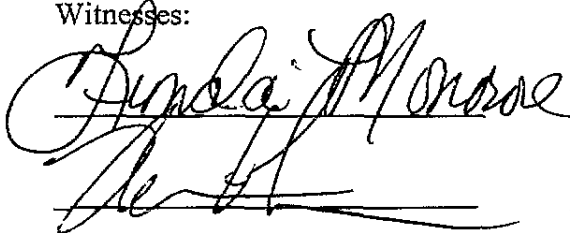
JERRY KOCIELKO
300 E. Division Street
Minneola, FL 34755

ARTICLE XIV
REGISTERED AGENT

NORMAN C. CUMMINS, ATTORNEY AT LAW, whose address is 450 E. Highway 50, Suite 7, Clermont, FL 34711, is hereby appointed as the initial registered agent of this Association.

IN WITNESS WHEREOF, for the purpose of forming this Corporation under the laws of the State of Florida, the undersigned, constituting the incorporator of this Association, has executed these Articles of Incorporation this the 23rd day of Dec, 2003.

Witnesses:



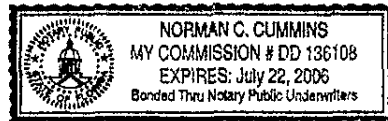
JERRY KOCIELKO, Incorporator/
President/Director

STATE OF FLORIDA
COUNTY OF LAKE

BEFORE ME, the undersigned authority, personally appeared JERRY KOCIELKO,

Incorporator/President/Director Apshawa View Subdivision Homeowners Association, after being duly sworn, acknowledged before me that he executed the foregoing Articles of Incorporation freely and voluntarily for the uses and purposes therein expressed.

WITNESS my hand and official seal this 23rd day of Dec, 2003.



[Signature]
NOTARY PUBLIC
Printed Signature:
My Commission Expires:

**CERTIFICATE DESIGNATING A REGISTERED
OFFICE AND A REGISTERED AGENT FOR THE SERVICE
OF PROCESS WITHIN THIS STATE**

In pursuance of Chapter 48.091, Florida Statutes, the following is submitted, in compliance with said act:

APSHAWA VIEW SUBDIVISION HOMEOWNERS ASSOCIATION, INC., a Florida Corporation Not-For-Profit, desiring to organize under the laws of the State of Florida, with its principal office as indicated in the Articles of Incorporation at 300 E. Division Street, Minneola 34755.

The name and address of the Registered Agent and office is:

Norman C. Cummins, Esquire
Cummins & Nailos, P.A.
450 E. Highway 50, Suite 7
Clermont, Florida 34711

Having been named as Registered Agent to accept service of process for **APSHAWA VIEW SUBDIVISION HOMEOWNERS ASSOCIATION, INC.**, at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

[Signature]
Registered Agent

Date: Dec 23, 2003

FILED
2005 SEP - 7 AM 9:15
CLERK OF DISTRICT COURT
TALLAHASSEE FLORIDA

EXHIBIT A

The west 1044.34 feet of the South ½ of the Southeast 1/4 of
Section 36, Township 21 South, Range 25 East, Lake County,
Florida, less the South 664.00 feet, and less road Right-of-Way for
Apshawa Road (C.R. 3-2038) on North.

FILED
2005 SEP -7 AM 9:13
CLERK OF COUNTY OF STATE
TALLAHASSEE FLORIDA