

N17734

GRAY, HARRIS & ROBINSON

PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW
SUITE 138

1800 WEST HIBISCUS BOULEVARD
POST OFFICE BOX 1870

MELBOURNE, FL 32902-1870

TELEPHONE (407) 727-8100

FAX (407) 984-4122

J. CHARLES GRAY
GORDON H. HARRIS
RICHARD M. ROBINSON
PHILLIP R. FINCH
PAMELA O. PRICE
JAMES F. PAGE, JR.
WILLIAM A. BOYLES
THOMAS A. CLOUD
BYRD F. MARSHALL, JR.
J. MASON WILLIAMS, III
LEO P. ROCK, JR.
G. ROBERTSON DILG
CHARLES W. SELL
JACK A. KIRSCHENBAUM
RICHARD E. BURKE
GUY S. HAGGARD
FREDERICK W. LEONHARDT
BORRON J. OWEN, JR.
MICHAEL K. WILSON
JEFFREY D. KEINER
PAUL S. QUINN, JR.
DAVID L. SCHICK
JACK K. MCMULLEN
SUSAN T. SPRADLEY
MICHAEL E. NEUKAMM
DONALD A. NOHRR
PHILIP F. NOHRR
WILLIAM G. BOLTIN, III
R. LEE BENNETT
TRACY A. MARSHALL
JOHN A. KIRST, JR.
WILBUR E. BREWTON
KENNETH J. PLANTE

MICHAEL E. WRIGHT
WILLIAM A. GRIMM
KENT L. HIPP
DONALD H. GIBSON
ALISON M. YURKO
THEODORE L. SHINKLE
JOHN M. BRENNAN
SCOTT W. SPRADLEY
KIMBERLY NOWORYTA SUNNER
MICHAEL J. BITTMAN

BRUCE M. HARRIS
R. DEAN CANNON, JR.
FRANK A. HAMNER
RICHARD A. RODGERS
KELLY BREWTON PLANTE
J. SCOTT SIMS
CATHERINE M. PECK
LORI T. MILVAIN
MATTHEW S. SMITH
CHRISTINE A. NOWORYTA
W. CHRISTOPHER BROWDER
MARTHA H. MCINTOSH
LISA A. SPECHT
GREGORY W. MEIER
GREGORY W. GLASS
WILLIAM J. DENIUS
KURTIS T. BAUERLE
DEREK E. BRUCE
TROY A. KISHBAUGH

OF COUNSEL

MALCOLM R. KIRSCHENBAUM
SYDNEY L. JACKOWITZ
LILA INGATE MCHENRY
MICHAEL J. CANAN

May 24, 1999

Division of Corporations
Florida Department of State
P.O. Box 6327
Tallahassee, FL 32301

Re: Bayberry Estates Homeowner's Association, Inc.
Our File No. 95313-1

Dear Sir/Madam:

900002886559--1
-05/26/99--01001--004
*****78.75 *****43.75

In connection with the above, enclosed please find the following:

1. Original Articles of Incorporation of Bayberry Estates Homeowner's Association, Inc. to be filed with the State;
2. One copy of the Articles of Incorporation to be certified and returned to this office;
3. Check in the amount of \$78.75 representing the filing fee.

Please file these Articles of Incorporation and return the certified copy to this office at the address above. Please do not hesitate to contact our office if there are any questions.

Very truly yours,

Ronnie Vetter

Ronnie Vetter
Secretary to Gregory W. Glass

*Ronnie gave
OK to add date
of adoption +
/iv apostrophe in
encs.
name...*

FILED
99 MAY 25 PM 2:44
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

*Amend
of 5/25/99*

F:\USR\IVVetter\Articles of Incorporation\BayberryEstates ltr

FILED

99 MAY 25 PM 2: 44

SECRETARY OF STATE
TALLAHASSEE, FLORIDA

ARTICLES OF AMENDMENT

TO

ARTICLES OF INCORPORATION

OF

BAYBERRY ESTATES HOMEOWNER'S ASSOCIATION, INC.

THE UNDERSIGNED, Hugh Bowie, as President of Bayberry Estates Homeowner's Association, Inc., a Florida not-for-profit corporation (the "Association"), for and on behalf of the Association, hereby execute these Articles of Amendment to the Articles of Incorporation of the Association:

ARTICLE FIRST: The name of the Corporation is BAYBERRY ESTATES HOMEOWNERS ASSOCIATION, INC.

ARTICLE SECOND: ARTICLE IV of the current Articles of Incorporation is amended and restate in its entirety, as follows:

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 residence Lots and common Areas within that certain tract of property described as:

Lots 1-26 inclusive, lots 61-106 inclusive and lots 121-136 inclusive and Tracts A, B, C D, E, F and G, BAYBERRY ESTATES UNIT 1, as recorded in Plat Book 33 Page 23 of the Public Records of Brevard County, Florida; and

Lots 27-60 inclusive and lots 107-120 inclusive and Tract D, BAYBERRY ESTATES UNIT 2, as recorded in Plat Book 33 Page 24 of the Public Records of Brevard County, Florida.

and to promote the health, safety and welfare of the residents within the above described property and any additions thereto as may hereafter be brought within the jurisdiction of this Association for this purpose 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, Conditions and Restrictions, hereinafter called the "Declaration", applicable to the property and recorded or to be recorded in the Office of the Public Records of Brevard County, Florida 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, all charges or assessments pursuant to the terms of the Declaration; to pay off 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; provided, however, no such sale or disposition of any real property by the Association shall be effective unless an instrument has been signed by two-thirds (2/3) of the members of the Association agreeing to such sale or other disposition;

(d) borrow money, and with the assent of two-thirds (2/3) of the members of the Association, 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) 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 or transfer shall be effective unless an instrument has been signed by two-thirds (2/3) of the members of the Association agreeing to such dedication, sale or transfer;

(f) participate in mergers and consolidations with other nonprofit corporations organized for the same purposes or annex additional residential property and Common Area, provided that any such merger, consolidation or annexation shall have the assent of two-thirds of the members of the Association.

(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 THIRD: The Amendment to the Articles of Incorporation of the Association set forth above was duly adopted by the assent of seventy-five percent of the members of the Association, as required by Article XV of the Articles of Incorporation of the Association on May 20, 1999.

ARTICLE FOURTH: The effective date of these Articles of Amendment shall be upon the filing thereof with the Florida Department of State.

IN WITNESS WHEREOF, the undersigned, has executed these Articles of Amendment as of the 20 day of May, 1999.

BAYBERRY ESTATES HOMEOWNER'S ASSOCIATION, INC.

By: Hugh Bowie
Hugh Bowie, President

Attest: Charlotte Perry
Charlotte Perry, Secretary

STATE OF FLORIDA)
) S.S.:
COUNTY OF BREVARD)

The foregoing instrument was acknowledged before me this 20 day of May, 1999, by Nugra Brown, as President of Bayberry Estates Homeowner's Association, Inc., a Florida non-for-profit corporation, who [] is personally known to me or [] produced _____ as identification.

Joan Les
Notary Public
My Commission Expires: 3-3-2002

