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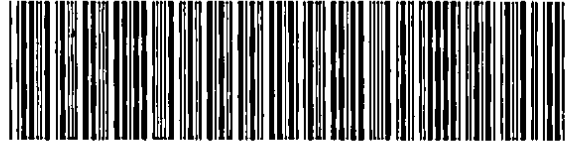
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MICHAEL J. McCLUSKEY
Board Certified Business Litigation Lawyer
RAYMOND G. ROBISON
LL.M. - Master of Laws in Taxation
J. HENRY CARTWRIGHT
TYSON J. WATERS
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FREDERIK W. van VONNO (1951-2017)
Board Certified City, County &
Local Government Lawyer

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PHILIP W. GROS
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OF
GEORGE W. BU
Board Certified Business Litigation
Board Certified Condc
& Planned Development
ROBERT A. GOL

February 14, 2019

Amendment Section
Division of Corporations
P.O. Box 6327
Tallahassee, Florida 32314

Re: Mallard Creek Homeowners Association, Inc.

Dear Sir or Madam:

Enclosed please find the Revived Articles Incorporation of Mallard Creek Homeowners Association, Inc., along with a check in the amount of \$35.00.

Should you require anything further, please do not hesitate to me.

Sincerely,



Nicole L. Geary, FRP
Paralegal to Robert A. Goldman, Esq.

/mlg
Enclosures as noted
cc: Client
MA190501

FILED

REVIVED ARTICLES OF INCORPORATION

2019 FEB 19 10 43

OF

SECRETARY OF STATE
TALLAHASSEE, FLORIDA

MALLARD CREEK HOMEOWNERS ASSOCIATION, INC.

The purpose of this revived Articles of Incorporation is to continue the purposes of the Articles of Incorporation as originally filed with the Department of State, Division of Corporations on June 1st, 2005.

ARTICLE I

NAME

The name of the corporation shall be MALLARD CREEK HOMEOWNERS ASSOCIATION, INC., hereinafter referred to as the "Association" and its duration shall be perpetual.

ARTICLE II

PURPOSE

The purpose for which the Association is organized is to engage as a non-profit organization in protecting the value of the property of the Members of the Association, to exercise all the powers and privileges and to perform all the duties and obligations of the Association as defined and set forth in the certain Declaration of Covenants and Restrictions for Mallard Creek as amended from time to time (the "Declaration") recorded in the office of the clerk of the Circuit Court in and for Martin County, Florida, including the establishment and enforcement of payment of charges and Assessments contained therein, and to engage in such other lawful activities as may be to the mutual benefit of the members and their property. All terms used herein which are defined in the Declaration shall have the same meaning herein as therein.

ARTICLE III

POWERS

The powers of the association shall include and be governed by the following provisions:

1. Common law and Statutory Powers. The Association shall have all of the common law and statutory powers of a corporation not-for-profit which are not in conflict with terms of these Articles and Declaration.

Section 2. Necessary Powers. The Association shall have all of the powers reasonably necessary to implement its purpose, including, but not limited to, the following:

- A. To operate and manage the Association Property and the Common Property in accordance with the purpose and intent contained in the Declaration;
- B. To make and collect Assessments against Members to defray the Common Expenses;
- C. To use the proceeds of Assessments in the exercise of its powers and duties;
- D. To maintain, repair, replace and operate the Association Property and the Common Property and to maintain such other property as provided in the Declaration;
- E. To reconstruct Improvements upon the Property after casualty and to further improve the Property;
- F. To make and amend By-Laws for the Association and regulations respecting the use of the Property;
- G. To pay all taxes and other assessments which are liens against the Association Property and the Common Property;
- H. To enforce by legal means the provisions of the Declaration, these Articles, the By-Laws and the Rules and Regulations for the use of the Property;
- I. To provide for management and maintenance and to authorize a management agent to assist the Association in carrying out its powers and duties by performing such functions as the collection of Assessments, preparation of records, enforcement of rules and maintenance of the Association Property, the Common Property and such other property maintained by the Association. The Association shall, however, retain at all times the powers and duties granted it by common law, Florida Statutes and local ordinances including, but not limited to, the making of Assessments, the promulgation of rules, and the execution of contracts on behalf of the Association.
- J. To possess, enjoy and exercise all powers necessary to implement, enforce, and carry into effect the powers above described, including

the power to acquire, hold, convey, and deal in real and personal property.

Section 3. Funds and Title to Properties. All funds and title to all properties acquired by the Association and the proceeds thereof shall be held only for the benefit of the Members in accordance with the provisions of the Declaration. No part of the income, if any, of the Association shall be distributed to the Members, directors, or officers of the Association.

Section 4. Limitations. The powers of the Association shall be subject to and be exercised in accordance with the provisions of the Declaration.

ARTICLE IV

MEMBERSHIP

Qualification for, and admission to, membership in the Association shall be regulated by the Declaration and the By-Laws of the Association.

ARTICLE V

BOARD OF DIRECTORS

The affairs of the Association shall be managed by a Board of Directors consisting of five (5) directors. All directors and all officers must be Members of the Association. The directors shall be elected by the Members of the Association at the annual meeting.

ARTICLE VI

OFFICERS

Officers shall be elected by the Board of Directors at the annual meetings of the Directors, as provided in the By-Laws. The officers shall consist of a President, Vice-President, Secretary and Treasurer.

ARTICLE VII

INDEMNIFICATION OF OFFICERS AND DIRECTORS

Every Director and Officer of the Association shall be indemnified by the Association as provided in the Declaration.

ARTICLE IX

BY-LAWS

The By-Laws of the Association may be adopted, amended, altered or rescinded as provided therein; provided, however, that at no time shall the By-Laws conflict with these Articles of Incorporation or the Declaration and provided further that no amendment, alteration or rescission may be made which affects the rights or privileges

Of any Institutional Mortgagee, without the express prior written consent of the Institutional Mortgagee so affected. Any attempt to amend, alter or rescind contrary to these prohibitions shall be of force or effect.

ARTICLE X

AMENDMENTS

These Articles of incorporation of the Association may be amended, altered or rescinded upon approval of at least fifty-one (51%) of the votes of the Members. Votes may be cast at a meeting of Members, voting in person or by proxy or Members may express their approval by written consent. Provided however, that no such amendment shall conflict with the terms of the Declaration: and provided further that no amendment, alteration or rescission may be made which affects the rights or privileges of any Institutional Mortgagee, without the prior written consent of the institutional Mortgagee so affected. Any attempt to amend, alter or rescind contrary to these prohibitions shall be of no force or effect.

ARTICLE XI

REGISTERED AGENT AND REGISTERED OFFICE

The name of the registered agent shall be Robert Goldman, Esq. and the street address of the registered office of the Association shall be 3473 SE Willoughby Boulevard, Stuart, Florida 34994. The Association shall have the right to designate subsequent registered agents without amending these Articles of Incorporation.

These Revived Articles of Incorporation for Mallard Creek Homeowners Association, In. were approved by half (1/2) of the Members, which vote was sufficient for approval on October 25th, 2018.

IN WITNESS WHEREOF, the undersigned has caused these presents to be signed in its name by its name by its President, its Secretary and its corporate seal affixed this day of 1/28, 2019.

WITNESSES:

**MALLARD CREEK HOMEOWNERS
ASSOCIATION, INC.**



Printed Name #1: DINA ROSENHAUS



Printed Name: #2 ROBERT E. ATKINSON

By: 

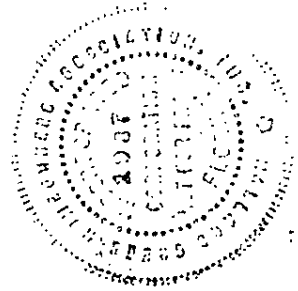
Todd N. Rosenhaus Its President

Dina Rosenhaus
Printed Name #1 Dina Rosenhaus

By: Teri A. Pryor
TERI A. PRYOR Its Secretary

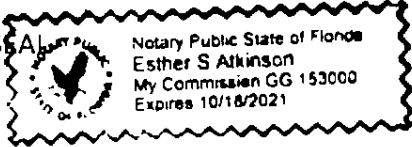
Robert E. Atkinson
Printed Name #2 ROBERT E. ATKINSON

CORPORATE SEAL



STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me on 1/28, 2019, by Todd Rosenhaus as President of Mallard Creek Homeowners Association, Inc. () who is personally known to me, or () who has produced identification (Type of identification): _____.

NOTARY SEAL  Notary Public State of Florida
Esther S Atkinson
My Commission GG 153000
Expires 10/16/2021

Esther S. Atkinson
Notary Public

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me on 1/28, 2019, by Teri Pryor as Secretary of Mallard Creek Homeowners Association, Inc. () who is personally known to me, or () who has produced identification (Type of identification): _____.

NOTARY SEAL  Notary Public State of Florida
Esther S Atkinson
My Commission GG 153000
Expires 10/16/2021

Esther S. Atkinson
Notary Public

JOINDER OF MASTER ASSOCIATION

MARTIN DOWNS PROPERTY OWNERS ASSOCIATION, INC., Florida not-for-profit corporation, hereby joins in this Revived Declaration of Covenants and Restrictions for Mallard Creek for the sole purpose of agreeing to perform its obligations contained herein.

WITNESSES:

MARTIN DOWNS PROPERTY

OWNERS ASSOCIATION, INC.

Kyle A. Hughes
Printed Name #1: Kyle A. Hughes

By: [Signature]
Dennis M. Rohan Its President

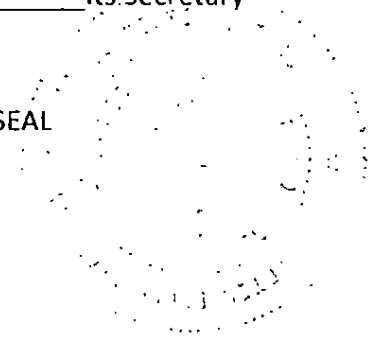
Deena M Sabella
Printed Name: #2 DEENA M SABELLA

Donna M Rohan
Printed Name #1: DONNA M ROHAN

By: [Signature]
FREDERICK E. DEARIE Its Secretary

Deena M Sabella
Printed Name #2 DEENA M SABELLA

CORPORATE SEAL



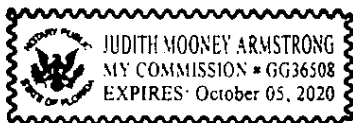
STATE OF FLORIDA

COUNTY OF MARTIN

The foregoing instrument was acknowledged before me on 02/04, 2019, by Dennis Rohan as President of Martin Downs Property Association, Inc. (who is personally known to me, or () who has produced identification (Type of identification): _____.

NOTARY SEAL

[Signature]
Notary Public



STATE OF FLORIDA

COUNTY OF MARTIN

The foregoing instrument was acknowledged before me on 01/29, 2019, by Fred Depkin as Secretary of Martin Downs Property Association, Inc. () who is personally known to me, or () who has produced identification (Type of identification): _____.

NOTARY SEAL



Notary Public

