

N98000000552

DARBY, PEELE, BOWDOIN & PAYNE

A PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

ATTORNEYS AT LAW

January 23, 1998

HERBERT F. DARBY, P.A.
S. AUSTIN PEELE, P.A.
W. RODERICK BOWDOIN, P.A.
M. BLAIR PAYNE
THOMAS J. KENNON, III

327 NORTH HERNANDO STREET
POST OFFICE DRAWER 1707
LAKE CITY, FLORIDA 32056
TELEPHONE (904) 752-4120
FACSIMILE (904) 755-4569

Corporate Records Bureau
Division of Corporations, Secretary of State
Post Office Box 6327
Tallahassee, Florida 32314

Re: BRIAR Patch Estates Homeowner's Association, Inc.

98 JAN 28 PM 2:55
DIVISION OF CORPORATIONS
TALLAHASSEE, FLORIDA

FILED

Dear Sir/Madam:

Please find enclosed herewith the original and executed copy of Articles of Incorporation of Brian Patch Estates Homeowner's Association, Inc., a corporation for non-profit. Please file the original Articles of Incorporation, certify the copy and return it to us.

Also enclosed is our check in the sum of \$122.50 as payment for the following costs:

Filing Fee:	\$35.00	900002414259--9
Fee for certified copy:	52.00	-01/28/98--01040--021
Fee for designation of registered agent	35.00	*****61.25 *****61.25
Total:	\$122.50	900002414259--9
		-01/28/98--01040--022
		*****61.25 *****61.25

Since the registered agent for this corporation is properly designated in the Articles of Incorporation, and he has signed as an incorporator, we presume no separate certificate is required with regard to the same.

Thank you.

Very truly yours,

Thomas J. Kennon, III
For the Firm

- TJKIII/sc
Enclosures
- Articles and copy
 - check

Shana/Thomas GAVE
AUTHORIZATION BY PHONE TO
CORRECT Name/Dir.
DATE 1-30-98
DOC. EXAM nam

TJKIII/sc
01/23/98

7:11:55
98 JAN 28 PM 2:55
DIPLOMA SERVICE
TALLAHASSEE, FLORIDA

**ARTICLES OF INCORPORATION
OF**

BRIAR **PATCH ESTATES HOMEOWNER'S ASSOCIATION, INC.**
(a non-profit corporation)

The undersigned, desiring to form a corporation not for profit under the laws of the State of Florida, hereby adopt the following Articles of Incorporation:

ARTICLE I - NAME

The name of the corporation is BRIAR PATCH ESTATES HOMEOWNER'S ASSOCIATION, INC. The principal office of the corporation shall be located at Route 3, Box 355, Lake City, Florida 32025, which is also the registered office address as listed in Article VI.

ARTICLE II - TERM OF EXISTENCE

The period of the duration of the corporation is perpetual, unless dissolved according to law.

ARTICLE III - PURPOSE

The purposes for which this corporation is organized are the following:

(A) To acquire title to certain real property in Columbia County, Florida to be used as private roads ("Road System") serving a portion of a recorded, residential real estate subdivision known as "Briar Patch Estates" ("Development"), and other real property adjacent to the "Road System"

(B) To provide for the perpetual maintenance, repair and upkeep to the Road System for the benefit of the several property owners of the Development.

(C) To provide such other services and common maintenance, care and upkeep of the Development, including common areas, recreational facilities, private utilities and any other common facilities which may be a part of the Development, as determined from time to time by vote of a majority of the members.

(D) To provide for the management, maintenance, operation and care of real and personal property, including, without limitation, all lakes, ditches, canals, retention or detention areas, drainage, wetlands and wetland mitigation areas, and other preservation or conservation areas which are owned or controlled by the corporation.

(E) To fix and make assessments and collect assessments by lawful means for the purpose of maintaining the Road System, common areas, and other property owned or maintained by the corporation, as provided for herein.

ARTICLE IV - POWERS

In carrying out its purposes, the corporation shall have all corporate powers now or hereafter provided by the laws of the State of Florida, including, but not limited to:

(A) The purchase, ownership, maintenance, control, sale, lease, mortgaging, encumbering or otherwise dealing in any manner with real and personal property of every type, kind and nature.

(B) The employment, direction and discharge of personnel necessary to carry out the purposes herein stated.

(C) To do any and all things necessary, incidental, or desirable to accomplish any and all of the purposes and objectives for which the corporation is organized, either alone or in cooperation with other corporations, firms or individuals and to carry on any lawful activity necessary or incidental to the accomplishment of the purposes and objectives of the corporation.

(D) To make and collect assessments against property owners in the Development and use the proceeds thereof in the exercise of its powers and duties, including, but not limited to the defraying of costs and expenses of carrying out its purposes.

(E) To maintain, repair, replace and operate property owned by it, purchase insurance thereon, and to make and adopt reasonable regulations respecting the use and appearance of the Road System and other property owned or controlled by the corporation, and to enforce by all legal means the provisions of these articles of incorporation and any by-laws or regulations adopted pursuant hereto.

(F) To do and perform any obligations imposed upon the corporation by law or by any permit or authorization for any unit of local, regional, state, or federal government, and to enforce by any legal means the provisions of these articles, the by-laws and any restrictions affecting the Development.

(G) The power to do and perform any and all acts necessary or required by these articles, the by-laws affecting the Development to be done by any owner of any property in the Development, but if not done by the owner in a timely manner to do and perform the

same at the expense of the owner or as may be otherwise provided in such declaration of protective covenants and restrictions.

The foregoing enumeration of powers shall in no way be construed to limit or restrict in any manner the powers of the corporation as may be otherwise provided or granted by law.

ARTICLE V - MEMBERSHIP

Membership in the corporation shall be limited to those persons who from time to time own property in the Development, which is adjacent to the Road System or property adjacent to the Road System. All record owners of property in the Development who are adjacent to the Road System shall, by virtue of such ownership, be members of the corporation. Rights of such members to vote, hold office as a director or officer of the corporation, or otherwise exercise any rights of membership may be limited, as provided in the by-laws, to those persons who have paid all annual dues and assessments and are otherwise in good standing pursuant to the by-laws.

ARTICLE VI - REGISTERED OFFICE AND AGENT

The initial registered office of the corporation is at Route 3, Box 355, Lake City, Florida 32025. The name of its initial registered agent at such address is J. L. Dicks. The registered agent, by signing these articles of incorporation, accepts appointment as such and certifies that he is familiar with and accepts the duties and responsibilities as registered agent for the corporation.

ARTICLE VII - BOARD OF DIRECTORS

The corporation shall have a Board of Directors elected in the manner provided in the by-laws, and which shall consist of not less than ^{three}~~one~~(3) nor more than nine (9) persons.

The number of directors may be increased or decreased from time to time as provided in the by-laws, but shall never be less than ^{three}~~one~~(3). The names and addresses of the persons who shall serve as the initial members of the Board of Directors are:

<u>NAME</u>	<u>ADDRESS</u>
J. L. DICKS	Route 3, Box 355 Lake City, Florida 32025
DONALD COOK	Route 1, Box 67 Fort White, Florida 32038
HARRY DICKS	Route 1, Box 130 Lulu, Florida 32061

ARTICLE VIII - ORGANIZATIONAL FORM

The corporation is organized upon a non-stock basis.

ARTICLE IX - DISPOSITION OF ASSETS UPON DISSOLUTION

No part of the income of the corporation shall be distributable to its members, directors or officers either during the existence of the corporation or upon its dissolution; provided, however, that upon dissolution the assets of the corporation shall be transferred to a successor entity, or to the then property owners in the Development in such manner as to assure that the Road System and all other property owned by the corporation for the

benefit of property owners, shall be used for the benefit of the several property owners in the Development and land owners adjacent to the Road System.

ARTICLE X - BY-LAWS AND AMENDMENT OF ARTICLES OF INCORPORATION

By-laws will be adopted and may be amended by the directors or members consistent with these Articles of Incorporation and any declaration of protective covenants and restrictions affecting the Development. Amendments to these Articles of Incorporation may be adopted by the directors or members in the manner permitted by law.

ARTICLE XI - NAME AND ADDRESS OF INCORPORATOR

The name and address of the incorporator is:

NAME

ADDRESS

J. L. DICKS

Route 3, Box 355
Lake City, Florida 32055

IN WITNESS WHEREOF, the undersigned incorporator has executed these Articles of Incorporation to be executed, in duplicate, this 23rd day of January, 1998



J. L. DICKS

STATE OF FLORIDA

COUNTY OF COLUMBIA

The foregoing instrument was acknowledged before me this 23 day of January 1998, by J. L. DICKS, the incorporator named in the foregoing Articles of Incorporation, who is personally known to me, and who did not take an oath.

Loretta S. Steinmann
Notary Public, State of Florida

(NOTARIAL SEAL)

Loretta S. Steinmann
(Print or Type Name)
My Commission Expires:



Loretta S. Steinmann
MY COMMISSION # CC667198 EXPIRES
October 8, 2001
BONDED THRU TROY FAIR INSURANCE, INC.