

W Wasserman & Walters
ATTORNEYS AT LAW
PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS
N98000006854

David A. Wasserman
Lawrence G. Walters
Scott R. Rost

EFFECTIVE DATE
1-1-99

November 24, 1998

700002697117--9
-11/30/98--01029--013
****122.50 *****78.75

Corporate Records Bureau
Division of Corporations
Department of State
P.O. Box 6327
Tallahassee, FL 32301

RE: Debarry Unit 17 Homeowners Association, Inc.

Dear Sir or Madam:

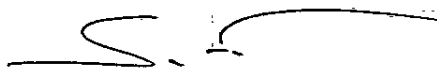
Enclosed herewith are the original and one copy of the Articles of Incorporation for the above-referenced corporation.

Also enclosed is our firm's check in the amount of \$122.50 to cover the cost of the Filing Fee, Certified Copy of Charter and Registered Agent Fee for the corporation.

Please return to us a certified copy of the Articles of Incorporation for the corporation in the enclosed envelope.

Thank you for your cooperation in this matter.

Very truly yours,



Scott R. Rost

SRR/kc
Enclosures
cc: Mr. Roger Van Auker

228 Park Avenue North
Suite B
Winter Park, FL 32789
Tel (407) 539-1140
Fax (407) 539-1126
e-mail: info@1st-amendment.com

FILED
98 NOV 30 AM 9:47
TALLAHASSEE, FLORIDA

Aircraft accessible office:

Spruce Creek Fly-In
210 Cessna Blvd.
Suite A
Daytona Beach, FL 32124
Tel (904) 760-8890

Reply to: Winter Park

Handwritten initials and date:
OB
12/7/98

EFFECTIVE DATE

1-1-99

**ARTICLES OF INCORPORATION
OF
DEBARY UNIT 17 HOMEOWNERS ASSOCIATION, INC.**

(A corporation not for profit)

In compliance with the requirements of Chapter 617 (Part I) of the Florida Statutes, the undersigned, all of whom are residents of Florida and all of whom are full age, have this day voluntarily associated themselves together for the purpose of forming a corporation not for profit and so hereby certify:

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NOV 30 AM 9:47
SECRETARY OF STATE
FLORIDA

ARTICLE I

The name of the corporation is DEBARY UNIT 17 HOMEOWNERS ASSOCIATION, INC.

ARTICLE II

The principal office of the Association is located at 100 Debary Plantation Blvd., Debary, Florida.

ARTICLE III

Scott R. Rost, whose address is 228 Park Avenue North, Suite B, Winter Park, Florida, 32789, is hereby appointed the initial registered agent of this Association.

ARTICLE IV

PURPOSES AND POWERS OF THE ASSOCIATION

This association does not contemplate pecuniary gain or profit to the members thereof, and the specific purposes which it is formed are to provide for maintenance, preservation and control of the residential lots and Common Area, and to promote the health, safety and welfare of the residents within the DEBARY UNIT 17 UNIT HOMEOWNERS ASSOCIATION, INC. and any additions thereto as may hereafter be brought within the jurisdiction of this Association. In furtherance of their purposes, the Association shall:

a) have the duty to operate, maintain and manage the surface water or stormwater management system(s) in a manner consistent with the St. Johns River Water Management District permitting requirements and applicable District rules, and shall assist in the enforcement of the restrictions and covenants contained herein.

b) have the power to levy and collect adequate assessments against members of the Association for costs of maintenance and operation of the surface water or stormwater management system.

c) have the power to exercise all of the powers and privileges and to perform all of the duties and obligations of the Association as set forth in the Declaration of Covenants and Restrictions, (hereinafter called the "Declaration"), applicable to DEBARY UNIT 17 HOMEOWNERS ASSOCIATION, INC. and which is recorded in the Official Public Records of Volusia County, Florida, and as the same may be amended from time to time as herein provided, said Declaration being incorporated herein as if set forth at length.

d) have the power to fix, levy, collect and enforce payment by any lawful means, all

charges or assessments pursuant to the terms of the Declaration; 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.

The assessments shall also be used for the maintenance and repair of the surface water or stormwater management systems including, but not limited to, work within retention areas, drainage structures and drainage easements.

e) have the power to 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.

f) have the power to borrow money, mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred.

g) have the power to 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.

h) have the power to participate in mergers and consolidations with other non-profit corporations organized for the same purposes or annex additional residential property and Common Area.

i) have the power to 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

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 purchasers, shall automatically 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 lot which is subject to assessment by the Association.

ARTICLE VI

VOTING RIGHTS

The Association shall have two classes of voting membership:

Class A. Class A member(s) shall consist of all the Owners with the exception of the Declarant. The Class A member shall be entitled to one (1) vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be members. The vote for such Lot shall be exercised as they determine, but in no event shall more than one (1) vote be cast with respect to any Lot.

Class B. Class B shall be the Declarant (as defined in the Declaration), and shall be entitled to seven (7) votes for each Lot owned. The Class B membership shall cease and be converted to Class A membership on the happening of any of the following events, whichever occurs

earlier:

- (a) when the total votes outstanding in the Class A membership equal the total votes outstanding in the Class B membership, or
- (b) the date the Declarant (or its successors or assigns) voluntarily relinquishes control of the Association to the Class A members, or
- (c) on January 1, 2006.

ARTICLE VII

BOARD OF DIRECTORS

The affairs of this Association shall be managed by a Board of Directors composed of three (3) directors. Directors need not be members of the Association. The directors shall be elected as stated in the By-Laws of the Association. The names and addresses of the persons who are to act in the capacity of directors until the selection of their successors are:

<u>Names</u>	<u>Address</u>
William G. Vernon	100 Debary Plantation Blvd. Debary, Florida 32713
Betty Chesser	100 Debary Plantation Blvd. Debary, Florida 32713
Roger Van Auken	100 Debary Plantation Blvd. Debary, Florida 32713

ARTICLE VIII

DISSOLUTION

The Association may be dissolved with the assent given in writing and signed by not less than three-fourths ($\frac{3}{4}$) of the members. Upon dissolution of the Association, other than incident 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 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 IX

DURATION

Existence of the Association shall commence with the filing of these Articles of Incorporation with the Secretary of State, Tallahassee, Florida. The Association shall exist in perpetuity.



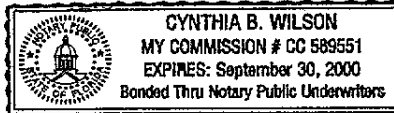
Scott R. Rost
Incorporator

STATE OF FLORIDA)
)
COUNTY OF ORANGE)

The foregoing instrument was acknowledged before me this 24th day of Nov., 1998, by Scott R. Rost, who is personally known to me or has produced _____ as identification and did (did not) take an oath.

Cynthia B. Wilson
Notary Public, State of Florida
My Commission Expires:

[SEAL]



**DESIGNATION AND
ACCEPTANCE OF REGISTERED AGENT
OF**

DEBARY UNIT 17 HOMEOWNERS ASSOCIATION, INC.

FILED
98 NOV 30 AM 9:47
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

Having been named as Registered Agent for the above-stated Association, the undersigned hereby agrees to act in this capacity, and the undersigned further agrees to comply with the provisions of all statutes relative to the property and complete performance of the undersigned's duties.

Dated: Nov. 24, 1998

Scott R. Rost
Scott R. Rost, Registered Agent
Address: 228 Park Avenue North
Suite B, Winter Park,
Florida, 32789