

N00000008234

JOHN R. GOULD, COOKSEY, FENNEL  
O'NEIL, MARINE, CARTER & HAFNER, P.A.

JOHN R. GOULD (1921-1988)  
BYRON T. COOKSEY  
DARRELL FENNEL  
EUGENE J. O'NEIL\*  
CHRISTOPHER H. MARINE  
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TODD W. FENNEL, LL.M.  
TROY B. HAFNER, LL.M.\*\*  
SUSAN L. CHENAULT  
BRIAN J. CONNELLY  
MARSHA P. WIKFORS

OF COUNSEL  
SAMUEL A. BLOCK

\*\*FL. BOARD CERTIFIED  
ESTATES AND TRUSTS

\*FL. BOARD CERTIFIED  
CIVIL TRIAL AND  
BUSINESS LITIGATION

November 29, 2000

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\*\*\*\*\*78.75 \*\*\*\*\*78.75

Secretary of State  
Division of Corporations  
Corporate Records Bureau  
Post Office Box 6327  
Tallahassee, FL 32301

Re: Genesea Home Owners Association, Inc.

Dear Sir/Madam:

Please find enclosed the original and one copy of Articles of Incorporation for the above-captioned not-for-profit corporation, together with this firm's check, in the amount of \$78.75, to cover the following costs:

Filing Fee	\$ 35.00
Registered Agent Fee	35.00
Certified Copy	8.75
	<u>\$ 78.75</u>

Please return a certified copy of the Articles of Incorporation evidencing your approval of same to the undersigned at your earliest convenience.

Thank you for your courtesy and cooperation in this matter.

Yours truly,

*Samuel A. Block*  
SAMUEL A. BLOCK

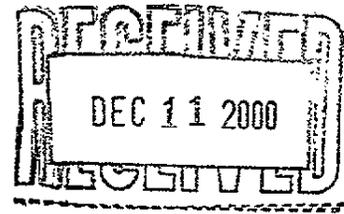
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Enclosures

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SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

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199,626,2550  
WCO-28785

T. SMITH DEC. 13 2000



FLORIDA DEPARTMENT OF STATE  
Katherine Harris  
Secretary of State

December 6, 2000

CAPITAL CONNECTION, INC.  
P. O. Box 10349, Tallahassee, FL 32302

SUBJECT: GENESEA HOME OWNERS ASSOCIATION, INC.  
Ref. Number: W00000028785

We have received your document for GENESEA HOME OWNERS 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):

Section 617.0202(d), Florida Statutes, requires the manner in which directors are elected or appointed be contained in the articles of incorporation or a statement that the method of election of directors is as stated in the bylaws.

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) 487-6972.

Doris Brown  
Document Specialist

Letter Number: 000A00061835

RECEIVED  
00 DEC 13 AM 11:26  
DIVISION OF CORPORATION

*Corrected*

COPY

**ARTICLES OF INCORPORATION  
OF  
GENESEA HOME OWNERS ASSOCIATION, INC.  
A NONPROFIT CORPORATION**

We, the undersigned natural persons of legal age, at least two of whom are citizens of the State of Florida, acting as incorporators of a corporation under Chapter 617 of the Florida Statutes, hereby adopt the following articles of incorporation:

**ARTICLE I**

The name of the corporation is **GENESEA HOME OWNERS ASSOCIATION, INC.** (hereinafter the "Association").

**ARTICLE II**

The Association is a nonprofit corporation.

**ARTICLE III**

The period of its duration is perpetual.

**ARTICLE IV**

The Association is formed for the primary purpose of (i) to promote the welfare and interests of the residents and property owners in Genesee Lane, a subdivision in Indian River County, Florida, more particularly described as follows:

Government Lot 4, less the North 1100 feet thereof, lying East of the Right of Way for State Road A1A, Section 27, Township 33 South, Range 40 East, Indian River County, Florida;

(ii) to accumulate a fund to construct and maintain the common areas, private roadways, beach access and recreational areas and other areas in said subdivision for the use and benefit of its members; (iii) to accumulate a fund for the maintenance of common lighting, entrance ways, landscaping, and for other mutual conveniences and benefits of its members; (iv) to purchase, own or lease such real estate and other property which may be necessary for the purposes of the Association; (v) to receive donations, assess its members, purchase, receive, manage, take and hold real and personal property by gift, grant, conveyance, lease, devise or bequest; (vi) to enforce the restrictions relative to residential lots in the common area within that certain subdivided tract of real property as described above; and (vii) to promote the health, safety, and welfare of the residents within the above-described subdivision and such additions thereto as may hereafter be brought within the jurisdiction of the Association for such purpose.

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TALLAHASSEE, FLORIDA

In furtherance of such purposes, the Association will have the power to:

(a) Enforce restrictions as set forth in that certain Declaration of Covenants and Restrictions (the "Declaration") applicable to the subdivision and recorded in Official Record Book 635, at Page 1932, of the Public Records of Indian River County, Florida;

(b) To levy and collect, from time to time, assessments against members of the Association to defray expenses of maintenance and repair of the items in areas lying within the Subdivision, as described above and as defined in the Bylaws as "common areas" on the plats of the Subdivision, reserves for road maintenance, and other expenses incurred in implementing the Association's purposes in such manner as may be provided by the Bylaws of the Association, and the Association shall have a lien upon any property of a member of the Association lying within the Subdivision for the payment of such assessments. The lien herein provided shall secure the monies due for all assessments levied against a member of the Association, as provided in the Bylaws, together with interest upon delinquent assessments, and for all the costs and expenses, including a reasonable attorneys' fee, which may be incurred by the Association in preparing, recording and enforcing its lien. The lien shall be enforced by recording on the Public Records of Indian River County, Florida, a claim of lien and by foreclosure in the same manner as real estate mortgages may be foreclosed in the State of Florida; 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 on the property of the Association;

(c) Acquire (by gift, purchase, or otherwise), own, hold, improve, build on, operate, maintain, convey, sell, lease, transfer, dedicate to public use, or otherwise dispose of real and personal property in connection with the affairs of the Association;

(d) Borrow money and, subject to the consent by vote or written instrument of two-thirds (2/3) of the members, mortgage, pledge, convey by deed of 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 areas to any municipality, public agency, authority, or utility for such purposes and subject to such conditions as may be agreed on by the members. No such dedication or transfer will be effective unless an instrument has been signed by two-thirds (2/3) of the members, 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 areas, provided that any merger, consolidation, or annexation must have the consent by vote or written instrument of two-thirds (2/3) of the members;

(g) Have and exercise all powers, rights and privileges that a corporation organized under Chapter 617 of the Florida Statutes by law may now or hereafter have or exercise.

The Association is organized and will be operated exclusively for the above purposes. The activities of the Association will be financed by assessments on members as provided herein and in the Bylaws, and no part of any net earnings will inure to the benefit of any member.

#### ARTICLE V

The street address of the initial registered office of the Association is 2245 Genesee Lane, Vero Beach, Florida, 32963, and the name of its initial registered agent at that address is John A. Boyd.

#### ARTICLE VI

Every person who is a record owner of a fee or undivided fee interest in any lot which is subject by covenants of record to assessments by the Association, including contract sellers, but excluding persons holding title merely as security for performance of an obligation, will be a member of the Association. Membership will be appurtenant to and may not be separated from ownership of a lot which is subject to assessment by the Association.

#### ARTICLE VII

The Association membership will consist of voting members which are the owners of lots within the Subdivision. When more than one person holds an interest in any lot, all of those persons will be members. The vote for such lot will be exercised as such members determine among themselves, but in no event will more than one vote be cast with respect to any lot owned by a member.

#### ARTICLE VIII

The number of directors constituting the initial Board of Directors of the Association is four (4), and the names and addresses of the persons who are to serve as the initial directors and officers are:

<u>Name</u>	<u>Address</u>	<u>Office</u>
John A. Boyd	2245 Genesee Lane Vero Beach, FL 32963	President
John L. Scanlon	2285 Genesee Lane Vero Beach, FL 32963	Vice President

John C. Partee	2265 Genesee Lane Vero Beach, FL 32963	Treasurer
Barklie W. Eliot	2225 Genesee Lane Vero Beach, FL 32963	Secretary

The Directors and Officers of the Association shall be elected at the annual meeting of the Association in a manner determined by and subject to the qualifications set forth in the Bylaws.

#### **ARTICLE IX**

Each member of the Association shall be liable for and pay to the Association annual and special assessments as provided in the Bylaws of the Association which are recorded in the Public Records of Indian River County, Florida, along with these Articles of Incorporation.

#### **ARTICLE X**

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

(a) Amendments to these Articles of Incorporation may be proposed by the Board of Directors of the Association acting upon vote of the majority of the Directors, or by a two-thirds (2/3) vote of the membership of the Association, whether meeting as members or by instrument in writing signed by them.

(b) Upon any amendment or amendments to these Articles of Incorporation being proposed by said Board of Directors or Members, such proposed amendment or amendments shall be transmitted to the President of the Association, or other officer of the Association in absence of the President, who shall thereupon call a special joint meeting of the members of the Board of Directors of the Association and the membership for a date not sooner than twenty (20) days nor later than sixty (60) days from receipt by such officer of the proposed amendment or amendments, and it shall be the duty of the Secretary to give to each Member written or printed notice of such meeting in the same form and in the same manner as notice of the call of a special meeting of the Members is required as herein set forth.

(c) In order for such amendment or amendments to become effective, the same must be approved by an affirmative vote of two-thirds (2/3) of the Members present at a duly called meeting. Thereupon, such amendment or amendments to these Articles of Incorporation shall be transcribed, certified by the President and Secretary of the Association, and a copy thereof shall be recorded on the Public Records of Indian River County, Florida, within ten (10) days from the date on which any amendment or amendments have been affirmatively approved by the Directors and Members.

(d) At any meeting held to consider such amendment or amendments to the Articles of Incorporation, the written vote of any Member of the Association shall be recognized if such Member is not in attendance at such meeting or represented thereat by proxy, provided such written vote is delivered to the Secretary of the Association at or prior to such meeting.

#### ARTICLE XI

On dissolution, the assets of the Association will be distributed to an appropriate public agency to be used for purposes similar to those for which the Association was created. In the event such distribution is refused acceptance, such assets will be granted, conveyed, and assigned to any nonprofit corporation, association, trust, or other organization organized and operated for such similar purposes.

#### ARTICLE XII

The undersigned, who are the record title owners of the lots in the Subdivision, do hereby consent to and join in the establishment of Genesee Home Owners Association, Inc., a nonprofit corporation, and agree to be bound by the provisions of these Articles of Incorporation and the Bylaws of the Association, which said Articles of Incorporation and Bylaws shall be recorded in the Public Records of Indian River County, Florida; and further, the undersigned, by the execution of these Articles of Incorporation, shall bind themselves, their heirs, personal representatives, successors in title, and assigns. The undersigned further agree that these Articles of Incorporation and the Bylaws of the Association shall constitute a covenant that runs with each lot in the Subdivision.

#### ARTICLE XIII

The name and street address of each incorporator is:

<u>Name</u>	<u>Address</u>
Barklie W. Eliot	2225 Genesee Lane Vero Beach, FL 32963
Christian Albrecht	2225 Genesee Lane Vero Beach, FL 32963
John A. Boyd	2245 Genesee Lane Vero Beach, FL 32963
Margaret S. Boyd	2245 Genesee Lane Vero Beach, FL 32963
John C. Partee	2265 Genesee Lane Vero Beach, FL 32963

Gail V. Partee

2265 Genesea Lane  
Vero Beach, FL 32963

Joseph H. Kuebel

\_\_\_\_\_ Genesea Lane  
Vero Beach, FL 32963

Eleanor P. Kuebel

\_\_\_\_\_ Genesea Lane  
Vero Beach, FL 32963

John L. Scanlon

2285 Genesea Lane  
Vero Beach, FL 32963

Janet R. Scanlon

2285 Genesea Lane  
Vero Beach, FL 32963

G. Martin Burdette

2295 Genesea Lane  
Vero Beach, FL 32963

Susan C. Burdette

2295 Genesea Lane  
Vero Beach, FL 32963

Executed at Vero Beach, Florida, on November 29, 2000.

Barklie W. Eliot  
BARKLIE W. ELIOT

Christian Albrecht  
CHRISTIAN ALBRECHT

John A. Boyd  
JOHN A. BOYD

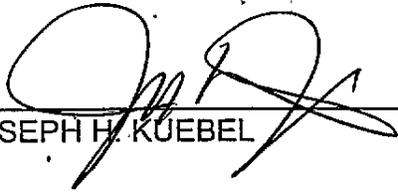
Margaret S. Boyd  
MARGARET S. BOYD

John C. Partee  
JOHN C. PARTEE

Gail V. Partee  
GAIL V. PARTEE

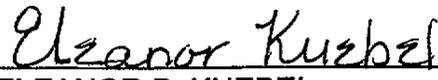
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JOHN L. SCANLON

\_\_\_\_\_  
JANET R. SCANLON



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JOSEPH H. KUEBEL

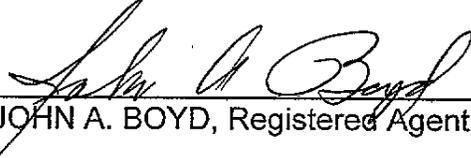


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ELEANOR P. KUEBEL

**ACCEPTANCE BY REGISTERED AGENT**

Having been named as Registered Agent to accept process for the corporation at the place designated in this certificate, I hereby agree to act in this capacity and agree to comply with the provisions of all statutes relative to the proper and complete performance of my duties.

  
\_\_\_\_\_  
JOHN A. BOYD, Registered Agent

Date: November 10, 2000

STATE OF FLORIDA )  
 :SS.  
COUNTY OF INDIAN RIVER )

BEFORE ME, an officer duly authorized to take acknowledgments, personally appeared BARKLIE W. ELIOT and CHRISTIAN ALBRECHT, known to me and/or who produced Florida Driver's Licenses as identification, and acknowledged before me that they are the persons who signed the foregoing document as incorporators, and that the statements contained therein are true and correct.

WITNESS my hand and seal in the county and state last aforesaid this 6<sup>th</sup> day of November, 2000.

(NOTARY SEAL)  
June 9, 2004  
MY COMMISSION # CC937119 EXPIRES  
Patti A. Bachman



Patti A. Bachman  
Notary Public, State of Florida  
Patti A. Bachman  
Printed Name of Notary  
My Commission Expires:

STATE OF FLORIDA )  
 :SS.  
COUNTY OF INDIAN RIVER )

BEFORE ME, an officer duly authorized to take acknowledgments, personally appeared JOHN A. BOYD and MARGARET S. BOYD, known to me and/or who produced Florida Driver's Licenses as identification, and acknowledged before me that they are the persons who signed the foregoing document as incorporators, and that the statements contained therein are true and correct.

WITNESS my hand and seal in the county and state last aforesaid this 10<sup>th</sup> day of October, 2000.

(NOTARY SEAL)  
Patti A. Bachman  
MY COMMISSION # CC937119 EXPIRES  
June 9, 2004  
BONDED THRU TROY FAIN INSURANCE, INC.



Patti A. Bachman  
Notary Public, State of Florida  
Patti A. Bachman  
Printed Name of Notary  
My Commission Expires:

STATE OF FLORIDA )  
 ) :SS.  
COUNTY OF INDIAN RIVER )

BEFORE ME, an officer duly authorized to take acknowledgments, personally appeared JOHN C. PARTEE and GAIL V. PARTEE, known to me and/or who produced Florida Driver's Licenses as identification, and acknowledged before me that they are the persons who signed the foregoing document as incorporators, and that the statements contained therein are true and correct.

WITNESS my hand and seal in the county and state last aforesaid this 24<sup>th</sup> day of October, 2000.



Patti A. Bachman  
NOTARY PUBLIC  
MY COMMISSION # 02937119 EXPIRES  
June 9, 2004  
BONDED THRU TROY FAIR INSURANCE, INC.

Patti A. Bachman  
Notary Public, State of Florida  
Patti A. Bachman  
Printed Name of Notary  
My Commission Expires:

STATE OF FLORIDA )  
 ) :SS.  
COUNTY OF INDIAN RIVER )

BEFORE ME, an officer duly authorized to take acknowledgments, personally appeared JOHN L. SCANLON and JANET R. SCANLON, known to me and/or who produced \_\_\_\_\_ as identification, and acknowledged before me that they are the persons who signed the foregoing document as incorporators, and that the statements contained therein are true and correct.

WITNESS my hand and seal in the county and state last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

(NOTARY SEAL)

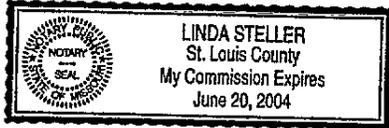
\_\_\_\_\_  
Notary Public, State of Florida  
\_\_\_\_\_  
Printed Name of Notary  
My Commission Expires:

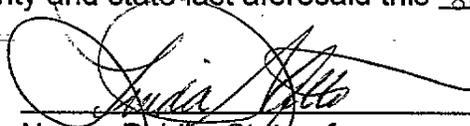
STATE OF MISSOURI )  
 )  
 ) :SS.  
 )  
COUNTY OF ST. LOUIS )

BEFORE ME, an officer duly authorized to take acknowledgments, personally appeared JOSEPH H. KUEBEL and ELEANOR P. KUEBEL, known to me and/or who produced Driver License as identification, and acknowledged before me that they are the persons who signed the foregoing document as incorporators, and that the statements contained therein are true and correct.

WITNESS my hand and seal in the county and state last aforesaid this 8th day of November, 2000.

(NOTARY SEAL)



  
\_\_\_\_\_  
Notary Public, State of Missouri  
\_\_\_\_\_  
Linda Steller  
Printed Name of Notary  
My Commission Expires:

FILED  
00 DEC 13 PM 3.41  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA