

728722

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

☐ PICK-UP

☐ WAIT

☐ MAIL

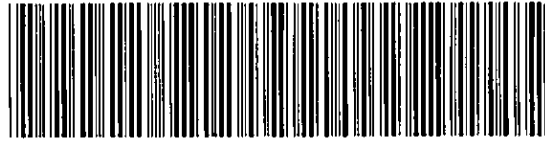
(Business Entity Name)

(Document Number)

Certified Copies _____ Certificates of Status _____

Special Instructions to Filing Officer

Office Use Only



700375311527

RECEIVED

2021 NOV 23 AM 10:16

FILED

2021 NOV 23 PM 2:55

ALLAHBACH, J.

CLERK OF STATE
TALLAHASSEE, FL

V. GULKER

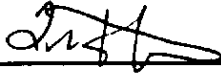
NOV 23 2021

X

FLORIDA CAPITAL COURIER SERVICES, INC.
2330 CLARE DRIVE
TALLAHASSEE, FL 32309
(850) 524-5437
(850) 524-6243

PLEASE USE FUNDS FROM ACCT : : 120210000160 AMOUNT: \$43.75

AUTHORIZATION SIGNATURE: _____



Tomoka Oakwood North Inc. 728722

Business Name

Document Number, (if KNOWN)

___ Certified copy of Annual Report

___ Certificate of Status

___ Pick up time

___ Will wait

NEW FILINGS

___ Profit
___ Not for Profit
___ Limited Liability

___ Domestication
___ Other
___ CORP

OTHER FILINGS

___ Annual Report
___ Fictitious Name

___ APOSTIL ()

Country

AMMENDMENTS

X Amendment
___ Resignation of R.A.
Officer/Director
___ Change of Registered Agent
___ Dissolution/Withdrawal
___ Merger
___ Correction

REGISTRATION/QUALIFICATIONS

___ Foreign filing
___ Limited Partnership
___ Reinstatement

___ Other

EXAMINER'S INITIALS: _____

COVER LETTER

TO: Amendment Section
Division of Corporations

NAME OF CORPORATION: Tomoka Oakwood North, Inc.

DOCUMENT NUMBER: 728722

The enclosed *Articles of Amendment* and fee are submitted for filing.

Please return all correspondence concerning this matter to the following:

Yeline Goin, Esquire
(Name of Contact Person)

Becker & Poliakoff, P.A.
(Firm/ Company)

111 N. Orange Avenue, Suite 1400
(Address)

Orlando, FL 32801
(City/ State and Zip Code)

ygoin@beckerlawyers.com
E-mail address: (to be used for future annual report notification)

For further information concerning this matter, please call:

Yeline Goin at 407 215-9692
(Name of Contact Person) (Area Code) (Daytime Telephone Number)

Enclosed is a check for the following amount made payable to the Florida Department of State:

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> \$35 Filing Fee | <input checked="" type="checkbox"/> \$43.75 Filing Fee &
Certificate of Status | <input type="checkbox"/> \$43.75 Filing Fee &
Certified Copy
(Additional copy is
enclosed) | <input type="checkbox"/> \$52.50 Filing Fee
Certificate of Status
Certified Copy
(Additional Copy is
Enclosed) |
|--|---|---|--|

Mailing Address
Amendment Section
Division of Corporations
P.O. Box 6327
Tallahassee, FL 32314

Street Address
Amendment Section
Division of Corporations
The Centre of Tallahassee
2415 N. Monroe Street, Suite 810
Tallahassee, FL 32303

2723/0229

BOOK PAGE
VOLUSIA COUNTY
FLORIDARESTATED ARTICLES OF INCORPORATION OFTOMOKA OAKWOOD NORTH, INC.

NAME: Article I. The name of the corporation is Tomoka Oakwood North, Inc., created as a corporation not for profit under the provision of Chapters 608, 617, and 711 of the Florida Statutes. Its principal place of business shall be located at 640 N. Nova Road, Ormond Beach, Florida, situated in Volusia County as described, to wit:

A portion of Block 1, TOMOKA OAKS COUNTRY CLUB ESTATES UNIT NO. 1, as per map recorded in Map Book 25, pages 58 and 59, Public Records of Volusia County, Florida, being more particularly described as follows: From a reference point, said point being the intersection of the South line of the Thomas Fitchgrant, Section 39, Township 14 South, Range 32 East, with the centerline of State Road 5-A as both now established and occupied; thence run No. 25°39'57"W. along the established centerline of said State Road 5-A for a distance of 332.77 feet to the point of curvature of a curve to the right having a radius of 1146.28 feet, thence run S. 64°20'03"W. from the point of curvature of said curve for a distance of 50 feet; thence Northerly along the line of a curve concentric with that above mentioned curve and having a radius of 1196.28 feet for an arc length of 541.67 feet and/or through a central angle of 25°56'36"; thence N. 89°43'21"W. a distance of 367.18 feet; thence N. 01°00'00"W. a distance of 308.00 feet to the point of curvature of a curve concave Westerly having a radius of 776.50 feet; thence along said circular curve an arc distance of 128.00 feet and/or through a central angle of 09°34'05"; to the Point of Beginning of the following description: thence continue along same said curve an arc distance of 207.99 feet and/or through a central angle of 15°32'51" to a point of reverse curvature of a curve concave Easterly having a radius of 108.75 feet and a central angle of 64°34'06"; thence continue along said curve an arc length of 122.56 feet to the point of reverse curvature of a curve concave Westerly having a radius of 442.48 feet and a central angle of 35°55'02"; thence continue along said curve for an arc distance of 277.38 feet; thence S. 43°01'25" E. a distance of 55.04 feet; thence S. 55°09'06" E. a distance of 591.94 feet to the point of curvature of aforementioned State Road 5-A, said point of curvature being the beginning of a curve concave Easterly having a radius of 1196.28 feet and a central angle of 31°37'24"; thence Southerly along said curve for an arc distance of 213.00 feet; thence leaving said curve run N. 89°56'52" W. a distance of 470.19 feet to the Point of Beginning; reserving a permanent easement for utility purposes over the Northerly 50.00 feet thereof.

086264

FILED FOR RECORD
RECORDED & INDEXED

AUG 29 11 52 AM '85

MERRILL J. L. LADD
VOLUSIA COUNTY, FLORIDA

27230230

BOOK PAGE
VOLUSIA COUNTY
FLORIDA

NON PROFIT: Article II. The Corporation does not contemplate pecuniary gain or profit for its members, officers, and directors, either directly or indirectly, and shall have perpetual existence unless dissolved in accordance with Article hereof.

OBJECTIVES: Article III. The objectives and purposes of this corporation are herewith declared to be as follows:

1. The promotion of the health, safety and welfare of its members, and the unification of their energy and efforts toward the creation and maintenance of a safe, prosperous, harmonious, attractive, and comfortable condominium community in which to live.
2. The assumption of financial responsibility for mutually incurred or common expenses of the members of the Corporation which are for the betterment of the property served by the Corporation or supplementary to any governmental services which may be provided to such property or in furtherance of the health, safety, and welfare of the members of the Corporation.

POWERS: Article IV. The Corporation shall have all the common law powers of a corporation not for profit and all of the statutory powers given to a corporation not for profit under Charter by the Secretary of State of the State of Florida as set forth in Chapters 617, 608, and 711, Florida, including but not limited to these articles of Incorporation and the By-Laws of Tonoka Oakwood North, Inc., to wit:

1. To determine, levy, enforce and collect all assessments, dues, and other charges in accordance with the Articles, By-Laws, and Rules and Regulations of the Corporation, and to pay all expenses in connection therewith including attorneys' fees and court costs, if any.
2. To acquire (by gift, purchase, or otherwise) own, hold, improve, build, operate, maintain, convey, sell, lease, transfer, or otherwise dispose of real or personal property in connection with the affairs of the Corporation and its operation and management of the condominium.
3. To purchase insurance upon the Common Elements of the condominium managed by the Corporation and insurance for the protection of the Corporation and its members as Unit Owners in such Condominium.
4. To reconstruct improvements after casualty and the further improvement of Common Elements pursuant to the Articles and By-Laws.
5. To adopt and publish reasonable Rules and Regulations respecting the use of the Common Elements being managed by the Corporation, and respecting the personal conduct of the members and their guests; and to establish and enforce penalties for the infraction thereof.
6. To contract for the maintenance and repair of portions of the Common Elements susceptible to separate maintenance and repair.
7. To employ personnel to perform the services required for proper operation of the condominium for which it has management responsibilities. This duty shall include any employee, supervisor, manager, independent contractor, or such other employee as may be deemed necessary, and the duty to see that the work is performed satisfactorily.

27230231

BOOK PAGE
VOLUSIA COUNTY
FLORIDA

8. To hold in trust for members all funds and title to all properties as may be acquired by the Corporation, and their proceeds, in accordance with the provisions of these Articles of Incorporation and the By-laws of the Corporation.

MEMBERS: Article V. 1. The members of the Corporation shall consist of every person or entity having of record a vested ownership interest in a Unit within Tomoka Oakwood North, Inc. Membership shall be appurtenant to and may not be separated from ownership of any condominium Unit to which it is appurtenant. 2. Change of membership in the Corporation shall be established by recording in the Public Records of Volusia County, Florida, a deed or other instrument certifying a record ownership interest in a Unit in the condominium. The owner or owners designated by such instrument shall thereupon become a member of the Corporation and the membership of the prior owner of such Unit shall be terminated simultaneously. The undivided share of a member in funds and assets of the Corporation cannot be assigned, hypothecated, or transferred in any manner except as an appurtenance to his condominium Unit. 3. Each Unit shall have an undivided one-ninetieth (1/90) interest in any common surplus, and where there is more than one (1) owner of a Unit, the percentage or fractional ownership of such owners in the common surplus appurtenant to their Unit shall be divided among the collective owners of such Unit in the same proportions as their respective ownership interests in their Unit.

TERMINATION: Article VI. Termination of the condominium shall be accomplished in accordance with the following provisions: 1. By Agreement - The condominium may be terminated at any time by approval in writing executed with the same formality as a deed and in recordable form, of all of the record owners of Units within the Condominium and by all lien holders of record. 2. By Total Destruction - If there be "total destruction" of the condominium improvements and it shall not be decided that such improvements shall be repaired or reconstructed, the condominium form of ownership shall automatically terminate upon the recording among the Public Records of Volusia County, Florida, of a certificate executed by the President and the Secretary of the Corporation - certifying as to the facts effecting the termination - to which certificate shall be appendix a certified copy of a duly adopted resolution of the Corporation evidencing the required vote not to reconstruct or repair the damaged improvements.

VOTING: Article VII. For purposes of voting, members, as defined in Article V, shall be entitled to one (1) vote for each condominium Unit owned; provided, however, that when more than one (1) person owns an interest in a condominium Unit, all of such persons together shall be entitled to no more than one (1) vote, and such vote shall be exercised as they among themselves determine. Further, such persons shall designate in writing delivered to the Secretary of the Corporation, the name of the one (1) person authorized to exercise the vote to which such persons are entitled. ✓

- DIRECTORS: Article VIII. 1. The affairs of the Corporation shall be managed by a Board of seven (7) Directors consisting of President, Vice-President, Secretary, Treasurer, and three (3) Members at Large, all of whom must be members of the Corporation. The number of Directors may be increased or decreased from time to time by amendment to the By-Laws, but shall never be less than five (5).
2. A. The Directors shall be elected for a term of one (1) year.
 B. The election to the Board of Directors shall be by secret written ballot at the Annual Meeting of the Members; provided however, that interim vacancies on the Board may be filled as provided elsewhere in these Articles or the By-Laws.
 C. A Nominating Committee shall be appointed by President, consisting of a Chairman, who shall be a member of the Board, and at least two other members of the Corporation. The Committee is to be appointed at least 30 days before the Annual Meeting and is to serve until the close of that meeting. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the vacancies to be filled. Additional nominations may be made from the floor at the annual membership meeting. All nominees must be members of the Corporation.
 D. Any Director may be removed from the Board, with or without cause, by a majority of the votes cast in person or by proxy, at any regular or special meeting of members.
 E. Any vacancy occurring on the Board of Directors by reason of death, removal, resignation, or other cause, except the expiration of a Director's term in normal course, shall be filled by the remaining members of the Board, and the Director filling such vacancy shall serve until the next annual meeting of the Corporation.
3. The affairs of the Corporation shall be administered by the Officers and Board designated in these Articles and the By-Laws. The Officers shall be elected by the Board, immediately following the Annual Meeting of the general membership, and they shall serve at the pleasure of the Board of Directors.

- MEETINGS: Article IX. 1. Annual: The general membership of the Corporation shall meet in a regular session once annually at a place in Volusia County, at a location reasonable convenient to all members, and at a time selected by the Board of Directors, but not later than the first day of June. The purpose shall be for the electing of Directors of the Corporation in accordance with the Articles of Incorporation and the By-Laws of the Corporation, and for any other purpose as may be stated in the notice of such annual meeting sent to the Members.
2. Special: Special meetings of the general membership shall be called by the President or Vice-President or by a majority of the Board of Directors, and must be called by such officers upon receipt of a written request from persons entitled to cast twenty-five percent (25%) of the total outstanding votes entitled to be cast by members of the Corporation.
3. Quorum: Except where a greater quorum is required elsewhere in the Articles of Incorporation or in the By-Laws, a quorum for transaction of any business at a regular or any special meeting of the members shall be the presence, in person, or by proxy, of

27230233

BOOK PAGE
VOLUSIA COUNTY
FLORIDA

twenty-five percent (25%) of the total outstanding votes entitled to be cast by the members of the Corporation

4. Notice: Members qualified to vote shall be given written notice of all annual or special meetings of the membership by the President, Vice-President, or Secretary of the Corporation, stating the time, place, and purposes for such meetings. The notice shall be mailed not less than ten (10) nor no more than sixty (60) days prior to the date of the meeting.

5. Proxies: Vote may be cast in person or by proxy, and may be made or given by any person entitled to vote. Proxies must be in writing, voted for the particular meeting designated, and filed with the Secretary of the Corporation prior to the meeting designated. Proxies are revocable and shall cease upon cessation of membership.

AMEND: Article X. 1. These Articles of Incorporation may be amended in any particular by the affirmative vote of two-thirds (2/3) of the votes cast in person or by proxy, at any regular or special meeting of members duly called for that purpose, provided that no amendment shall be effective to impair or dilute any right or property interests of members governed by the Articles of By-Laws.

2. The By-Laws of the Corporation shall be adopted by the Board of Directors and may be altered, amended, or rescinded in the manners prescribed in the By-Laws.

DIRECTOR AND OFFICER

LIABILITY:

Article XI. Every Director and every Officer of the Corporation shall be indemnified by the Corporation against all liabilities and expenses including attorney's fees, reasonably incurred by him or imposed upon him in connection with any proceeding or any settlement to which he may be a party or in which he may become involved by reason of his being or having been a Director or Officer of the Corporation, whether or not he is a Director or Officer at the time such expenses are incurred, except when the Director or Officer is adjudged guilty of willful misfeasance or malfeasance in the performance of his duties; provided that in the event of a settlement, the indemnification shall apply only when the Board of Directors approves such settlement and reimbursement as being for the best interest of the Corporation. The foregoing right of indemnification shall be in addition to and not exclusive of all other rights to which the Director or Officer may be entitled, but shall be applicable only for such actions or inactions as may be or have been within the scope of the authority of such Director or Officer.

27230234

BOOK PAGE
VOLUSIA COUNTY

PARLIAMENTARY RULES: Article XII. Roberts' Rules of Order shall govern the conduct of all Corporation meetings when not in conflict with an applicable provision of these Articles or the By-Laws.

Dated this 17th day of May, 1985

TOMOKA OAKWOOD NORTH, INC.

by W. E. Hutchins
W. E. Hutchins, President

ATTEST: Virginia R. Townsend
Virginia R. Townsend, Secretary

STATE OF FLORIDA

COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day, before me, a Notary Public duly authorized in the State and County named above to take acknowledgments, personally appeared W. E. Hutchins, and Virginia R. Townsend to me well known to be the persons described in the foregoing Restated Articles of Incorporation of Tomoka Oakwood North, Inc., and who executed the same.

Witness my hand and official seal in the County and State named above this 26 day of August, 1985.

Barbara D. Lippert
Notary Public
My Commission Expires:
Notary Public, State of Florida
My Commission Expires May 2, 1988
Bonded Thus Troy Fair - Insurance, Inc.

- ☐ There are no members or members entitled to vote on the amendment(s). The amendment(s) was/were adopted by the board of directors.

Dated 11-22-2021

Signature Nancy Mailloux
(By the chairman or vice chairman of the board, president or other officer-if directors have not been selected, by an incorporator - if in the hands of a receiver, trustee, or other court appointed fiduciary by that fiduciary)

Nancy Mailloux
(Typed or printed name of person signing)

President
(Title of person signing)

Adoption of Amendment(s)

(CHECK ONE)

- ☒ The amendment(s) was/were adopted by the members and the number of votes cast for the amendment(s) was/were sufficient for approval.