

# 741590

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(City/State/Zip/Phone #)

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SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

Amended & Restated

TB

10/28/08

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**BUSH | ROSS**  
ATTORNEYS AT LAW

220 South Franklin Street  
Tampa, Florida 33602-5330  
(813) 204-6492 (Phone)  
(813) 223-9620 (Fax)  
www.bushross.com

Mailing Address:  
Post Office Box 3913  
Tampa, Florida 33601-3913

October 13, 2008

Florida Department of State  
Division of Corporations  
409 E. Gaines Street  
Tallahassee, FL 32399

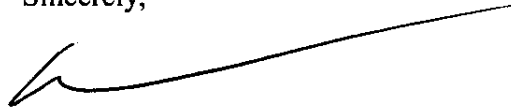
RE: Certificate of Filing Articles of Incorporation for Pelican Island Property Owners  
Association, Inc.  
Our File No.: 11160.0

Dear Sir/Madam:

Enclosed please find two original Amended and Restated Articles of Incorporation for Pelican Island Property Owners Association, Inc. Please process the documentation accordingly and return a conformed filed copy of the Articles to our office for recording with the county.

Also enclosed is the firm's check in the amount of \$43.75 to cover the filing fee and certified copy for this service. Thank you for your assistance and cooperation. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Shelley Edwards, Paralegal for  
Steven H. Mezer

sae  
Enclosures  
566796

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Mailing Address:  
Post Office Box 3913  
Tampa, Florida 33601-3913

October 23, 2008

Florida Department of State  
Attn: Teresa Brown  
2661 Executive Center Circle  
Clifton Building  
Tallahassee, FL 32301

RE: Revitalization of the Articles of Incorporation for Pelican Island Property Owners  
Association, Inc.  
Our File No.: 11160.0

Dear Ms. Brown:

Enclosed please find the original Amended and Restated Articles of Incorporation for Pelican Island Property Owners Association, Inc., and the Notice of Adoption of the Revitalization of the Articles of Incorporation of Pelican Island Property Owners Association, Inc. As you have our filing fee, please file the Articles and return a copy to me in the federal express which was provided.

Thank you for your assistance and cooperation. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Shelley Edwards, Paralegal for  
Steven H. Mezer

sac  
Enclosures  
566796



FLORIDA DEPARTMENT OF STATE  
Division of Corporations

October 21, 2008

SHELLEY EDWARDS  
BUSH ROSS  
P.O. BOX 3913  
TAMPA, FL 33601-3913

SUBJECT: PELICAN ISLAND PROPERTY OWNERS ASSOCIATION, INC.  
Ref. Number: 741590

We have received your document for PELICAN ISLAND PROPERTY OWNERS ASSOCIATION, INC. and your check(s) totaling \$43.75. However, the enclosed document has not been filed and is being returned for the following correction(s):

A certificate must accompany the Restated Articles of Incorporation setting forth one of the following statements: (1) The restatement was adopted by the board of directors and does not contain any amendments requiring member approval; OR (2) If the restatement contains an amendment requiring member approval, the date of adoption of the amendment by the members and a statement that the number of votes cast for the amendment was sufficient for approval.

Please return 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) 245-6925.

Teresa Brown  
Regulatory Specialist II

Letter Number: 908A00054433

Prepared by and return to:

Steven H. Mezer, Esq.

Bush Ross, P.A.

Post Office Box 3913

Tampa, FL 33602

(813) 204-6492

(813) 223-9620 FAX

FILED

2009 OCT 27 AM 11:36

SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

AMENDED AND RESTATED

ARTICLES OF INCORPORATION  
OF

PELICAN ISLAND PROPERTY OWNERS ASSOCIATION, INC.

We, the undersigned, wishing to form a corporation, not for profit, under the laws of the State of Florida, do hereby make and subscribe the following proposed Charter:

ARTICLE I

Name and location

The name of this corporation shall be PELICAN ISLAND PROPERTY OWNERS ASSOCIATION, INC. and its principal office shall be located in Hillsborough County, Florida.

ARTICLE II

Object

The purposes for which this corporation is organized are:

1. To own real property and to hold the legal or equitable title to same;
2. To own, care for and maintain the grounds and public areas of Pelican Island Subdivision including, but not limited to, the walls of said subdivision, the entrance gates, cul de sacs, landscaping and streets and roads, to provide lighting and water service to the subdivision, and to render all services necessary to assure efficient, attractive and satisfactory maintenance of said property, including collecting, and keeping Pelican Island Subdivision in Tampa, Florida free from trash and refuse, and to maintain canals and seawalls within the abutting Pelican Island Subdivision and to render all services necessary to assure efficient, attractive and satisfactory maintenance thereof;

3. To enforce the restrictions for Pelican Island recorded in the records of the Clerk of the Circuit Court of Hillsborough County, Florida;
4. To enforce architectural standards for construction in said subdivision, including additions and revisions, as, and only as, provided in the aforesaid restrictions;
5. To promote civic improvements, protection, and harmony throughout the community at Pelican Island;
6. To enter into contracts with individuals and organizations for the accomplishment of the purposes of this corporation.

### ARTICLE III

#### Term of Existence

This corporation shall have perpetual existence unless dissolved as provided by law.

### ARTICLE IV

#### Membership

1. Each property owner in Pelican Island, said subdivision in Tampa, Hillsborough County, Florida, shall be a member of this corporation subject only to the by-laws and to rules and regulations established by the Board of Directors. Such eligibility for membership shall be evidenced by record ownership of said property as shown by the records of the Clerk of the Circuit Court of Hillsborough County, Florida;
2. There shall be a total number of votes (which may be referred to as "membership votes") of the members of this corporation equal to the total number of lots in said subdivision as shown on proposed plat of said subdivision on file with the Hillsborough County Planning Commission. There being 87 lots for building purposes in said proposed plat, Bonded Investment & Realty Company, a Florida corporation, or its assigns, hereinafter referred to as "the developer," shall hold 87 votes initially and, as lots are sold in said subdivision by the developer, the developer shall lose one vote for each lot sold (or for such portion of a lot sold when such portion is more than one-half of the area of a lot), the purchaser of said lot, or said portion, being entitled to said vote, provided, however, and with the exception that, each purchaser from the developer shall hold no more than one vote per building plot and any purchaser from Bonded Investment & Realty Company who purchases more than one lot as a site for one home shall be entitled only to one vote for said site, provided further, that no person or corporation, other than the developer, shall hold or be entitled to more than one vote, it being the intention and effect of

these Articles that the developer shall hold the majority of votes in this corporation until such time as the developer has sold such number of lots and building plots vesting in the purchasers thereof, in accordance with the aforesaid provisions, a greater number of votes than the number of votes retained by the developer. Ownership of a lot or building plot shall be represented by one individual who shall be either the sole owner of said lot or plot or one of the co-owners of said lot or plot, or an officer of a corporation owner of said lot or plot; the word "plot", as used herein, shall mean the entire piece of land on which a residence is situated or is to be situated, whether said piece of land consists of more than one lot, parts of more than one lot, or less than one lot which meets the plot size requirements of the restrictions concerning said subdivision.

3. Membership shall be automatically transferred to a new lot or plot owner upon sale, assignment or transfer of the entire ownership of a lot or plot, subject only to the by-laws and rules and regulations established by the Board of Directors.

#### ARTICLE V Names and Residences of Subscribers

The names and residences of the subscribers to these Articles of Incorporation are as follows:

Julian H. Lifsey, Jr., 4939 New Providence Ave., Tampa, Florida

Mary Ann Lifsey, 4939 New Providence Ave., Tampa, Florida

Sylvia A. Pitts, 3725 Ralston Beach Cir., Tampa, Florida

#### ARTICLE VI Board of Directors and Officers

The affairs of this corporation shall be managed by a Board of Directors of not less than three nor more than seven members of this corporation. Salaries shall not be paid to the officers and directors and no dividends shall be paid. All officers and all directors shall be elected by the membership for one year terms at the annual meeting of the corporation. Officers and directors must be members of this corporation, provided however, that officers and directors and other representatives of the developer of said subdivision, Bonded Investment & Realty Company, may be officers and directors of this corporation without being members of this corporation, and provided further that any one officer of any other corporate owner of property in said subdivision may be an officer or directors of this corporation.

ARTICLE VII  
First Officers

The names of the first officers who are to serve until the first election or appointment under the Articles of Incorporation are:

Julian H. Lifsey, Jr.	President
Mary Ann Lifsey	Vice-President
Sylvia A. Pitts	Secretary and Treasurer

ARTICLE VIII  
First Board of Directors

The number of persons constituting the first Board of Directors shall be three, and their names and addresses are as follows:

Julian H. Lifsey, Jr., 4939 New Providence Ave., Tampa, Florida  
Mary Ann Lifsey, 4939 New Providence Ave., Tampa, Florida  
Sylvia A. Pitts, 3725 Ralston Beach Cir., Tampa, Florida  
The President shall serve as Chairman of the Board of Directors.

ARTICLE IX  
Meetings

Regular meetings of the membership of the corporation shall be held annually on a day and at a time and place to be fixed in the by-laws. Special meetings of the membership of the corporation may be called by the President or by three members of the Board of Directors as he or they may deem necessary.

The Board of Directors shall meet at least annually on a day and at a time to be fixed by the President. Special meetings of the Board of Directors may be called by the President or by three members of the Board of Directors as he or they may deem necessary. A quorum for all regular and special membership meetings shall consist of 51 per cent of the voting membership of this corporation.

A quorum for all regular and special meetings of the Board of Directors shall be a majority of the Board of Directors.

At least five days written notice of each regular and special Board of Directors' meeting shall be given to each Board member by United States mail, except for emergency Board of Directors' meetings in which case less than five days written notice may be given, the existence



of such emergency to be certified by the Board of Directors at the inception of such emergency meeting. At least ten days written notice of each regular and special membership meeting shall be given to each member of this corporation by United States mail.

## ARTICLE X By-laws

The by-laws of this corporation shall be adopted by the Board of Directors of this corporation at its first regular meeting following approval by the Secretary of State of Florida of these Articles of Incorporation, and the by-laws shall then be approved by a majority of the members present at the first regular membership meeting following the first meeting of the Board of Directors.

The by-laws may be altered, rescinded, or amended by a two-thirds vote of the members present at any annual meeting, provided that all members are given two weeks written notice of the text of any such proposed alteration, rescission, or amendment. The by-laws may also be amended at any regular meeting of this corporation by a two-thirds vote of the entire membership, provided that announcement of such vote on such amendment shall have been made at the immediately preceding regular membership meeting and written notice of the text of such proposed amendment shall have been given to all members no later than the time of the regular membership meeting immediately preceding the meeting at which such amendment will be voted upon.

## ARTICLE XI Amendment to Articles of Incorporation

These Articles of Incorporation may be amended in whole or in part by the Board of Directors, subject, however, to approval by the membership by a vote of two-thirds of the total membership votes of this corporation, which votes are cast at any regular meeting or a special meeting called for that purpose, provided that fifteen days notice in writing of such proposed amendment has been mailed to each member prior to such regular or special membership meeting, and provided further that any amendment of Article XII hereof shall require the affirmative vote of two-thirds of the total membership votes of this corporation except that any amendment of the portion of Article XII fixing \$25.00 as the maximum fee to be paid by the

developer, Bonded Investment & Realty Company, shall require the unanimous vote of all of the membership votes of this corporation.

## ARTICLE XII

### Fees

The owner of each lot or plot shown on the proposed plat of Pelican Island Subdivision, on file as aforesaid, shall pay to this corporation at Tampa, Florida, a fee of \$25.00 per year, payable on the first day of January of each year, provided however, the developer of said subdivision, Bonded Investment & Realty Company, shall pay no more than \$25.00 per year on account of said lots owned by said developer. Said fee may be increased only by two-thirds vote of the total membership votes of this corporation, provided that, in computing said membership votes for this purpose, Bonded Investment & Realty Company shall hold no more than one vote, regardless of the number of lots owned by Bonded Investment & Realty Company. Said fee may be decreased only by two-thirds vote of the total membership votes of this corporation, and, in computing said membership votes for the purpose of decreasing said fee, Bonded Investment & Realty Company shall hold the number of votes to which it is entitled under Article IV of these Articles of Incorporation. Votes for the purpose of increasing or decreasing said fee may be cast by registered mail if at a duly constituted meeting of the membership of this corporation called for said purpose a majority of those present vote in favor of said increase or decrease but said increase or decrease is not favored by two-thirds of the total membership vote of this corporation, such voting by registered mail to be conducted and completed within 90 days of said meeting under procedures otherwise established by the Board of Directors of this corporation.

## ARTICLE XII\*

### Fees

a) **Gate Installation: Installation of the security gate will require a one time assessment of \$750.00.** Upon receiving PIPOA member approval to install a security/access gate, a **first one-time payment of \$100.00** will become due and payable by PIPOA members. Members who paid this first payment pursuant to this Article as it existed prior to this Amendment shall be given credit for payment. These funds will be used to initiate obtaining county approval for gate installation and preparation of the application to vacate the roadways. Upon approval of Hillsborough County B.O.C.C. to vacate Pelican Island streets, **the remaining**

**\$650 balance** will become due in three monthly installment payments of \$220, \$220, and \$210. The money collected through these specific payments will be held in a separate PIPOA account for the express purpose of vacating the streets and installing the security/access gate. PIPOA will not enter into any contract for this project until sufficient money has been deposited into the separate account to fully pay for the contract. If, for any reason, the security/access gate installation can not be executed, the funds collected will be returned to PIPOA members immediately after notification, less any expenses incurred in the aborted installation attempt.

Upon completion of installation of the security/access gate any remaining funds will be allocated to, and moved to, the separate PIPOA account maintained for gate and road maintenance (paragraph b, Gate and Road maintenance, below).

b) **Gate and Road Maintenance:** As of Jan. 1 of the year following completion of construction of the security/access gate, the annual **dues** for PIPOA members **will increase by \$65.00** for gate and road maintenance. **This dues increase will be perpetual** and will be maintained in a separate PIPOA account. Funds from this account are to be used exclusively for repair and maintenance of the security/access gate and for repair, maintenance and repaving of the roads on Pelican Island.

The following example will illustrate the total assessment and annual dues requirement for PIPOA members. If the date assumptions shown below are different in actuality, then the dues payment dates will vary accordingly.

Assumptions: Membership approval for gate obtained on April 7, 1998.

Application to vacate roadways ready for submission to county on Oct. 29, 1999.

Final county approval obtained on Nov. 30, 1999.

Construction of gate begins March 1, 2000.

Construction of gate completed April 15, 2000.

<u>Year</u>	<u>Dues/Assessments</u>	<u>Due Date</u>
1999	\$114	1/1/99
1999	\$100	5/7/99
1999	\$220	11/30/99
1999	\$220	12/31/99
2000	\$210	1/1/00
2001 & beyond	\$179	1/1/01

\*As given by client, see file.

We, the undersigned, being the original subscribers named for the purpose of forming a corporation not for profit under the laws of the State of Florida, do make and file these Articles of Incorporation, hereby declaring and certifying that the facts stated herein are true and, accordingly, have hereunto set our hands and seals this 10<sup>th</sup> day of October, 2008.

WITNESSES:

Jerrell F. Sequeira  
Name: Jerrell F. Sequeira

Ashley Jennings  
Name: Ashley Jennings

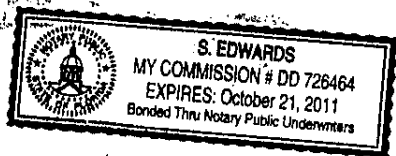
**Pelican Island Property Owners  
Association, Inc.**

By: John A. Mangin Jr.

Name: JOHN A. MANGIN JR.  
Its President

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of October, 2008, by John A. Mangin Jr. as President of Pelican Island Property Owners Association, Inc., a Florida not for profit company, who ☒ is personally known to me or ☐ produced a \_\_\_\_\_ Drivers License as identification.



(NOTARY SEAL)

Shelley Edwards  
Notary Signature

Shelley Edwards  
(Type, Stamp or Print Name)

WITNESSES

Pelican Island Property Owners  
Association, Inc.

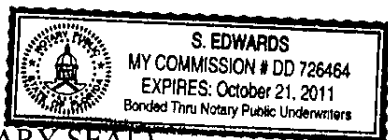
Ashley Jennings  
Name: Ashley Jennings

By: Grate C. Beehler  
Name: Grate C. Beehler  
Its Secretary

Shelley Edwards  
Name: Shelley Edwards

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this \_\_\_\_ day of October, 2008,  
by Grate C. Beehler as Secretary of Pelican Island Property  
Owners Association, Inc., a Florida not for profit company, who ☐ is personally known to me or  
☒ produced a FL Drivers License as identification.



(NOTARY SEAL)

S. Edwards  
Notary Signature

Shelley Edwards  
(Type, Stamp or Print Name)

**NOTICE OF ADOPTION BY BOARD OF DIRECTORS**

The revitalization of the Articles of Incorporation of PELICAN ISLAND PROPERTY OWNERS ASSOCIATION, INC., were approved by the affirmative vote of two-thirds (2/3) of the membership at a duly called meeting of the Membership held May 27, 2008.

517195.03