

# F00000005948

**McLin Burnsed Morrison  
Johnson Newman & Roy**

PROFESSIONAL  
ASSOCIATION

ATTORNEYS AT LAW

R. Dewey Burnsed  
Christopher V. Carlyle  
Stephen W. Johnson  
Craig W. Little  
Walter S. McLin, III  
G. Michael Mahoney  
Fred A. Morrison  
Richard P. Newman  
Steven M. Roy  
Jeffrey P. Skates  
Phillip S. Smith

Writer's Direct Line  
(352) 259-5011

August 30, 2000

Qualification/Tax Lien Section  
Division of Corporations  
409 East Gaines Street  
Tallahassee, Florida 32399

3000003380589--7  
-09/01/00--01085--001  
\*\*\*\*\*78.75 \*\*\*\*\*78.75

Dear Sir or Madam:

The enclosed "Application by Foreign Corporation for Authorization to Transact Business in Florida," "Certificate of Existence," and our check in the amount of \$78.75 are submitted to register the above reference foreign corporation to transact business in Florida.

Please return all correspondence concerning this matter to:

Jeffrey P. Skates  
McLin, Burnsed, Morrison, Johnson, Newman & Roy, P.A.  
P.O. Box 1299  
The Villages, Florida 32158-1299

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00 OCT 24 PM 3:31  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

Should you need to call someone concerning this matter, please call:

Vivian M. Grecco at 352-259-5011

Thank you for your assistance in this matter.

|                   |                    |
|-------------------|--------------------|
| Name              |                    |
| Availability      |                    |
| Document Examiner | DCC                |
| Updater           | DCC                |
| /ving             |                    |
| Encl.             |                    |
| cc:               | Donald E. Fletcher |
| W. P. Verifier    | DCC                |

Yours very truly,

*Vivian M. Grecco*

Vivian M. Grecco  
Secretary to Jeffrey P. Skates

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855,2852(3,450.) 671

REPLY TO THE VILLAGES OFFICE: 1100 Main Street, Suite 211, P.O. Box 1299, The Villages, FL 32159 ■ 352/753-4690 FAX: 352/753-0496

LEESBURG OFFICE: 1000 West Main Street, P.O. Box 491357, Leesburg, Florida 34749-1357 ■ 352/787-1241 FAX: 352/326-2608

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Steven M. Roy  
Joseph C. Shoemaker  
Jeffrey P. Skates  
Phillip S. Smith

October 20, 2000

Ms. Diane Cushing  
Corporate Specialist  
Florida Department of State  
Division of Corporations  
P.O. Box 6327  
Tallahassee, Florida 32314

Re: D.E. Fletcher, Inc.  
Ref. No.: W00000021903

Dear Ms. Cushing:

This letter will respond to your correspondence of September 6, 2000, regarding the above referenced corporation's application to do business in the State of Florida. Your office did not approve the application, and instead penalized the corporation \$3,450.00 for conducting business in Florida prior to the application.

The penalty was based on the applicant's statement on line 6 of the application, indicating that it first conducted business in the State of Florida in 1997. This statement, however, was in error, and the applicant therefore requests that the penalty be waived.

The applicant indicated on its application that it first began doing business in Florida in 1997 under the erroneous assumption that merely owning real estate in Florida, without more, constitutes "doing business." The corporation did own three vacant parcels of land, all located in the subdivision known as "The Hamlets," Lake County, Florida. The corporation did not develop the lots or improve the in any way. Owning these three lots was the corporation's only activity within the State of Florida prior to year 2000.

Florida Statutes § 607.1501(2)(m) provides that owning Florida real property, without more, does not constitute transacting business within the meaning of the statute requiring foreign corporations to register in Florida. See, Harris v. Zeuch, 137 So. 135 (Fla. 1931).

As D.E. Fletcher, Inc. was not transacting business within the State of Florida prior to year 2000,

Ms. Diane Cushing  
October 20, 2000  
Page 2

it is requested that the penalty be waived and that the application to do business within the State of Florida be approved.

Very truly yours,



Jeffrey P. Skates  
For the Firm

JPS/vmg  
cc: Mr. Don Fletcher

I:\User\VivG\CORPS\CLIENTS\Fletcher\Ltr to State objecting to penalty.wpd/October 20, 2000



FLORIDA DEPARTMENT OF STATE  
Katherine Harris  
Secretary of State

September 6, 2000

VIVIAN M. GRECCO  
MCLIN BURNSED MORRISON JOHNSON NEWMAN &  
P.O. BOX 1299  
THE VILLAGES, FL 32159

SUBJECT: D.E. FLETCHER, INC.  
Ref. Number: W00000021903

We have received your document for D.E. FLETCHER, INC. and your check(s) totaling \$78.75. However, the document has not been filed and is being retained in this office for the following:

Pursuant to section 607.1502(4), 617.1502(4) or 608.502(4), Florida Statutes, this office collects a civil penalty of \$1000 for each year this entity transacted business or conducted its affairs in Florida prior to qualification and the appropriate annual report fees that would have been due this office had the entity qualified the year it began operations in this state. The amount due this office to cover both annual report/uniform business report and penalty fees is \$3,450.00.

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) 487-6913.

Diane Cushing  
Corporate Specialist

Letter Number: 500A00047280

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF LAKE

BEFORE ME, the undersigned notary public, personally appeared D.E. Fletcher ("Affiant"), who having been first duly sworn according to law, deposes and says:

1. Affiant is President of D.E. Fletcher, Inc., a New York corporation (the "Corporation"), and has personal knowledge of all matters set forth in this Affidavit.

2. The Corporation is a validly existing corporation under the laws of the State of New York and has the power to carry on the business in which it is engaged.

3. The Corporation has in the past owned three separate vacant lots in subdivision known as The Hamlets, Lake County, Florida. The Corporation did not develop, construct upon, or improve in any manner any of the lots.

4. Besides owning the three unimproved lots, the Corporation had no other activities in Florida prior to the year 2000.

5. The Corporation never conducted or transacted business in any manner in State of Florida prior to year 2000, within the meaning of Florida Statute Section 607.1501.

6. The Corporation's only contact with the State of Florida, prior to year 2000, was to take title to the Lots in its corporate capacity.

7. This Affidavit is made and given by Affiant with full knowledge of applicable Florida laws regarding sworn affidavits and the penalties and liabilities resulting from false statements and misrepresentations therein.

FURTHER, Affiant sayeth naught.

Donald E. Fletcher  
D.E. Fletcher

Sworn to and subscribed before me this 20<sup>th</sup> day of October, 2000.

[Signature]  
NOTARY PUBLIC - STATE OF FLORIDA

[NOTARY SEAL]



(Print/Type Name of Notary)

My Commission expires: \_\_\_\_\_

(Notary Serial/Commission Number)

Affiant produced \_\_\_\_\_ as identification or ☒ is personally to me.

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OCT 24 PM 3:31  
SECRETARY OF STATE  
TALLAHASSEE FLORIDA

**APPLICATION BY FOREIGN CORPORATION FOR AUTHORIZATION TO TRANSACT  
BUSINESS IN FLORIDA**

IN COMPLIANCE WITH SECTION 607.1503, FLORIDA STATUTES, THE FOLLOWING IS SUBMITTED TO  
REGISTER A FOREIGN CORPORATION TO TRANSACT BUSINESS IN THE STATE OF FLORIDA.

1. D.E. FLETCHER, INC.  
(Name of corporation; must include the word "INCORPORATED", "COMPANY", "CORPORATION" or words or abbreviations of like import in language as will clearly indicate that it is a corporation instead of a natural person or partnership if not so contained in the name at present.)
2. NEW YORK 3. 150616979  
(State or country under the law of which it is incorporated) (FEI number, if applicable)
4. July 13, 1960 5. PERPETUAL  
(Date of incorporation) (Duration: Year corp. will cease to exist or "perpetual")
6. 1997  
(Date first transacted business in Florida.) (SEE SECTIONS 607.1501, 607.1502 and 817.155, F.S.)
7. 758 HEATHROW AVE.  
LADY LAKE, FL 32159  
(Current mailing address)
8. REAL ESTATE INVESTMENT  
(Purpose(s) of corporation authorized in home state or country to be carried out in state of Florida)
9. Name and street address of Florida registered agent: (P.O. Box or Mail Drop Box **NOT** acceptable)  
Name: DONALD E. FLETCHER  
Office Address: 758 HEATHROW AVE.  
LADY LAKE, Florida, 32159  
(Zip code)

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SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

10. Registered agent's acceptance:

*Having been named as registered agent and to accept service of process for the above stated corporation at the place designated in this application, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relative to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.*

  
(Registered agent's signature)

11. Attached is a certificate of existence duly authenticated, not more than 90 days prior to delivery of this application to the Department of State, by the Secretary of State or other official having custody of corporate records in the jurisdiction under the law of which it is incorporated.

12. Names and addresses of officers and/or directors: (Street address **ONLY** - P.O. Box **NOT** acceptable)

A. DIRECTORS (Street address only - P.O. Box NOT acceptable)

Chairman: DONALD E. FLETCHER

Address: 758 HEATHROW AVE.  
LADY LAKE FL 32159

Vice Chairman: \_\_\_\_\_

Address: \_\_\_\_\_

Director: \_\_\_\_\_

Address: \_\_\_\_\_

Director: \_\_\_\_\_

Address: \_\_\_\_\_

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TALLAHASSEE, FLORIDA

B. OFFICERS (Street address only - P.O. Box NOT acceptable)

President: DONALD E. FLETCHER

Address: 758 HEATHROW AVE.  
LADY LAKE FL 32159

Vice President: DAWN FLETCHER

Address: 758 HEATHROW AVE  
LADY LAKE FL 32159

Secretary: DAWN FLETCHER

Address: 758 HEATHROW AVE  
LADY LAKE FL 32159

Treasurer: DONALD E. FLETCHER

Address: 758 HEATHROW AVE  
LADY LAKE FL 32159

NOTE: If necessary, you may attach an addendum to the application listing additional officers and/or directors.

13. Donald E. Fletcher  
(Signature of Chairman, Vice Chairman, or any officer listed in number 12 of the application)

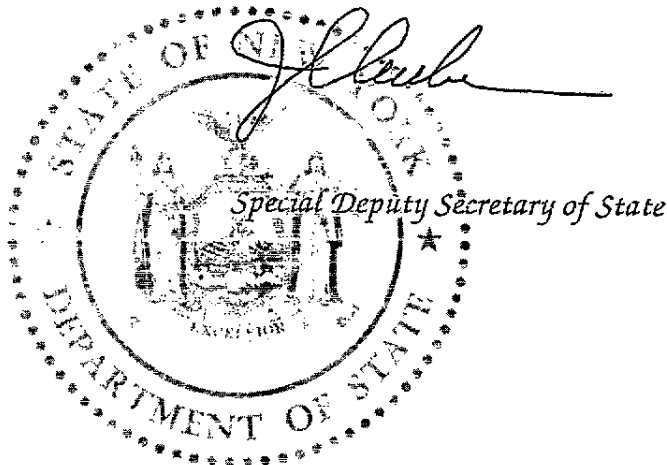
14. \_\_\_\_\_  
(Typed or printed name and capacity of person signing application)

State of New York  
Department of State | ss:

I hereby certify, that the Certificate of Incorporation of D.E. FLETCHER INC. was filed on 07/13/1960, fixing the duration as perpetual, and that a diligent examination has been made of the Corporate index for documents filed with this Department for a certificate, order, or record of a dissolution, and upon such examination, no such certificate, order or record has been found, and that so far as indicated by the records of this Department, such corporation is a subsisting corporation.

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*Witness my hand and the official seal  
of the Department of State at the City  
of Albany, this 25th day of July  
two thousand.*



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00 OCT 24 PM 3:31  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA