

MD1000002451

STEWART & KEYES
ATTORNEYS AT LAW

2125 FIRST STREET, SUITE 101
P.O. DRAWER 790
FORT MYERS, FL 33902-0790

PHONE (941) 334-7477

FAX (941) 334-7941

August 24, 2001

Florida Department of State
Registration Section
Division of Corporations
Post Office Box 6327
Tallahassee, FL 32304

800004557868--1
-08/27/01--01086--009
****130.00 ****130.00

Re: CMC Venture, LLC

Dear Sir:

MOI-2451

800004557868--1
-10/31/01--01011--022
***1788.75 ***1788.75

Enclosed please find an Application by Foreign Limited Liability Company for Authorization to Transact Business in Florida together with Certificate of Good Standing California Limited Liability Company and Certificate of Designation of Registered Agent/Registered Office for CMC Venture, LLC.

Also enclosed is my trust account check payable to the Florida Department of State in the amount of \$130.00 for the following registration fees:

\$100.00 Filing Fee for Application
\$ 25.00 Designation of Registered Agent
\$ 5.00 Certificate of Status

MOI-2027

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DIVISION OF CORPORATIONS

Please register CMC Venture, LLC to transact business in Florida, issue a letter of acknowledgment, and send the Certificate of Status and letter of acknowledgment to me at the above address.

Yours very truly,

STEWART & KEYES

William A. Keyes, Jr.

WAK:mh
Enclosures

cc: Mr. Augustino Carcione, Sr.
Michael Hagen, Esquire

13p

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FLORIDA DEPARTMENT OF STATE

Katherine Harris
Secretary of State

August 30, 2001

WILLIAM A. KEYES, JR.
STEWART & KEYES, ATTORNEYS AT LAW
PO DRAWER 790
FORT MYERS, FL 33902-0790

SUBJECT: CMC VENTURE, LLC
Ref. Number: W01000020276

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We have received your document for CMC VENTURE, LLC and your check(s) totaling \$130.00. 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/uniform business 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 \$4,477.50.

Enclosed please find a copy of section 607.1501, 617.1501, or 608.502, Florida Statutes, which lists those activities that do not constitute transacting business in this state. If after reviewing this section you determine erroneous information was inserted on the application, a notarized affidavit containing the following information must be submitted: 1.) a statement indicating erroneous information was listed on the application; and 2.) the correct date the corporation began transacting business in Florida prior to the year the application was submitted did not constitute transacting business pursuant to section 607.1501, 617.1501 or 608.502, Florida Statutes.

If you have any questions concerning the filing of your document, please call (850) 245-6958.

Lee Rivers
Document Specialist

Letter Number: 501A00049458

FROM : LUPA Investors

PHONE NO. : 4082987655

Oct. 12 2001 12:46PM P1

282 Barnard Ave.
San Jose, CA
95125

CMC
Venture,
LLC

Fax

To: Lee Rivers

From: Alan Pinck

Fax: 850-410-1015

Pages: 2 including cover sheet

Phone: 850-245-6958

Date: October 12, 2001

Re: W01000020276

CC: File

Urgent

For Review

☐ **Please Comment**

Please Reply

☐ **Please Recycle**

● **Comments:**

Mr. Rivers,

Thank you for all your help with this.

Alan

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FROM : LUPA Investors

PHONE NO. : 4082987655

Oct. 12 2001 12:47PM P2

*CMC Ventures LLC
282 Barnard Avenue
San Jose, CA 95125
telephone (408)298-7654
fax (408)298-7655*

October 12, 2001

General Council
Florida Department of State
Division of Corporations
P O Box 6327
Tallahassee, FL 32314

RE: Ref Number W0100002026

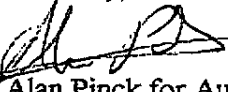
Dear Sir or Madam:

We are requesting that the penalties that are being assessed to CMC Venture, LLC be reduced from the maximum to the minimum for the following reasons.

We have been working with a reputable attorney in Fort Myers and were never formularized with the requirement to file as a foreign entity. Being that we treat our LLC as a partnership for tax purposes and the attorney was aware of this it was felt that there would be no requirement to file. We did not actually start renting the building until November of 1998 and feel that is when we started doing business in Florida.

Thank you in advance for your consideration on this mater.

Sincerely,



Alan Pinck for Augustino Carcione, Sr.
CMC Venture, LLC

CC; Stewart & Keyes

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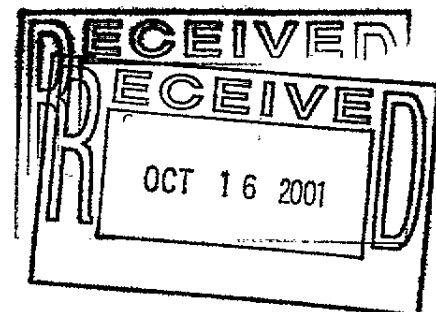
TO: Gerry York, General Counsel's Office
FROM: Lee Rivers, Registration Section
DATE: October 15, 2001
SUBJECT: CMC VENTURE, LLC
REFERENCE: W01000020276

Pursuant to Mr. Pinck's fax of October 12, 2001, the attached documents and correspondence are being forwarded to you for appropriate handling. Please note that the attached documents appear to meet the filing requirements stipulated in Chapter 607, Florida Statutes, with the exception of any penalty or annual report fees that may be due this office. Please also note that the fax indicates a Florida start date of 1998 rather than the 1997 date on the application.

Should you have any further questions concerning this matter, please do not hesitate to get in touch.

/lr

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*CMC Ventures LLC
282 Barnard Avenue
San Jose, CA 95125
telephone (408)298-7654
fax (408)298-7655*

October 19, 2001

William Keys, Jr.
Stewart & Keys
2125 First Street
Suite 101
Fort Myers, FL 33902-0790

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RE; VA Clinic Fort Myers

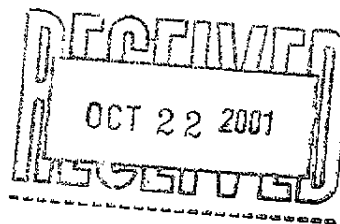
Dear Mr. Keyes,

Please find check for \$1,788.75 for penalties and fees based on not doing business in Florida until November 1998 when the VA took occupancy. After this gets filed then we can continue to move on the property tax issue.

If you have any questions or concerns please call.

Sincerely,


Alan Pinck
CMC Venture, LLC



STEWART & KEYES
ATTORNEYS AT LAW

2125 FIRST STREET, SUITE 101
P.O. DRAWER 790
FORT MYERS, FL 33902-0790

PHONE (941) 334-7477

FAX (941) 334-7941

October 22, 2001

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gerard T. York, Esquire
Assistant General Counsel
LL-10, The Capitol
Tallahassee, FL 32399-0250

Re: CMC Venture, LLC

Dear Mr. York:

Please find enclosed check from CMC Venture LLC in the amount of \$1,788.75 together with a letter dated October 19, 2001 from CMC Ventures, LLC.

Please note the statement in the letter that the tenant, Veteran's Administration, did not take occupancy of the property until November, 1998. Please amend our Application by Foreign Limited Liability Company for Authorization to Transact Business in Florida to conform to the letter.

My client is accepting your offer contained in the second paragraph of your memo of October 16, 2001.

Please call if you have any questions.

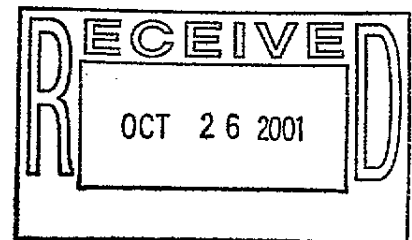
Yours very truly,

STEWART & KEYES

(Signature)
William A. Keyes, Jr.

WAK:mh
Enclosure
cc: Mr. Alan Pinck

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Department of State

Memorandum Office of the General Counsel

TO: File

FROM: Gerard York, Assistant General Counsel

DATE: October 28, 2001

RE: CMC Venture, LLC

Based on my review of the file and the payments received from the LLC, it is my recommendation that this file be closed. LLC has paid outstanding report fees from 1998 of \$288.75 and foreign non-qualified penalties of \$1500.00 assessed at the statutory minimum of \$500.00 per year and wishes to be qualified to do business in the State of Florida. Accordingly, it is recommended LLC be issued a certificate of authority.

/gty

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FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
OFFICE OF THE GENERAL COUNSEL

F A C S I M I L E T R A N S M I T T A L

TO FAX NUMBER: 941-334-7941

Please deliver the following pages to:

NAME: Mr. William A. Keyes, Jr.

COMPANY: Stewart & Keyes

CITY/STATE: Fort Myers, Florida

SENDER: Gerard T. York, Esq.,
Assistant General Counsel
850-245-6514

DATE/TIME: 10/16/01 1:47 PM

NUMBER OF PAGES (including transmittal sheet):2

FROM FAX: 850/245-6127

COMMENTS: This communication is in response to our conversation today regarding annual report fees and statutory penalties which would be assessed against CMC Venture LLC under section 608.502(4), Florida Statutes.

Your client's letter dated October 12, 2001 indicates CMC Venture LLC has transacted business in Florida since 1998. Accordingly, an amount of \$3288.75 is due, reflecting annual report fees of \$288.75 and statutory penalties of \$3000.00. We would, however, offer to settle the issue of annual report fees and foreign non-qualified penalties from CMC Venture LLC for the sum of \$1788.75, reflecting

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annual report fees from 1998 of \$288.75 and penalties from 1998 of \$1500.00 assessed at the statutory minimum of \$500.00 per year. This offer remains in effect until November 30, 2001.

IF CMC Venture LLC has transacted business in Florida since 1997, as indicated in the initial application dated August 24, 2001, an amount of \$4477.50 is due, reflecting annual report fees of \$477.50 and statutory penalties of \$4000.00. We would, however, offer to settle the issue of annual report fees and foreign non-qualified penalties from CMC Venture LLC for the sum of \$2477.50, reflecting annual report fees from 1997 of \$477.50 and penalties from 1997 of \$2000.00 assessed at the statutory minimum of \$500.00 per year. This offer remains in effect until November 30, 2001.

Upon completion of the application and receipt of a check in that amount payable to the Department of State, Division of Corporations, I will instruct the Division of Corporations to issue CMC Venture LLC a Certificate of Authority to transact business in Florida. Please mail the check to this attorney at: Office of General Counsel, LL-10, The Capitol, Tallahassee, Florida 32399-0250.

Please do not hesitate to contact me should you have any questions.

LL-10 • THE CAPITOL • TALLAHASSEE, FLORIDA 32399-0250

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**APPLICATION BY FOREIGN LIMITED LIABILITY COMPANY FOR AUTHORIZATION TO
TRANSACTION BUSINESS IN FLORIDA**

IN COMPLIANCE WITH SECTION 608.503, FLORIDA STATUTES, THE FOLLOWING IS SUBMITTED TO REGISTER A FOREIGN
LIMITED LIABILITY COMPANY TO TRANSACTION BUSINESS IN THE STATE OF FLORIDA:

1. CMC VENTURE, LLC
(Name of foreign limited liability company)
2. California
(Jurisdiction under the law of which foreign limited liability company is organized)
3. 77-0470618
(FEI number, if applicable)
4. October 31, 1997
(Date of Organization)
5. Perpetual
(Duration: Year limited liability company will cease to exist or "perpetual")
6. September 1997
(Date first transacted business in Florida. (See sections 608.501, 608.502, and 817.155, F.S.))
7. 282 Barnard Avenue
San Jose, CA 95125
(Street address of principal office)

8. If limited liability company is a manager-managed company, check here ☒

9. The name and usual business addresses of the managing members or managers are as follows:

Augustino Carcione, Sr.

282 Barnard Avenue

San Jose, CA 95125

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10. Attached is an original certificate of existence, no more than 90 days old, duly authenticated by the official having custody of records in the jurisdiction under the law of which it is organized. (A photocopy is not acceptable. If the certificate is in a foreign language, a translation of the certificate under oath of the translator must be submitted.)

11. Nature of business or purposes to be conducted or promoted in Florida: _____

All lawful business purposes

Augustino Carcione Sr.

Signature of a member or an authorized representative of a member.
(In accordance with section 608.408(3), F.S., the execution of this document constitutes an affirmation under the penalties of perjury that the facts stated herein are true.)

Augustino Carcione, Sr.

Typed or printed name of signer

**CERTIFICATE OF DESIGNATION OF
REGISTERED AGENT/REGISTERED OFFICE**

PURSUANT TO THE PROVISIONS OF SECTION 608.415 or 608.507, FLORIDA STATUTES,
THE UNDERSIGNED LIMITED LIABILITY COMPANY SUBMITS THE FOLLOWING
STATEMENT TO DESIGNATE A REGISTERED OFFICE AND REGISTERED AGENT IN THE
STATE OF FLORIDA.

1. The name of the Limited Liability Company is:

CMC VENTURE, LLC

2. The name and the Florida street address of the registered agent and office are:

Charles E. Mayhugh, Jr.

(Name)

1950 Courtney Dr., Suite 207

Florida street address (P.O. Box NOT ACCEPTABLE)

Fort Myers FL 33901

City/State/Zip

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, 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 relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent as provided for in Chapter 608, F.S..

Ch. E. Mayhugh, Jr.
(Signature)

\$ 100.00	Filing Fee for Application
\$ 25.00	Designation of Registered Agent
\$ 30.00	Certified Copy (optional)
\$ 5.00	Certificate of Status (optional)

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State of California

SECRETARY OF STATE

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CERTIFICATE OF GOOD STANDING CALIFORNIA LIMITED LIABILITY COMPANY

I, BILL JONES, Secretary of State of the State of California, hereby certify:

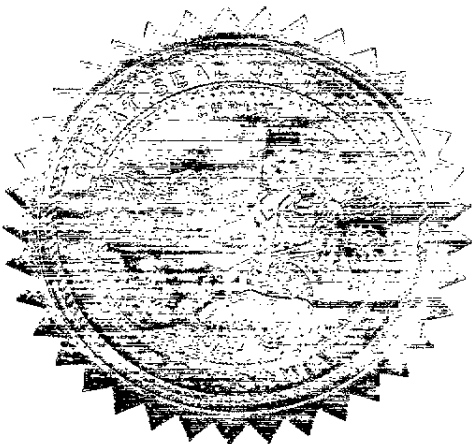
That on the 31st day of October, 1997, CMC VENTURE, LLC, became recognized under the laws of the State of California by filing its Articles of Organization in this office; and

That no record exists in this office of a certificate of cancellation of said limited liability company nor of a court declaring cancellation thereof; and

That according to the records of this office, the said limited liability company is authorized to exercise all its powers, rights and privileges and is in good legal standing in the State of California; and

That no information is available in this office on the financial condition of this limited liability company.

IN WITNESS WHEREOF, I execute
this certificate and affix the Great
Seal of the State of California this
19th day of June, 2001.



Bill Jones
BILL JONES
Secretary of State