

N00000003147



ACCOUNT NO. : 072100000032

REFERENCE : 690064 4218B

AUTHORIZATION :

*Patricia Pizit*

COST LIMIT : \$ 70.00

FILED  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
00 MAY -9 PM 3:29

ORDER DATE : May 8, 2000

ORDER TIME : 4:57 PM

ORDER NO. : 690064-005

CUSTOMER NO: 4218B

100003244331--8

CUSTOMER: Mr. Stephen Kolody  
ROETZEL & ANDRESS  
ROETZEL & ANDRESS  
2320 First Street  
Suite 1000  
Fort Myers, FL 33901

DOMESTIC FILING

NAME: O'MARA PROPERTY OWNERS'  
ASSOCIATION, INC.

EFFECTIVE DATE:

XX ARTICLES OF INCORPORATION  
       CERTIFICATE OF LIMITED PARTNERSHIP

PLEASE RETURN THE FOLLOWING AS PROOF OF FILING:

       CERTIFIED COPY  
XX PLAIN STAMPED COPY  
       CERTIFICATE OF GOOD STANDING

CONTACT PERSON: Janine Lazzarini

EXAMINER'S INITIALS:

2589  
W00-12148

RECEIVED  
00 MAY -9 AM 9:24  
DEPARTMENT OF STATE  
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TALLAHASSEE, FLORIDA



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DIVISION OF CORPORATIONS

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FLORIDA DEPARTMENT OF STATE

Katherine Harris  
Secretary of State

May 9, 2000

CSC NETWORKS  
1201 HAYS STREET  
TALLAHASSEE, FL 32301

SUBJECT: O'MARA PROPERTY OWNERS' ASSOCIATION, INC.  
Ref. Number: W00000012148

**RESUBMIT**  
Please give original  
submission date as file date.

We have received your document for O'MARA PROPERTY OWNERS' ASSOCIATION, INC. and the authorization to debit your account in the amount of \$70.00. However, the document has not been filed and is being returned for the following:

You must list the corporation's principal office and/or a mailing address in the document.

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) 487-6973.

Claretha Golden  
Document Specialist

Letter Number: 200A00025790

**RECEIVED**  
00 MAY 11 PM 3: 13  
DEPARTMENT OF STATE  
DIVISION OF CORPORATIONS  
TALLAHASSEE, FLORIDA

**ARTICLES OF INCORPORATION  
OF  
O'MARA PROPERTY OWNERS' ASSOCIATION, INC.**

FILED  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS

00 MAY -9 PM 3: 29

**A Non-Profit Corporation**

The undersigned, acting as incorporator of a non-profit corporation under Chapter 617 of the Florida Statutes, hereby adopts the following Articles of Incorporation for such corporation:

**Article I  
Name**

The name of the corporation is O'MARA PROPERTY OWNERS' ASSOCIATION, INC. (the "ASSOCIATION") and the corporation's principal office address is:  
2320 First Street, Ft. Myers, FL 33901

**Article II  
Duration**

The period of duration of the ASSOCIATION shall be perpetual.

**Article III  
Purposes and Powers**

A. By way of explanation and not of limitation, the purposes for which the ASSOCIATION is formed are:

1. To be and constitute the ASSOCIATION to which reference is made in the Declaration of Covenants, Conditions and Restrictions for O'Mara Subdivision (the "DECLARATION"); establishing a plan of development recorded or to be recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, to perform all obligations and duties of the ASSOCIATION, and to exercise all rights and powers of the ASSOCIATION, as specified therein, in the Bylaws, and as provided by law; and
2. To provide an entity for the furtherance of the interests of the Owners in the development; and
3. To provide for the management, operation, and maintenance of the Surface Water Management System as permitted by the South Florida Water Management District including all lakes, retention areas, culverts and related appurtenances.

B. In furtherance of its purposes, the ASSOCIATION shall have the following powers, which, unless indicated otherwise by the DECLARATION or Bylaws, may be exercised by the Board of Directors:

1. All powers conferred upon not-for-profit corporations by common law and the Statutes of the State of Florida in effect from time to time;

2. All the powers necessary or desirable to perform the obligations and duties and to exercise the rights and powers set out in these Articles, the Bylaws, or DECLARATION, including, without limitation, the following:

a. To fix, levy, collect, and enforce payment by any lawful means of all charges and assessments pursuant to the terms of the DECLARATION; and pay all expenses in connection therewith, and all office and other expenses incidental to the conduct of the business of the ASSOCIATION, including all licenses, taxes, or governmental charges levied on or imposed against the property of the ASSOCIATION;

b. To purchase, take, receive, lease, take by gift, devise, or bequest, or otherwise acquire, own, hold, improve, use, convey, or otherwise deal in and with real or personal property, or any interest therein, wherever situated;

c. To make contracts and incur liabilities, borrow money at such rates of interest as the ASSOCIATION may determine, ;Issue its note, bonds, and other obligations, and, subject to the consent by vote or written instrument of two-thirds of each class of members, secure any of its obligations by mortgage and pledge of all or any of its property, franchises, or income;

d. To dedicate, sell or transfer all or any part of the common properties to any municipality, public agency, authority, or utility for such purposes and subject to such conditions as may be agreed upon by the members, agreeing to such dedication, sale, or transfer;

e. To merge and consolidate with other corporations both for profit and not-for-profit, domestic and foreign, provided that the surviving corporation is a corporation not-for-profit, and provided that any merger or consolidation shall have the assent by vote or written instrument of two-thirds (2/3) of each class of members;

f. To have and exercise any and all powers, rights, and privileges that a non-profit corporation organized under Chapter 617 of the Florida Statutes by law may now or hereafter have or exercise;

g. To manage, control, operate, maintain, repair and improve property subjected to the DECLARATION or any other property for which the ASSOCIATION by rule, regulation, DECLARATION, or contract has a right or duty to provide such services;

h. To enforce covenants, conditions, or restrictions affecting any property to the extent the ASSOCIATION may be authorized to do so under any Declaration of Covenants, Conditions, and Restrictions or Bylaws;

i. To engage in activities which will actively foster, promote, and advance the common interests of all Owners;

j. To act as agent, trustee, or other representatives of other corporations, firms or individuals, and, as such, to advance the business or ownership interests of such corporations, firms or individuals;

k. To sue and be sued;

l. To adopt, alter, and amend or repeal such Bylaws as may be necessary or desirable for the proper management of the affairs of the ASSOCIATION; provided, however, such Bylaws may not be inconsistent with or contrary to any provisions of the DECLARATION;

m. To establish rules and regulations;

n. To provide any and all supplemental services as may be necessary or proper.

o. The foregoing enumeration of powers shall not limit or restrict in any manner the exercise of other and further rights and powers which may now or hereafter be allowed or permitted by law; and the powers specified in each of the paragraphs of this Article III are independent powers, not to be restricted by reference or by inference from the terms of any other paragraph or provision of this Article III. The ASSOCIATION is organized and shall be operated in accordance with the purposes set forth above. The activities of the ASSOCIATION will be financed by assessments against members as provided in the DECLARATION, and no part of any net earnings of the ASSOCIATION will inure to the benefit of any member.

#### **Article IV Membership**

A. Every person or entity who is record owner, of a fee or undivided fee interest in any unit which is subject by covenants of record to assessment by the ASSOCIATION, including contract sellers, but excluding persons or entities holding title merely as security for performance of an obligation, shall be a member of the ASSOCIATION. Voting membership shall be appurtenant to and may not be separated from ownership of a unit which is subject to assessment by the ASSOCIATION.

B. Members shall be entitled to one vote for each one thousand (1,000) square feet (rounded to the nearest thousand) owned in fee simple. When more than one person holds all interest in any unit, all such persons shall be members. The vote of such members may be determined among themselves, but in no event shall more than one vote be cast with respect to any 1,000 square feet owned by Members.

#### **Article V Board of Directors**

The business and affairs of the Corporation shall be conducted, managed and controlled by the Board of Directors. The Board shall consist of not less than three (3) members. The names and addresses of the initial Board of Directors are as follows:

Roger Burks  
11751-2 Metro Parkway  
Fort Myers, Florida 33912

Thomas B. Birch  
Post Office Box 61156  
Fort Myers, Florida 33906

John E. Deer  
1142 Old Fort Green Road (Lot 4)  
Wauchula, Florida 33873

Kenneth A. Berdick, M.D.  
1029 Aqua Lane  
Fort Myers, Florida 33919

Kevin K. Knapp  
12821 Metro Parkway  
Fort Myers, Florida 33912

The method of elections and terms of office, removal, and filling of vacancies shall be as set forth in the Bylaws. The Board may delegate such operating authority to such companies, individuals, or committees as it, in its discretion, may determine.

## **Article VI Dissolution**

The ASSOCIATION may be dissolved only as provided in the DECLARATION, Bylaws and by the laws of the State of Florida; provided, however, in the event of dissolution the property consisting of the Surface Water Management System shall be conveyed to an appropriate agency of local government; except that if said local government agency fails to accept it, then, in that event, the Surface Water Management System shall be dedicated to a similar non-profit corporation.

## **Article VII Amendments**

These Articles may be amended as provided by the Florida Not-For-Profit Corporation Act, provided that no amendment shall be in conflict with the DECLARATION and provided further that no amendment shall be effective to impair or dilute any rights of members that are governed by such DECLARATION.

## **Article VIII Incorporator**

The name and address of the incorporator are as follows:

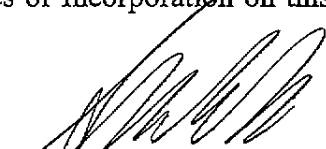
Stephen G. Kolody  
1520 Royal Palm Square Boulevard, Suite 340  
Fort Myers, Florida 33919

**Article IX**  
**Registered Agent and Office**

The initial registered agent and office of the Corporation are as follows:

Stephen G. Kolody  
1520 Royal Palm Square Boulevard, Suite 340  
Fort Myers, Florida 33919

The undersigned has executed these Articles of Incorporation on this 22<sup>nd</sup> day of March, 1999.

  
\_\_\_\_\_  
Stephen G. Kolody, Incorporator

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 22 day of March, 1999, by Stephen G. Kolody, who personally appeared before me at the time of notarization, and who is ☒ personally known to me or ☐ produced \_\_\_\_\_ as identification.

(Seal)



  
\_\_\_\_\_  
SIGNATURE OF NOTARY

Richard A. Kolody

PRINTED NAME OF NOTARY

Notary Public, State of Florida  
My commission expires:

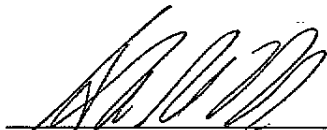
**ACCEPTANCE BY DESIGNATION  
REGISTERED AGENT/REGISTERED OFFICE**

FILED  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS

00 MAY -9 PM 3: 29

I, the undersigned person, having been named as Registered Agent and to accept service of service of process for the above-stated corporation at the place designated in the foregoing Articles of Incorporation, 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.

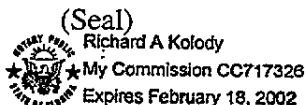
Dated this 22 day of March, 1999.

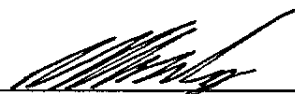
  
\_\_\_\_\_  
Stephen G. Kolody, Registered Agent

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 22 day of March, 1999, by Stephen G. Kolody, who personally appeared before me at the time of notarization.



  
\_\_\_\_\_  
SIGNATURE OF NOTARY  
  
Richard A. Kolody  
\_\_\_\_\_  
PRINTED NAME OF NOTARY  
Notary Public, State of Florida  
My commission expires:

Personally Known ☒ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced: \_\_\_\_\_