

NO0000005232

CAPITAL CONNECTION, INC.

• 417 E. Virginia Street, Suite 1 • Tallahassee, Florida 32301
(850) 224-8870 • 1-800-342-8062 • Fax (850) 222-1222

FILED
2001 OCT -5 PM 3:41
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

Bell Harbor Homeowner's Association, Inc

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*****35.00 *****35.00

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DIVISION OF CORPORATION

☐ Art of Inc. File
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☒ Cert. Copy
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☐ Certificate of Good Standing
☐ Certificate of Status
☐ Certificate of Fictitious Name
☐ Corp Record Search
☐ Officer Search
☐ Fictitious Search
☐ Fictitious Owner Search
☐ Vehicle Search
☐ Driving Record
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☐ UCC 11 Retrieval
☐ Courier

G. Goulette OCT 05 2001

Signature

Requested by:

KC 10-5

Name

Date

Time

Walk-In

Will Pick Up



FLORIDA DEPARTMENT OF STATE

Katherine Harris
Secretary of State

October 5, 2001

RE-SUBMIT
PLEASE OBTAIN THE ORIGINAL
FILE DATE

CAPITAL CONNECTION, INC.

TALLAHASSEE, FL

SUBJECT: BELL HARBOR HOMEOWNER'S ASSOCIATION, INC.
Ref. Number: N00000005232

We have received your document for BELL HARBOR HOMEOWNER'S ASSOCIATION, INC. and check(s) totaling \$35.00. However, the enclosed document has not been filed and is being returned to you for the following reason(s):

You need to either remove the "Exhibit A" statement in article IV, or provide the exhibit as stated.

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) 245-6903.

Cheryl Coulliette
Document Specialist

Letter Number: 701A00055871

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AMENDED AND RESTATED ARTICLES OF INCORPORATION

OF

BELL HARBOR HOMEOWNER'S ASSOCIATION, INC.

FILED
2001 OCT - 5 PM 3:41
TALLAHASSEE, FLORIDA
SECRETARY OF STATE

In compliance with the requirements of Chapter 617, Florida Statutes, the undersigned, constituting all the Directors of the Corporation, hereby adopt the following Amended and Restated Articles of Incorporation of Bell Harbor Homeowner's Association, Inc.:

**ARTICLE I
NAME**

The name of the corporation is: BELL HARBOR HOMEOWNER'S ASSOCIATION, INC.

**ARTICLE II
ADDRESS**

The principal office of the Association is located at 416 Loch Devon Drive, Lutz, Florida 33549.

**ARTICLE III
REGISTERED OFFICE AND AGENT**

The street address of the initial registered office of the Association shall be 14502 N. Dale Mabry Highway, Suite 300, Tampa, Florida 33618. The name of the Association's initial registered agent at such address shall be JEFFREY A. AMAN.

Agency Accepted:

By: 
JEFFREY A. AMAN

**ARTICLE IV
PURPOSE AND POWERS OF THE ASSOCIATION**

This Association does not contemplate pecuniary gain or profit of its members. The specific purposes for which it is formed are to promote the health, safety, and general welfare of the residents within the property described in Exhibit "A" attached hereto and made a part hereof by reference, herein called the "Properties," and any additions thereto as may hereafter be

brought within the jurisdiction of the Association. The purpose of this Association shall include, without limitation of the foregoing, the maintenance of the Common Area and certain other land within the Properties, and carrying out, enforcing and otherwise fulfilling its rights and responsibilities under and pursuant to that certain Declaration of Covenants, Conditions and Restrictions for BELL HARBOR HOMEOWNER'S ASSOCIATION, INC., recorded among the Public Records of Pasco County, Florida, and any amendments or modifications thereof, herein together called the "Declaration." Any amendment to the Articles of Incorporation filed to reflect such additional land shall not require consent or approval of the members of the Association, but shall be executed by the President and Secretary of the Association. The Association is empowered to:

(a) Exercise all of the powers and privileges and to perform all of the duties and obligations of the Association as set forth in that certain Amended Declaration of Covenants, Conditions and Restrictions, hereinafter called the "Declaration," applicable to the property and recorded or to be recorded in the Public Records of Hillsborough County, Florida, and as the same may be amended from time to time as therein provided, said Declaration being incorporated herein as if set forth at length;

(b) Fix, levy, collect and enforce payment by any lawful means, all charges or assessments pursuant to the terms of the Declaration; to pay all expenses in connection therewith and all office and other expenses incident to the conduct of the business of the Association, including all licenses, taxes or governmental charges levied or imposed against the property of the Association;

(c) Acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Association;

(d) Borrow money, and with the assent of two-thirds (2/3) of each class of members, mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred;

(e) Dedicate, sell or transfer all or any part of the Common Area, including roadways, to any public agency, authority, or utility. No such dedication or transfer shall be effective unless an instrument has been signed by a majority of the Board of Directors agreeing to such dedication, sale or transfer;

(f) Grant easements as to the Common Area to public and private utility companies, including cable T.V., and to public bodies or governmental agencies or other entities or persons, with or without cost or charge, at the sole discretion of the Board of Directors, where convenient, desirable or necessary in connection with the development of the Properties, and the providing of utility and other services thereto;

(g) Participate in mergers and consolidations with other non-profit corporations organized for the same purposes, or annex additional residential property and Common Area,

provided that any such merger, consolidation or annexation shall have the assent of two-thirds (2/3) of each class of members;

(h) Annex additional real property in accordance with the provisions of the Declaration, with such annexations, when completed in accordance with the provisions of the Declaration, extending the jurisdiction, function, duties and membership of the Association to the real property thereby annexed;

(i) From time to time adopt, alter, amend and rescind reasonable rules and regulations governing the use of the Common Area, which rules and regulations shall be consistent with the rights and duties established by the Declaration and with the provisions of these Articles of Incorporation;

(j) Contract for the maintenance and management of the Common Area, and to authorize a management agent to assist the Association in carrying out its powers and duties under the Declaration;

(k) Have and exercise any and all powers, rights and privileges which a corporation organized under the Non-Profit Corporation Law of the State of Florida by law may now or hereafter have or exercise; and

(l) This Association is not a condominium association and is not subject to the Florida Condominium Law (F.S. 718).

ARTICLE V MEMBERSHIP

Every person or entity who is a record Owner of a fee or undivided fee interest in any Lot which is subject to the provisions of the Declaration to assessment by the Association, including contract sellers, shall be a member of the Association. When any Lot is owned of record by two (2) or more persons or other legal entities, all such persons or entities shall be members. An Owner of more than one (1) such Lot shall be entitled to one (1) membership for each Lot owned. Membership shall be appurtenant to, and may not be separated from, ownership of any Lot which is subject to the provisions of the Declaration, but shall be automatically transferred by the conveyance of that Lot.

ARTICLE VI VOTING RIGHTS

The Association shall have two (2) classes of voting membership. All votes shall be cast in the manner provided in the Bylaws. When more than one person or entity holds an interest in any Lot, the vote for such Lot shall be exercised as such persons determine, but in no event shall more than the number of votes hereinafter designated be cast with respect to any such Lot, nor shall any split vote be permitted with respect to such Lot. The class of voting memberships and voting rights related thereto is as follows:

(a) Class A. Class A members shall be all owners of Lots subject to assessment, with the exception of the Developer. Owners of Class A Lots shall be entitled to one (1) vote for each Lot owned.

(b) Class B. The sole Class B Member shall be the Developer, BELL HARBOR, LLC, a Florida limited liability company. The Class B Member shall be entitled to three (3) votes for each lot owned. The Class B membership shall cease and be converted to Class A membership on the happening of either of the following events, whichever occurs earlier:

1. When the total votes outstanding in Class A membership equal the total votes outstanding in the Class B membership, or
2. On December 31, 2015.

ARTICLE VII BOARD OF DIRECTORS

The affairs of this Association shall be managed by a Board of not less than three (3) nor more than seven (7) Directors, who need not be members of the Association. The number of directors may be changed by amendment of the Bylaws of the Association. The names and addresses of the persons who are to act in the capacity of directors until the selection of their successors are:

<u>NAME</u>	<u>ADDRESS</u>
John M. Dalfino	P.O. Box 488 Lutz, FL 33548-0488
John T. Steger, Jr.	P.O. Box 488 Lutz, FL 33548-0488
Vandla Dalfino	P.O. Box 488 Lutz, FL 33548-0488

ARTICLE VIII OFFICERS

The affairs of the Association shall be administered by the officers designated by the Bylaws. The officers shall be elected by the Board of Directors at its first meeting following the annual meeting of the members of the Association, and shall serve at the pleasure of the members of the Board of Directors.

The names and addresses of the officers who shall serve until their successors are designated by the Board of Directors are as follows:

<u>NAME</u>	<u>ADDRESS</u>
John M. Dalfino President	P.O. Box 488 Lutz, FL 33548-0488
John T. Steger, Jr. Secretary/Treasurer	P.O. Box 488 Lutz, FL 33548-0488

ARTICLE IX BYLAWS

The first Bylaws of the Association shall be adopted by the Board of Directors, and may be altered, amended or rescinded in the manner provided by the Bylaws.

ARTICLE X INDEMNIFICATION

Every Director and every Officer of the Association shall be indemnified by the Association against all expenses and liabilities, including counsel fees, reasonably incurred by or imposed upon him in connection with any proceeding or any settlement of any proceeding to which he may be a part, or to which he may become involved by reason of his being or having been a Director or Officer of the Association, whether or not he is a Director or Officer at the time such expenses are incurred. The foregoing right of indemnification shall be in addition to and not exclusive of all other rights to which such Director or Officer may be entitled.

ARTICLE XI DISSOLUTION

The Association may be dissolved with the assent given in writing and signed by not less than two-thirds (2/3) of each class of members. Upon dissolution of the Association, other than incident to a merger or consolidation, the assets of the Association shall be dedicated to an appropriate public agency to be used for purposes similar to those for which this Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to any non-profit corporation, association, trust or other organization to be devoted to such similar purpose.

ARTICLE XII DURATION

The Corporation shall exist perpetually.

ARTICLE XIII AMENDMENTS

Amendment of these Articles shall require the assent of seventy-five percent (75%) of the entire membership.

ARTICLE XIV INTERPRETATION

Express reference is hereby made to the terms, provisions, definitions and rules of interpretation contained in the Declaration where necessary to interpret, construe and clarify the provisions of these Articles. In subscribing and filing these Articles, it is the intent of the undersigned that the provisions hereof be consistent with the provisions of the Declaration and, to the extent not prohibited by law, that the provisions of these Articles of Incorporation and of the Declaration be interpreted, construed and applied so as to avoid inconsistencies or conflicting results.

ARTICLE XV FHA/VA APPROVAL

As long as there is a Class B membership, the following actions will require the prior approval of the Federal Housing Administration or the Veterans Administration: annexation of additional properties, mergers and consolidations, mortgaging of Common Area, dedication of Common Area, dissolution and amendment of these Articles.

ARTICLE XVI APPROVAL BY MEMBERS

These Amended and Restated Articles of Incorporation were approved by the members of the Corporation by an affirmative vote of at least seventy-five percent (75%) of the membership.

IN WITNESS WHEREOF, the undersigned, being all of the directors of the corporation, have executed these Amended and Restated Articles of Incorporation, this 4th day of October, 2001.

John M. Dalfino
John M. Dalfino, Director

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 4th day of October, 2001, by John M. Dalfino who is personally known to me or who produced as identification.

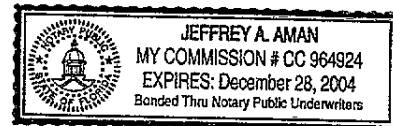
NOTARY PUBLIC:

Sign: Jeffrey A. Aman

Print: Jeffrey A. Aman

State of Florida

My commission expires:



John T. Steger, Jr.
John T. Steger, Jr., Director

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 4th day of October, 2001, by John T. Steger, Jr., who is personally known to me or who produced as identification.

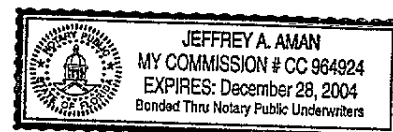
NOTARY PUBLIC:

Sign: Jeffrey A. Aman

Print: Jeffrey A. Aman

State of Florida

My commission expires:



Vandla Dalfino
Vandla Dalfino, Director

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 4th day of October, 2001, by Vandla Dalfino who is personally known to me or who produced FL. Drivers' License as identification.



NOTARY PUBLIC:

Sign: Michele Schlee Aleong
Print: Michele Schlee Aleong
State of Florida
My commission expires: MARCH 22, 2002

Schedule A

Parcel "A" The East 880 feet of the South 100 feet of the Northwest 1/4 of the Southwest 1/4 Parcel "B" the Northwest 1/4 of the Southwest 1/4, LESS the South 100 feet thereof and LESS the North 1100.40 feet thereof. Parcel "C" The East 604 feet of the South 424.16 feet of the North 1100.40 feet of the Northwest 1/4 of the Southwest 1/4; all being located in Section 18, Township 26 South, Range 19 East, Pasco County, Florida.

EXHIBIT A

STATE OF FLORIDA
COUNTY OF PASCO

THIS IS TO CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE
OR OF PUBLIC RECORD IN THIS OFFICE. WITNESS MY
HAND AND OFFICIAL SEAL THIS DAY OF

JED PITTMAN, CLERK OF CIRCUIT COURT
BY *[Signature]* DEPUTY CLERK