

NO 1000000/618

ATTORNEYS' TITLE

Requestor's Name

660 E. Jefferson St.

Address

Tallahassee, FL 32301

City/ST/Zip

850-222-2785

Phone #

FILED
01 MAR - 8 PM 2:37
SECRETARY OF STATE
TALLAHASSEE FLORIDA

CORPORATION NAME(S) & DOCUMENT NUMBER(S), (if known):

1- PHEASANT RUN WEST HOMEOWNERS ASSOCIATION

2-

3-

4-

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-03/08/01--01024--024

*****78.75 *****78.75

☒ Walk-in

☐ Pick-up time ASAP

☒ Certified Copy

☐ Mail-out

☐ Will wait

☐ Photocopy

☐ Certificate of Status

NEW FILINGS

☐	Profit
☒	Non-Profit
☐	Limited Liability
☐	Domestication
☐	Other

AMENDMENTS

☐	Amendment
☐	Resignation of R.A., Officer/Director
☐	Change of Registered Agent
☐	Dissolution/Withdrawal
☐	Merger

OTHER FILINGS

☐	Annual Report
☐	Fictitious Name
☐	Name Reservation

REGISTRATION/QUALIFICATION

☐	Foreign
☐	Limited Partnership
☐	Reinstatement
☐	Trademark
☐	Other

RECEIVED
DEPARTMENT OF STATE
DIVISION OF CORPORATIONS
2001 MAR - 8 AM 10:57
NOT INTENDED
TO ACKNOWLEDGE
SUFFICIENCY OF FILING

Examiner's Initials

T. SMITH MAR 08 2001

9

ARTICLES OF INCORPORATION

OF

PHEASANT RUN WEST HOMEOWNERS ASSOCIATION
(a corporation not for profit)

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SECRETARY OF STATE
TALLAHASSEE, FLORIDA

We, the undersigned, hereby associate ourselves into a corporation not for profit under the laws of Florida, for the purpose herein mentioned.

ARTICLE I

The name of the corporation shall be PHEASANT RUN WEST HOMEOWNERS ASSOCIATION, INC. Hereinafter the corporation shall be referred to as the "Association".

ARTICLE 2

2.1 This association is organized to provide for certain centralized services, regulation and control as hereinafter set forth and as provided in the DECLARATION OF COVENANTS AND RESTRICTIONS recorded or to be recorded as PHEASANT RUN WEST SUBDIVISION Port Orange, Florida. Said subdivision will be developed in one phase which shall be situate with Port Orange, Volusia County, Florida.

ARTICLE 3

The Association shall have the following powers:

3.1 The Association shall have all off the powers of a corporation not for profit under the laws of Florida, except as may be otherwise provided in these Articles.

3.2 The Association shall have and exercise all of the powers granted to it by The Declaration of Covenants and Restrictions now or hereinafter of record affecting the use of real property described as PHEASANT RUN WEST, or any replats or resubdivisions thereof, and all of the powers reasonably necessary to accomplish its powers and purposes, including but not limited to, the following:

(a) To own, operate, lease, sell, trade and otherwise deal with such property, real or personal, as may be necessary or convenient in the performance of its duties.

(b) To make and establish reasonable rules and regulations governing the use and appearance of common areas, common easements, buffer easements, grounds and exteriors of dwellings and structures, including fences.

(c) To levy and collect assessments against members of the Association as owners to defray the costs of the exercise of its powers and duties, and the maintenance of common areas, common easements, buffer easements, maintenance and repair of the surface water or stormwater management systems including but not limited to work within retention areas, drainage structures and drainage easements, unpaved portions of public rights of way and such other purposes as provided in the Declaration of Covenants and Restrictions or included within the Association's By-Laws.

(d) To purchase insurance upon the common areas and grounds for the protection of the Association and its members.

(e) To enforce by legal means the land use covenants and restrictions, these Articles of Incorporation, the By-Laws of the Association and the regulations for the use of any property which is subject to regulation or control by the Association.

3.3 In order to ensure reasonable uniformity of appearance the Association shall have the right to adopt rules and regulations specifically providing for painting, maintenance, design and color schemes of the exteriors of all dwellings and structures, including fences in the subdivision, and provide for the enforcement of such rules and regulations.

3.4 The Association shall be responsible for the maintenance and upkeep of common areas including all landscaping in the buffer easements and unpaved portions of public right of way.

3.5 The Association shall have a lien on each lot to secure all sums of money assessed against the owner, and which lien shall also secure all costs and expenses including attorney's fees, which may be incurred by the Association in enforcing such lien. The Association may enforce such lien in any manner provided by laws, including foreclosure thereof. Such liens shall, however, be subordinate to any mortgage owned by any institutional lender.

ARTICLE 4

MEMBERS

The qualifications of the members, the manner of their admission to membership and termination of such membership and voting by members shall be as follows;

4.1 The members of the Association shall consist of all the record owners of lots in PHEASANT RUN WEST as and when restrictions are recorded among the Public Records of Volusia County, Florida, providing for such membership.

4.2 A change of membership in the Association shall be established by recording in the Public Records of Volusia County, Florida, a deed or other instrument establishing record title to a lot in the development and the delivery to the Association of a true copy of such instrument.

4.3 No interest in the assets of the Association may be assigned, hypothecated or transferred by any member except as an appurtenance to his lot.

4.4 On all matters in which the membership shall be entitled to a vote, there shall be only one (1) vote for each lot in the development, which vote may be exercised or cast by the owner or owners of each unit in such manner as may be provided by the By-Laws. Should any member own more than one lot, such member shall be entitled to exercise or cast as many votes as he owns lots, in the manner provided by said By-Laws.

4.5 The annual meeting of the membership shall be held on the first Sunday of November of each year.

ARTICLE 5

PRINCIPAL OFFICE

The location of the principal or registered office of this corporation shall be 5771 Pendlebury Court, Port Orange, Florida, or such other location as the Directors may from time to time select. The Registered Agent for the corporation shall be Brendan Galbreath.

ARTICLE 6

DIRECTORS

6.1 The affairs of the Association will be managed by a Board consisting of not less than three (3) nor more than five (5) directors. The number of members of the Board of Directors shall be provided from time to time by the By-Laws of the Association, and in the absence of such determination shall consist of three (3) directors.

6.2 Directors of the Association shall be elected at the annual meeting of the members in the manner provided by the By-Laws. Directors may be removed and vacancies on the Board of Directors shall be filled in the manner provided by the By-Laws. The directors named herein shall serve until such first election and vacancies occurring before such election shall be filled by the remaining directors.

6.3 The names and address of the first Board of Directors, who shall hold office until their successors are elected have qualified, or until removed are as follows:

President/Director	Brendan Galbreath 5771 Pendlebury Court Port Orange, Florida	32127
Director	Mark Bowling 1373 Hyde Park Drive Port Orange, Florida	32124
Director	David Eller 101 Blue Heron Drive Port Orange, Florida	32127

ARTICLE 7

OFFICERS

7.1 The affairs of the Association shall be administered by a president, secretary, treasurer and as many vice-presidents, assistant secretaries, assistant treasurers and such other officers and agents as the Board of Directors shall from time to time determine. The president shall be elected from among the membership of the Board of Directors, but no other officers need be a director. The names and addresses of the officers who shall serve until their successors are designated by the Board of Directors are as follows:

President/Director	Brendan Galbreath 5771 Pendlebury Court Port Orange, Florida 32127
Director	Mark Bowling 1373 Hyde Park Drive Port Orange, Florida 32124
Director	David Eller 101 Blue Heron Drive Port Orange, Florida 32127

ARTICLE 8

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 party or in 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, except when the director or officer is adjudged guilty of willful misfeasance in the performance of his duties; provided that in the event of a settlement this indemnification shall apply only when the Board of Directors approves such settlement and reimbursement as being for the best interests of the Association. The foregoing right of indemnification shall be in addition to and not exclusive of all other rights to which such director or officers may be entitled.

ARTICLE 9

BY-LAWS

The first By-Laws of the Association shall be adopted by the Board of Directors and may thereafter be altered, amended or rescinded by an affirmative vote of a majority of the Board of Directors or not less than ninety percent (90%) of the votes of the entire membership of the Association, all as may be provided in the By-Laws.

ARTICLE 10

TERM

The term of the Association shall be perpetual.

ARTICLE 11

EXPENSES

Initial expenses for setting up the PHEASANT RUN WEST HOMEOWNERS ASSOCIATION, INC. and all common area ground shall be born by Developer.

ARTICLE 12

AMENDMENTS

Amendments to these Articles shall be adopted in the following manner:

12.1 An amendment may be proposed by the Board of Directors by a majority vote or by a majority of the members, whether meeting as members or by instrument in writing signed by them.

12.2 Any proposed Amendment shall be transmitted to the president who shall call a special meeting of the members for a day no sooner than ten (10) days nor later than sixty (60) days after receipt by him of the proposed amendment, and the secretary shall give to each member a written notice thereof stating the time and place of the meeting and reciting the proposed Amendment in reasonably detailed form which notice shall be mailed to or presented personally to each member not less than ten (10) days nor more than thirty (30) days before the date set for such meeting. Any proposed amendment must be approved by an affirmative vote of not less than ninety percent (90%) of the entire membership of the Association in order for such amendment or amendments to become effective.

12.3 No amendment shall make any changes in the qualifications for membership nor the voting rights of members, without approval in writing of all members and the joinder of all record owners of mortgages upon the lots. No amendment shall be made that is in conflict with the law or the covenants and restrictions governing the use of the land.

ARTICLE 13

DUTIES

The Association shall operate, maintain and manage the surface water or stormwater management system(s) in manner consistent with the St. Johns River Water Management District permit no. 40-127-68319-1 requirements and applicable District rules, and shall assist in the enforcement of the restrictions and covenants contained herein.

ARTICLE 14

DISSOLUTION OF LANGUAGE

In the event of termination, dissolution or final liquidation of the Association, the responsibility for the operation and maintenance of the surface water or stormwater management system must be transferred to and accepted by an entity which would comply with Section 40-C 42.027 F.A.C., and be approved by the St. Johns River Water Management District prior to such termination, dissolution or liquidation.

ARTICLE 15

EXISTENCE AND DURATION

Existence of the Association shall commence with the filing of these Articles of Incorporation with the Secretary of State, Tallahassee, Florida. The Association shall exist in perpetuity.

ARTICLE 16

SUBSCRIBERS

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

President/Director

Brendan Galbreath
5771 Pendlebury Court
Port Orange, Florida 32127

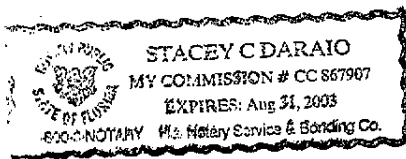
Director

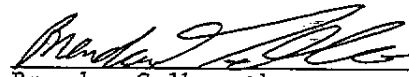
Mark Bowling
1373 Hyde Park Drive
Port Orange, Florida 32124

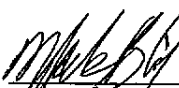
Director

David Eller
101 Blue Heron Drive
Port Orange, Florida 32127

IN WITNESS WHEREOF, the subscribers have affixed their signature this 2nd
day of March, 2000.




Brendan Galbreath


Mark Bowling


David Eller

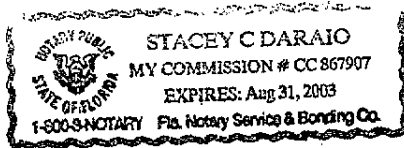
STATE OF FLORIDA

COUNTY OF VOLUSIA

BE IT REMEMBERED that on this 2nd day of March, 2000
personally appeared before me, a Notary Public of the State of Florida, Brenda Galbraith,
Mark Bowling & David Eller

well known to be the parties of the foregoing Articles of Incorporation, and known to me
personally to be such and acknowledged the said certificate to be their act and deed and that the
facts therein are truly set forth, and that they have associated themselves with the other parties to
the foregoing for the purpose of becoming a corporation not for profit under the laws of the State
of Florida.

ON WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at
Port Orange, Volusia County, Florida on the day and year first above written.



Stacey C. Daraio
Notary Public, State of Florida
at Large

My Commission expires: Aug 31, 2003

ACCEPTANCE BY REGISTERED AGENT

The undersigned, having been designated Registered Agent for the foregoing corporation
does hereby accept said appointment and does hereby agree to comply with all applicable
provisions of law relating to said office.

Brenda Galbraith

Registered Agent

FILED
01 MAR -8 PM 2:37
SECRETARY OF STATE
TALLAHASSEE FLORIDA