

**NO1000006825**

**MELVILLE & SOWERBY, P.L.**  
ATTORNEYS AT LAW  
LAUREL PROFESSIONAL PARK  
2940 SOUTH 25TH STREET  
FORT PIERCE, FLORIDA 34981-5605

HAROLD G. MELVILLE, P.A.\*  
DAVID N. SOWERBY, P.L.\*\*

TELEPHONE (561) 464-7900  
FAX (561) 464-8220

\*BOARD CERTIFIED CIVIL TRIAL LAWYER AND  
BOARD CERTIFIED BUSINESS LITIGATION LAWYER  
\*\*BOARD CERTIFIED REAL ESTATE LAWYER

September 18, 2001

FILED  
01 SEP 24 PM 1:03  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

FLORIDA DEPARTMENT OF STATE  
Division of Corporations  
P. O. Box 6327  
Tallahassee, Florida 32314

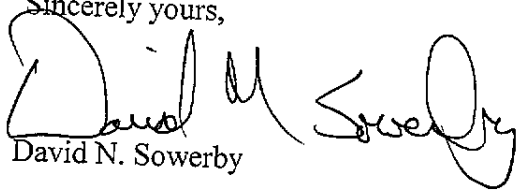
300004608543-1-2  
-09/24/01-01106-010  
\*\*\*\*\*78.75 \*\*\*\*\*78.75

**RE: BEL-AIRE ESTATES HOMEOWNERS' ASSOCIATION, INC.**  
**a Florida non-profit corporation**

Gentlemen:

Enclosed please find the Articles of Incorporation for filing, together with my check in the amount of \$78.75 to cover the fees associated with the filing and the cost for a certified copy. Please return a certified copy of the Articles to the undersigned.

We appreciate your assistance in expediting this filing.

Sincerely yours,  
  
David N. Sowerby

DNS/njo  
Enclosures

9-24-01  
10-24-01  
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**ARTICLES OF INCORPORATION**  
**OF**  
**BEL-AIRE ESTATES**  
**HOMEOWNERS' ASSOCIATION, INC.**  
A Florida Non-Profit Corporation

FILED  
01 SEP 24 PM 1:04  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

The undersigned hereby associate themselves for the purpose of forming a corporation not for profit pursuant to Chapter 617 of the Florida Statutes and do hereby adopt the following Articles of Incorporation:

**ARTICLE I. - NAME**

The name of the corporation is:

**BEL-AIRE ESTATES HOMEOWNERS' ASSOCIATION, INC..**

**ARTICLE II. - PRINCIPAL OFFICE**

The street address and mailing address of the principal office of the corporation is: 18905 Orange Avenue, Fort Pierce, Florida 34950.

**ARTICLE III. - PURPOSE AND POWERS**

The purposes for which the corporation is organized are:

- (a) To engage as a non-profit organization in protecting the value of the property of the Members of the Corporation.
- (b) To operate, manage, maintain and administer the affairs of the Homeowners' Association as defined and set forth in that certain Declaration of Covenants, Restrictions and Easements for Bel-Aire Estates Subdivision (hereinafter "Declaration"), to be recorded in the Public Records of Indian River County, Florida.
- (c) To enter into and perform any contract and to exercise all powers and privileges granted by the Declaration and which may be necessary or convenient to the operation, management, maintenance and administration of the affairs of the Homeowners' Association in accordance with the Declaration, and the By-Laws; and to exercise all powers and privileges permitted by the Florida Not-For-Profit Corporation Act, including, but not limited to, the establishment (and enforcement of payment) of charges and assessments and such other lawful activities as may be to the mutual benefit of the Members and their property.
- (d) The Corporation shall operate, maintain and manage the surface water or stormwater management system in a manner consistent with the St. Johns River Water

Management District Permit Number 40-061-72141-1 requirements and applicable District rules, and shall assist in the enforcement of the Declaration of Covenants and Restrictions which relate to the surface water or stormwater management system.

The Corporation shall levy and collect adequate assessments against members of the Corporation for the costs of maintenance and operation of the surface water or stormwater management system.

#### **ARTICLE IV. - MEMBERS**

The corporation is to have members, and each Owner of a Lot, as those terms are defined in the Declaration shall be a member of the corporation and no other person or entity shall be entitled to membership. No Owner of a Lot shall be required to pay any consideration whatsoever solely for his membership in the corporation.

#### **ARTICLE V. - REGISTERED AGENT**

The name of the corporation's registered agent in the State of Florida is JOHN PATRICK SCHIRARD, and the location of the registered office of the corporation in the State of Florida is 18905 Orange Avenue, Fort Pierce, Florida 34950.

#### **ARTICLE VI. - EXISTENCE AND DURATION**

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

#### **ARTICLE VII. - DISSOLUTION**

In the event of termination, dissolution or final liquidation of the Corporation, 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 40C-42.027, F.A.C., and be approved by the St. Johns River Water Management District prior to such termination, dissolution or liquidation.

#### **ARTICLE VIII. - LIMITATION.**

The corporation shall not engage in any activity involving pecuniary gain, incidentally or otherwise, to its members, and shall not pay dividends or other pecuniary remuneration, directly or indirectly, to its members. The corporation is not organized for profit and has no stated capital. The corporation shall be authorized and empowered to pay reasonable compensation for services rendered to it and to make payments and distributions in furtherance of the purposes set forth herein.

**ARTICLE IX. - DIRECTORS**

(a) The number of Directors of the corporation shall be fixed by the By-Laws of the corporation but shall not be less than three (3). The Directors of the corporation shall be appointed by the Developer (as defined in the Declaration) until after conveyance by deed to individual Lot Owners other than the Developer of seventy-five percent (75%) of the Lots in the Property subject to the Declaration. After such time, the Directors shall be elected by the Members in accordance with the provisions of the Declaration and the By-Laws of the corporation to serve in accordance with the terms of office established in the By-Laws.

(b) The number of directors constituting the initial Board of Directors is three (3) and the names and addresses of the persons who are to serve as initial Directors are:

<u>Name:</u>	<u>Address</u>
John Patrick Schirard	18905 Orange Avenue Fort Pierce, FL 34950
Philip P. Strazzulla	P. O. Box 3152 Ft. Pierce, FL 34948
John H. Blum	1708 - 21 <sup>st</sup> Street Vero Beach, FL 32960

(c) Directors may take any action which they are required or permitted to take without a meeting on written consent, setting forth the action so taken, signed by all of the Directors entitled to vote thereon.

**ARTICLE X. - INCORPORATOR**

The names and addresses of the incorporator of the corporation is as follows:

<u>Name:</u>	<u>Address</u>
John Patrick Schirard	18905 Orange Avenue Fort Pierce, FL 34950

**ARTICLE XI. - AMENDMENT**

These Articles of Incorporation may be amended by the affirmative vote of seventy-five percent (75%) of all membership votes.

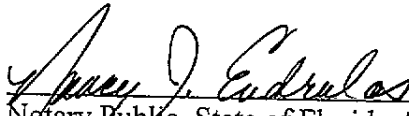
IN WITNESS WHEREOF, the undersigned have affixed their signatures this 18 day of September, 2001.

  
JOHN PATRICK SCHIRARD  
Incorporator

**STATE OF FLORIDA  
COUNTY OF ST. LUCIE**

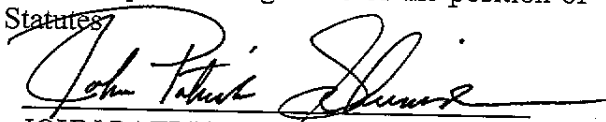
The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of September, 2001, by JOHN PATRICK SCHIRARD, [] who is personally known to me, or [] who produced his driver's licenses as identification.



  
Nancy J. Endrejas  
Notary Public, State of Florida At Large  
My Commission Expires:

**ACCEPTANCE OF REGISTERED AGENT DESIGNATED IN  
ARTICLES OF INCORPORATION**

I, JOHN PATRICK SCHIRARD, of 18905 Orange Avenue, Fort Pierce, Florida 34950, having been designated as Registered Agent to accept service of process for the above stated corporation, hereby accept the appointment as registered agent and agree to act in this capacity and 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 the position of Registered Agent under Section 607.0505, Florida Statutes.

  
JOHN PATRICK SCHIRARD

Date: 9/18/01