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RUSSELL ENTERPRISES  
P. O. Box 757, Crestview, Florida, 32536  
Phone (850) 682-6156, Fax (850) 682-3321

FILED

02 FEB 13 AM 10:15

February 11, 2002  
SECRETARY OF STATE  
TALLAHASSEE FLORIDA

Division of Corporations  
P. O. Box 6327  
Tallahassee, Florida 32314

Dear Sir:

Please find enclosed the Corporate Charter for ASNICK LANE HOMEOWNER'S ASSOCIATION, Inc. along with a check in the amount of \$70.00 as payment for registering the association.

Please advise if there is anything further you may need.

Respectfully,

  
DAVID A. RUSSELL,  
Realtor

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-02/13/02--01055--013  
\*\*\*\*\*70.00 \*\*\*\*\*70.00

CC: Mr. Douglas Dunbar

D. WHITE FEB 18 2002  
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**ARTICLES OF INCORPORATION  
OF  
ASNICK LANE HOMEOWNER'S ASSOCIATION, Inc.**  
(A corporation not for profit)

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SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

We, the owners of the property described below and known as ASNICK ESTATES, (an unrecorded subdivision) hereinafter referred to as DECLARANTS, and being desirous of forming a corporation not for profit under the provisions of Chapter 617, of the Florida Statutes, do agree to the following:

**ARTICLE 1. Name.**

The name of the corporation is ASNICK LANE HOMEOWNER'S ASSOCIATION, Inc.

**ARTICLE II. Purposes.**

The general nature of the objects and purposes of this corporation is to provide for maintenance, preservation and upkeep of ASNICK LANE, the street providing access to those parcels in ASNICK ESTATES and any other properties or assets of the association; to insure compliance with recorded restrictions if any; and to provide for collection of funds and dues for such operations, within the certain tract of property described as follows:

The North one-half of the Northwest one-quarter (N1/2 of NW1/4) and the Southwest one-quarter of the Northwest one-quarter (SW1/4 of NW1/4) Section 7, Township 5 North, Range 22 West, lying North of Cadenhead Road, Okaloosa County, Florida, less parts sold.

And to promote the health, safety, and welfare of the property owners within the above described property, and any additions thereto as may be brought within the jurisdiction of this Association by annexation, as provided by Article X herein, and for this purpose to:

- a. Exercise all of the powers and privileges and to perform all of the duties and obligations of a corporation not for profit established under Chapter 617 of the Statutes of the State of Florida, as set forth in this document and as the same may be amended from time to time.
- b. Levy, collect and enforce payment by any lawful means, annual dues and any charges or assessments pursuant to the terms of this charter and the By-laws; 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, and to pay for the annual corporation renewal to the Florida Department of State, Division of Corporations;
- c. Acquire (by gift 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, with the assent of two-thirds of the voting members, mortgage, pledge, deed in trust, or hypothecate any and all of its real or personal property as security for money borrowed or debts incurred; and

e. Have and to exercise any and all powers, rights and privileges which a corporation organized under the Non-profit Corporation Law of the State of Florida may now have or hereafter have or exercise.

#### ARTICLE III. Membership.

The Association shall have only one class of membership, which shall consist of the DECLARANT and all individuals who own property in this development and use ASNICK LANE as their principle means of ingress and egress. Membership in the association is mandatory and cannot be separated from ownership of the lands in the development.

The foregoing is not intended to include persons or entities that hold an interest merely as security for the performance of an obligation, such as a mortgagee. Membership shall flow with ownership and shall inure and be binding upon future owners, heirs, and assigns. No owner shall have more than one membership. Ownership of property in the tract shall be the sole requirement for membership. The association may extend membership privileges to any owner of a parcel of land adjacent to ASNICK ESTATES and who desires to use the streets of the Association for access to their lands. Once an adjacent owner signs agreement to be a member, such membership shall then become binding upon all future owners of his/her lot or parcel, and the owner agrees to include such stipulation in any deed or conveyance to future purchasers. Once membership is obtained, it cannot be separated from any lot, even if sold to a subsequent owner.

The Association may set reasonable fees for use of streets by anyone that routinely use the streets for ingress and egress but do not belong to the Association. Since streets are private streets, use may be limited to members of the Association only, if so desired.

#### ARTICLE IV. Voting Rights.

The Association shall have only one class of voting membership and this shall consist of all members of the association. An owner of any lot in ASNICK ESTATES and who is a member in good standing of the "ASNICK LANE HOMEOWNER'S ASSOCIATION " shall be entitled to one vote for each lot or parcel owned, except that DECLARANT shall have one

vote for each 10-acre parcel owned. Size of lot or amount of acreage shall not be considered in all other cases. When more than one person holds an interest in any lot, all such persons shall be members. The vote for such lot shall be exercised as they determine, but in no event shall more than one vote be cast by the owners for each lot. (Note: Where an individual purchases two parcels, be it one acre or five acres, each parcel shall be considered a separate lot. Where an individual purchases one parcel and does not split the parcel, it shall count as only one lot. If a parcel is cut out of the larger tract and deeded to another party, each parcel shall thereafter be counted as a single lot.)

**ARTICLE V. Board of Directors.**

The affairs of this corporation shall be managed by a Board of three directors, who are members of the Association. The initial Board of Directors shall serve until the election of Directors at the first annual meeting. The number of directors who manage the affairs of the corporation subsequent to the first annual meeting shall be set forth in the by-laws of this corporation, but shall never be less than three. The names and addresses of those who are to act in the capacity of directors until the selection of their successors are:

<u>NAME</u>	<u>ADDRESS</u>
Douglas Dunbar	329 Ruckel Drive, Niceville, FL 32578
Andrea Dunbar	329 Ruckel Drive, Niceville, FL 32578
Robert Dunbar	717 McDermott Ave., Melbourne, FL 32935

As long as the Declarant retains any ownership in the above property, he shall remain as a director.)

**ARTICLE VI. Officers.**

Section I: The officers of this corporation shall be a President, a Vice-President, and a Secretary/Treasurer, and such other officers as may be provided in the by-laws.

Section II: The names of the persons who are to serve as officers of the corporation until the first general membership meeting:

<u>OFFICE</u>	<u>NAME</u>
President	Douglas Dunbar
Vice-President	Robert Dunbar
Secretary/Treasurer	Andrea Dunbar

Section III: The officers shall be appointed by the Board of Directors and shall serve at the pleasure of the Board. Any officer may be removed or replaced at any time by a

unanimous vote of the Board. Notification shall be as prescribed in the by-laws of the Association.

ARTICLE VII. Duration.

The corporation shall exist perpetually.

ARTICLE VIII. By-laws

The by-laws of the Association shall initially be adopted by the Board of Directors. Thereafter, the by-laws may be amended, altered or rescinded by 60 percent vote of the entire membership.

ARTICLE IX. Amendment of Articles.

Amendment of these articles shall require the assent of sixty (60) percent of the entire membership.

ARTICLE X. Annexation.

The corporation may, at any time, annex additional residential or recreational properties and common areas to the property described in Article II and so add to its membership under provisions in Article III. Any such annexation shall then become subject to the by-laws of the Association. Such annexation shall require the approval of 60 percent of the members.

ARTICLE XI. Mergers and Consolidation.

To the extent permitted by law, the corporation may participate in mergers and consolidations with other non-profit corporations organized for the same purpose, provided that such mergers or consolidations will have the assent of 60 percent of the entire voting membership of the Association.

ARTICLE XII. Authority to Dedicate.

The corporation shall have the power to dedicate, sell or transfer all or any part of the common areas to any public agency or authority for such purposes and subject to such condition as may be agreed to by the members. No such dedication or transfer shall be effective unless an instrument has been signed by members entitled to cast 60 percent of the votes of the Association, agreeing to such dedication, sale or transfer. (The corporation may grant easements for utility companies to install public utilities without a vote of the general membership. Further, the Association shall grant a non-exclusive, perpetual, right of ingress and egress, in a form that is recordable, to each MEMBER at time of conveyance of deed or other instrument of ownership.)

ARTICLE XIII. Dissolution.

The corporation may be dissolved with the assent given in writing by no less than sixty percent of the entire voting membership of the Association. Upon dissolution of the corporation, the assets, the real and personal property of the corporation, shall be dedicated to an appropriate public agency to be devoted to purposes as nearly as practicable to the same as those to which they were required to be dedicated by the corporation. In the event that such dedication or acceptance is refused, such assets shall be granted, conveyed, assigned to any non-profit corporation, association, trust, or other organization qualified for exemption under 501(C)(3) of the Internal Revenue code to be devoted to purposes and uses that would most nearly reflect the purposes and uses to which they were required to be dedicated by the corporation.

In the event the officers, directors, and members fail to file annual reports with the Division of Corporations, Department of State, State of Florida; the corporation will expire and no longer be effective. Without a homeowners association to maintain streets, property in the subdivision can only be sold under the provisions outlined in the Okaloosa County Land Development Code and with proper notification of purchaser that roads providing access are not county maintained and will remain the sole responsibility of the owners. Such notification must also be included in the deed or other conveyance transferring ownership in the property. Furthermore, lending agencies often refuse to lend on property that has as its primary access private streets that do not have some entity to assume responsibility therefor. In the event that the corporation is allowed to expire without some other entity assuming responsibility for the streets, the final action of the Board shall be to petition the Board of County Commissioners to form a Municipal Service Benefit Unit (MSBU) to collect taxes or other assessments for the purpose of road maintenance. Either the corporation must be kept alive, or a MSBU must be provided for the benefit of all landowners in ASNICK ESTATES. If it becomes necessary to file such petition with the Board of County Commissioners, all owners hereby agree to such petition without a further vote of the membership.

ARTICLE XIV. Subscribers

The name and residence of the subscribers of these articles are:

<u>NAME</u>	<u>ADDRESS</u>
DOUGLAS DUNBAR	329 Ruckel Drive, Niceville, FL 32578
ANDREA DUNBAR	329 Ruckel Drive, Niceville, FL 32578

ARTICLE XV. Initial Registered Office and Agent.

The principal street address of the corporation is 329 Ruckel Drive, Niceville, FL 32578. The initial registered agent of the corporation at that same address is

DOUGLAS DUNBAR.

I agree to accept the responsibility and act for the Corporation as Registered Agent.

*Douglas Dunbar*

IN WITNESS WHEREOF for the purposes of forming this corporation under the laws of the State of Florida, We, the undersigned, constitute the incorporators of this Association, have executed these Articles of Incorporation this 8<sup>th</sup> day of FEB 2002.

WITNESSES:

*Cynthia A. Tyler*  
Cynthia A. Tyler

*Douglas Dunbar*  
Douglas Dunbar

*Debrah A. Robinson*  
DEBRAH A. ROBINSON

*Andrea P. Dunbar*  
Andrea Dunbar

STATE OF FLORIDA

COUNTY OF: OKALOOSA

Before me, the undersigned authority, an officer in and for the State of Florida, appeared Douglas Dunbar and Andrea Dunbar who saeth that they have read the foregoing and that they have executed the same for the purpose stated therein.

Sworn to and subscribed before the this 8<sup>th</sup> day of Feb 2002.

*M. R. Hilton*

Notary Public

My commission expires 10-20-04

M. R. HILTON  
Notary Public, State of Florida  
My comm. exp. Oct. 20, 2004  
Comm. No. CC 972043

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TALLAHASSEE FLORIDA