

# NO2000003865

TRANSMITTAL LETTER

FILED

02 MAY 20 AM 9:27

SECRETARY OF STATE  
TALLAHASSEE FLORIDA

Department of State  
Division of Corporations  
P. O. Box 6327  
Tallahassee, FL 32314

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-05/20/02--01056--008  
\*\*\*\*\*87.50 \*\*\*\*\*87.50

**SUBJECT:** LAKE KILLARNEY HOMEOWNERS' ASSOCIATION, INC.  
(PROPOSED CORPORATE NAME - MUST INCLUDE SUFFIX)

Enclosed is an original and one(1) copy of the articles of incorporation and a check for :

☐ \$70.00  
Filing Fee

☐ \$78.75  
Filing Fee &  
Certificate of  
Status

☐ \$78.75  
Filing Fee  
& Certified Copy

☒ \$87.50  
Filing Fee,  
Certified Copy  
& Certificate

**ADDITIONAL COPY REQUIRED**

**FROM:** John C. Mitchell  
Name (Printed or typed)

2699 Lee Road, Suite 405  
Address

Winter Park, FL 32789  
City, State & Zip

(407) 622-2100  
Daytime Telephone number

**NOTE: Please provide the original and one copy of the articles.**

D. WHITE MAY 21 2002

ARTICLES OF INCORPORATION  
OF  
LAKE KILLARNEY HOMEOWNERS' ASSOCIATION, INC.

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SECRETARY OF STATE  
TALLAHASSEE FLORIDA

In compliance with the requirements of Florida Statutes, Chapter 617, the undersigned, all of whom are residents of the State of Florida and all of whom are of full age, have this day voluntarily associated themselves together for the purpose of forming a corporation not for profit and do hereby certify:

ARTICLE I  
NAME OF CORPORATION

The name of the corporation is LAKE KILLARNEY HOMEOWNERS' ASSOCIATION, INC. (hereinafter called the "Association").

ARTICLE II  
PRINCIPAL OFFICE AND MAILING ADDRESS OF ASSOCIATION

The principal office and mailing address of the Association is located at 2699 Lee Road, Suite 405, Winter Park, Florida, 32789.

ARTICLE III  
REGISTERED OFFICE AND REGISTERED AGENT

The street address of the initial registered office of the Association is 2699 Lee Road, Suite 405, Winter Park, Florida, 32789, and the name of the initial registered agent at that address is John C. Mitchell.

ARTICLE IV  
PURPOSE AND POWERS OF THE ASSOCIATION

This Association does not contemplate pecuniary gain or profit to the members thereof, and the specific purposes for which it is formed are to provide for maintenance, preservation, traffic control and street maintenance, architectural control, and representation before political bodies and entities affecting the residents, lots, neighborhoods and common areas immediately surrounding Lake Killarney and within the boundaries of Fairbanks Avenue to the south, Wymore Road to the west, Lee Road to the north, and Rt. 17/92 (Orlando Avenue) to the east, in Orange County, Florida. This Association is additionally purposed to promote the health, safety and welfare of the residents within the above described property and any additions thereto as may hereafter be brought within the jurisdiction of this Association for this purpose to:

- (a) Exercise all of the powers and privileges and to perform all the duties and obligations of the Association in representing the interests of its members before local governing bodies, entities, boards and regulatory agencies

which have the power, authority, or influence over the homes and properties owned and maintained by the Association's members;

(b) To fix and collect voluntary membership dues as well as donations to the Association necessary to conduct the business and operation of the Association; To pay all expenses in connection therewith and all office or 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 to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members. No such dedication or transfer shall be effective unless an instrument has been signed by two-thirds (2/3) of each class of members, agreeing to such dedication, sale or transfer;

(f) Participate in mergers and consolidations with other nonprofit 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;

(g) 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 by law may now or hereafter have or exercise.

#### ARTICLE V MEMBERSHIP

Every person or entity who is a record owner of a fee or undivided interest in any Lot or Residence which lies within the boundaries described in Article IV above, shall be entitled to become a member of the Lake Killarney Homeowners' Association, Inc. Membership shall be granted to any qualified person or entity as described above, upon payment of membership dues and/or assessment

as set by the majority of voting members of the Association. Membership in good standing with full voting rights shall continue so long as the member remains current and paid up with annual membership dues and/or assessments determined by the majority of Association members. The foregoing membership is not intended to include persons or entities who hold an interest merely as a security for the performance of an obligation. Membership shall be appurtenant to and may not be separated from any ownership of any Lot or Residence from the jurisdiction described above.

#### ARTICLE VI VOTING RIGHTS

The Association shall have one class of voting membership. All members in good standing who are current and paid up with membership dues and/or assessments shall be entitled to one (1) vote for each Lot in which they hold the interest required for membership. When more than one person holds such interest or interests in any Lot(s) all interest holding persons shall be members, but the vote for each such Lot shall be exercised only by one person of the group of persons holding an interest in any such Lot. In no event shall more than one (1) vote be cast with respect to any such lot.

#### ARTICLE VII BOARD OF DIRECTORS

The affairs of this Association shall be managed initially by a Board of three (3) Directors who shall serve until the organizational meeting, and thereafter by a Board of seven (7) Directors. The number of Directors may be changed by amendment of the By-Laws of the Association. The names and address of the three (3) persons who are to act in the capacity of Directors until the selection of their successors are:

<u>NAME</u>	<u>ADDRESS</u>
ISAAC WARSHOW	2361 Roxbury Road Winter Park, FL 32789 (407) 647-6947
TOM BROWNLIE	200 Cambridge Boulevard Winter Park, FL 32789 (407) 629-1066
JOHN C. MITCHELL	143 N. Killarney Drive Winter Park, FL 32789 (407) 628-1478

At the first annual meeting, the members shall elect seven (7) Directors for a term of one (1) year. The terms of the Directors may be changed by amendment of the By-Laws of the Association.

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ARTICLE VIII  
DISSOLUTION

The Association may be dissolved with the assent given in writing and signed by not less than two (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 nonprofit corporation, association, trust or other organization to be devoted to such similar purposes.

ARTICLE IX  
DURATION

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

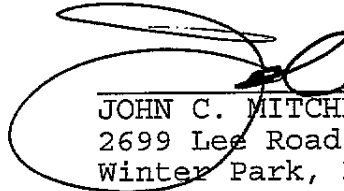
ARTICLE X  
AMENDMENTS

Amendment of these Articles shall require the assent of two-thirds (2/3) of the entire membership.

IN WITNESS WHEREOF, for the purpose of forming this Corporation under the laws of the State of Florida, we, the undersigned, constituting the incorporators of this Association, have executed these Articles of Incorporation this 11 day of May, 2002.

ACCEPTANCE OF REGISTERED AGENT

The undersigned hereby accepts the designation as Registered Agent of LAKE KILLARNEY HOMEOWNERS' ASSOCIATION, INC.

  
JOHN C. MITCHELL  
2699 Lee Road, Suite 405  
Winter Park, FL 32789