

# CAPITAL CONNECTION, INC.

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

No 20000006592

Broadmoor - Phase VII

Homeowners Association

Inc

FILED  
02 AUG 27 PM 1:55  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

200007370542--6  
-08/27/02--01023--019  
\*\*\*\*\*78.75 \*\*\*\*\*78.75

☒ Art of Inc. File \_\_\_\_\_  
☐ LTD Partnership File \_\_\_\_\_  
☐ Foreign Corp. File \_\_\_\_\_  
☐ L.C. File \_\_\_\_\_  
☐ Fictitious Name File \_\_\_\_\_  
☐ Trade/Service Mark \_\_\_\_\_  
☐ Merger File \_\_\_\_\_  
☐ Art. of Amend. File \_\_\_\_\_  
☐ RA Resignation \_\_\_\_\_  
☐ Dissolution / Withdrawal \_\_\_\_\_  
☐ Annual Report / Reinstatement \_\_\_\_\_  
☒ Cert. Copy \_\_\_\_\_  
☐ Photo Copy \_\_\_\_\_  
☐ 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 \_\_\_\_\_  
☐ UCC 1 or 3 File \_\_\_\_\_  
☐ UCC 11 Search \_\_\_\_\_  
☐ UCC 11 Retrieval \_\_\_\_\_  
☐ Courier \_\_\_\_\_

RECEIVED  
02 AUG 27 AM 11:51  
DIVISION OF CORPORATION

W02-24895  
DB 8/29

Signature \_\_\_\_\_

Requested by: \_\_\_\_\_

Name \_\_\_\_\_

Date 8/27

Time 11:00

Walk-In \_\_\_\_\_

Will Pick Up \_\_\_\_\_



FLORIDA DEPARTMENT OF STATE

Jim Smith  
Secretary of State

August 27, 2002

CAPITAL CONNECTION

SUBJECT: BROADMOOR - PHASE VII HOMEOWNERS ASSOCIATION, INC.  
Ref. Number: W02000024895

We have received your document for BROADMOOR - PHASE VII HOMEOWNERS ASSOCIATION, INC. and your check(s) totaling \$78.75. However, the enclosed document has not been filed and is being returned for the following correction(s):

Section 617.0803, Florida Statutes, requires that the board of directors never have fewer than three directors.

Please return the original and one copy of 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) 245-6972.

Doris Brown  
Document Specialist  
New Filings Section

Letter Number: 602A00050055

**RE-SUBMIT**

PLEASE OBTAIN THE ORIGINAL  
FILE DATE

RECEIVED  
02 AUG 28 PM 3:52  
FILING SECTION

FILED  
02 AUG 27 PM 1:55  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

**ARTICLES OF INCORPORATION  
OF  
BROADMOOR - PHASE VII HOMEOWNERS ASSOCIATION, INC.**

In compliance with the requirements of Florida Statutes 617 (2001), the undersigned, who is a resident of Alachua County, Florida and who is of full age, has this day agreed to form a corporation not for profit and does hereby certify:

**ARTICLE I**

The name of the corporation is **BROADMOOR - PHASE VII HOMEOWNERS ASSOCIATION, INC.**, hereafter called the "Association."

**ARTICLE II**

The initial principal office and mailing address of the Association is located at 3600 N.W. 43rd Street, Suite C-1, Gainesville, Florida 32606.

**ARTICLE III**

**WALDEMAR F. KISSEL, JR.**, whose address is 3600 N.W. 43rd Street, Suite C-1, Gainesville, Florida 32606, is hereby appointed the initial registered agent of this Association.

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

This Association does not contemplate pecuniary gain or profit to the members thereof, and the specific purpose for which it is formed are to provide for maintenance, management, operation, care, preservation and architectural control of the Lots, Retention Areas, Drainage Easements, Common Area, and Surface Water or Storm Water Management Systems within that certain tract of property described as:

The Conservation Areas, Easement Areas and Common Areas, together with Lots 91 through 99 of BROADMOOR - PHASE VII, as per Plat thereof recorded in Plat Book 23, Page 1 & 2, of the Public Records of Alachua County, Florida.

and 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 of the duties and obligations of the Association as set forth in that certain Declaration of Covenants, Conditions and Restrictions, hereinafter called the "Declaration", applicable to the property and recorded or to be recorded in the Office of the Clerk of the Court of Alachua 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 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; any dedication, sale, or transfer which directly or indirectly impacts the operation of maintenance of the surface water management system, including but not limited to, all lakes, ditches, canals, retention or detention areas, drainage, other surface water management works and preservation or conservation areas, wetlands and wetland mitigation areas which are owned or controlled by the association or the owners in common may be made after approval by the St. Johns River Water Management District. Such approval shall be in the form of a modification to any and all permits issued by St. Johns River Water Management District under the lawfully adopted rules of the St. Johns River Water Management District in effect at the time of application for such modification;

(f) participate in mergers and consolidations with other non-profit corporations organized for the same purpose or annex additional residential property and Common Area, provided that such merger, consolidation or annexation shall have the assent of two-thirds (2/3) of the combined vote of Class A & B members; any mergers or consolidations which directly or indirectly impacts the operation of maintenance of the surface water management system, including but not limited to, all lakes, ditches, canals, retention or detention areas, drainage, other surface water management works and preservation or conservation areas, wetlands and wetland mitigation areas which are owned or controlled by the association or the owners in common may be made after approval by the St. Johns River Water Management District. Such approval shall be in the form of a modification to any and all permits issued by St. Johns River Water Management District under the lawfully adopted rules of the St. Johns River Water Management District in effect at the time of application for such modification;

(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;

(h) Review plans and specifications of proposed improvements as to whether they comply with the "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BROADMOOR - PHASE VII";

(i) To maintain, repair, replace, operate, and care for real and personal property, including but without limitation, all lakes, ditches, canals, retention or detention areas, drainage, other surface water management works, and preservation or conservation areas, wetlands, and wetland mitigation areas and paved roadways which are owned or controlled by the association or the owners in common in a manner consistent with the permit issued by the St. Johns River Water Management District and the operation and maintenance plan attached thereto, and with local government regulations.

(j) Purchase and maintain insurance;

(k) To make, amend, impose, and enforce by any lawful means, reasonable rules and regulations of use of the common areas and association property;

(l) To contract for services with others;

(m) To do and perform anything required by these articles, the bylaws, or the declaration to be done by the owner, but if not done by the owner in a timely manner, at the expense of Owner;

(n) To do and perform any obligations imposed upon the association by the declaration or by any permit or authorization from any unit of local, regional, state, or the federal government and to enforce by any legal means the provisions of these articles, the bylaws and the declaration.

The foregoing specific duties and responsibilities are not construed in any way as limiting the powers of the association. Rather, the association will have and exercise all the powers conferred upon associations so formed.

## **ARTICLE V MEMBERSHIP**

Every person or entity who is a record owner of a fee or undivided fee interest on any Lot which is subject by covenants of record to assessment by the Association, including contract sellers, shall be a member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant to and may not be separate from ownership of any Lot which is subject to assessment by the Association.

## **ARTICLE VI VOTING RIGHTS**

The Association shall have two classes of voting membership:

Class A. Class A members shall be all Owners, with the exception of the Declarant, and shall be entitled to one vote for each Lot owned. 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 with respect to any Lot.

Class B. Class B member(s) shall be the Declarant (as defined in the Declaration), and shall be entitled to five (5) votes for each Lot owned or intended to be annexed to the Properties by Declarant. 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:

- (a) when the total votes outstanding in the Class A membership equal the total votes outstanding in the Class B membership; or
- (b) on December 31, 2007, or
- (c) when Declarant desires to turn over control to the Class A members.

## **ARTICLE VII OFFICERS**

The affairs of this Association shall be managed by a President, Vice-President, Secretary, and Treasurer and they shall be elected at the first meeting of the Board of Directors following each annual meeting of the members or as otherwise provided in the By-Laws. Until the first election of officers under the Articles of Incorporation, the following shall serve as officers:

President - Waldemar F. Kissel, Jr.  
Vice-President - Waldemar F. Kissel, Jr.  
Secretary - Waldemar F. Kissel, Jr.  
Treasurer - Waldemar F. Kissel, Jr.

## **ARTICLE VIII SUBSCRIBERS**

The name and address of the subscriber is:

Waldemar F. Kissel, Jr., 3600 N.W. 43<sup>rd</sup> Street, Suite C-1, Gainesville, Florida  
32606

## **ARTICLE IX AMENDMENTS**

Amendments of these Articles shall be adopted upon receiving the affirmative vote of a majority of the combined class A & B votes of members entitled to vote thereon, unless any class of members is entitled to vote thereon as a class in which

event the proposed amendment shall be adopted upon receiving both the affirmative vote of a majority of the votes of members of each class entitled to vote thereon as a class and the affirmative vote of a majority of the votes of all members entitled to vote thereon.

Amendments to articles or bylaws which directly or indirectly impact operation and maintenance of the surface water management system, including but without limitation, all lakes, ditches, canals, retention or detention areas, drainage, other surface water management works, and preservation or conservation areas, wetlands and wetland mitigation areas which are owned or controlled by the association or the owners in common, may be made after approval by the St. Johns River Water Management District. Such approval shall be in the form of a modification to any and all permits issued by the St. Johns River Water Management District under the lawfully adopted rules of the St. Johns River Water Management District in effect at the time of application for such modification. Amendments to the articles or the bylaws which do not impact operation or maintenance of the system may be made without authorization of the St. Johns River Water Management District.

#### **ARTICLE X BOARD OF DIRECTORS**

The Board of Directors shall be elected as provided for in the By-Laws of the Association. The affairs of this Association shall be managed by a Board of at least three ~~3~~ but not more than nine (9) Directors, who need not be members of the Association. The number of Directors may be changed by amendment of the By-Laws of the Association.

The first annual meeting of the members shall elect one director for a term of one year, one director for a term of two years and one director for a term of three years, and at each annual meeting thereafter the members shall elect one director for a term of three years.

#### **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. Prior to dissolution of this association, all property, interest in property, whether real, personal, or mixed, which is directly or indirectly related to the surface water management system, including but without limitation, all lakes, ditches, canals, retention or detention areas, drainage, other surface water management works, and preservation or conservation areas, wetlands, and wetland mitigation areas which are owned or controlled by the association or the owners in common, will be dedicated to and accepted for maintenance by the appropriate unit of government or otherwise transferred to and accepted for maintenance by an approved entity. Dedication or approval must be authorized by the St. Johns River Water Management District through modification of any and all permits or authorizations issued by the St. Johns River Water Management District. Such modification shall be made under the lawfully adopted rules of the St. Johns River Water Management District in effect at the time of application for such modification.

**ARTICLE XII  
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 XIII  
AMENDMENTS TO BY-LAWS**

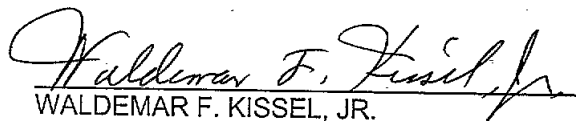
The power to make, alter, and rescind By-Laws shall be vested in the members as provided by the By-Laws.

**ARTICLE XIV  
SURFACE WATER MANAGEMENT SYSTEM**

The Association shall operate, maintain and manage the surface water or storm water management system(s) in a manner consistent with the St. Johns River Water Management District permit 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 storm water management system.

The Association shall levy and collect adequate assessments against members of the Association for the costs of maintenance and operation of the surface water or storm water management system, roads, street lighting, and any other facilities as are owned by the Association.

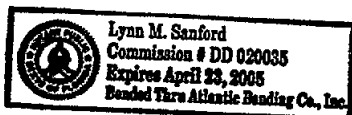
IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of Florida, I, the undersigned, constituting the incorporator of this Association, have executed these Articles of Incorporation this 26 day of August, 2002.

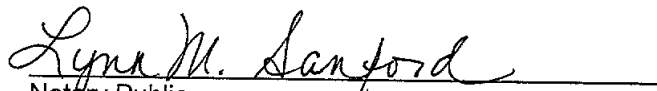
  
WALDEMAR F. KISSEL, JR.

STATE OF FLORIDA  
COUNTY OF ALACHUA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared WALDEMAR F. KISSEL, JR. known to me to be the person described in the foregoing instrument, and he acknowledged before me that he executed the same for the purposes therein expressed, that I relied upon the following form of identification of the above named person: \_\_\_\_\_

WITNESS my hand and official seal in the County and State last aforesaid this 26<sup>th</sup> day of August, 2002.



  
Lynn M. Sanford  
Notary Public  
My commission expires: April 23, 2005

CERTIFICATE DESIGNATING REGISTERED AGENT FOR THE SERVICE OF  
PROCESS WITHIN THIS STATE.

In pursuance of Chapter 617.0501, Florida Statutes, the following is submitted, in  
compliance with said Act;

First--That **BROADMOOR - PHASE VII HOMEOWNERS ASSOCIATION, INC.**  
desiring to organize under the laws of the State of Florida has named **WALDEMAR F.  
KISSEL, JR.**, located at 3600 NW 43<sup>rd</sup> Street, Suite C-1, City of Gainesville, County of  
Alachua, State of Florida, as its registered agent to accept service of process within this  
state.

ACKNOWLEDGMENT: (MUST BE SIGNED BY DESIGNATED AGENT)

Having been named to accept service of process for the above stated  
corporation, at place designated in this certificate, I hereby accept to act in this capacity,  
and agree to comply with the provision of said Act relative to keeping open this office.

By: Waldemar F. Kissel, Jr.  
WALDEMAR F. KISSEL, JR.  
Registered Agent

FILED  
02 AUG 27 PM 1:55  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA