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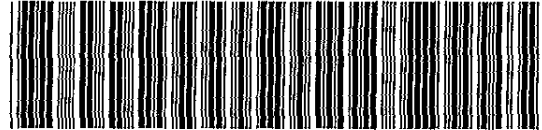
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February 12, 2003

**CORPORATION NAME (S) AND DOCUMENT NUMBER (S):**

Tomoka Pines Estates Property Owners Association, Inc.

**Filing Evidence**

- Plain/Confirmation Copy
- Certified Copy

**Retrieval Request**

- Photocopy
- Certified Copy

**Type of Document**

- Certificate of Status
- Certificate of Good Standing
- Articles Only
- All Charter Documents to Include Articles & Amendments
- Fictitious Name Certificate
- Other

NEW FILINGS	
	Profit
X	Non Profit
	Limited Liability
	Domestication
	Other

AMENDMENTS	
	Amendment
	Resignation of RA Officer/Director
	Change of Registered Agent
	Dissolution/Withdrawal
	Merger

OTHER FILINGS	
	Annual Reports
	Fictitious Name
	Name Reservation
	Reinstatement

REGISTRATION/QUALIFICATION	
	Foreign
	Limited Liability
	Reinstatement
	Trademark
	Other

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 DIVISION OF CORPORATION

**ARTICLES OF INCORPORATION  
OF  
TOMOKA PINES ESTATES PROPERTY OWNERS  
ASSOCIATION, INC.**

**(A corporation not for profit)**

In compliance with the requirements of Chapter 617 of the Florida Statutes, the undersigned, a resident of Florida of full age, has this day adopted these Articles of Incorporation for the purpose of forming a corporation not for profit and so hereby certify:

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**ARTICLE I  
DEFINITIONS**

All terms defined in the Bylaws shall have the same meanings herein as in the Bylaws.

**ARTICLE II  
NAME**

The name of the corporation is TOMOKA PINES ESTATES PROPERTY OWNERS ASSOCIATION, INC., hereafter referred to as the "Association".

**ARTICLE III  
PRINCIPAL OFFICES**

The principal office of the Association is located at 150 Magnolia Avenue, DeLand, Florida 32114.

**ARTICLE IV  
REGISTERED AGENT**

Palmetto Charter Services, Inc., whose address is 150 Magnolia Avenue, Daytona Beach, Florida 32114, is hereby appointed the initial registered agent of this Association.

**ARTICLE V  
PURPOSES 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 and repair of roadways and drainage structures within the Tomoka Pines Estates subdivision. In furtherance of their purposes, the Association shall have the power 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 the Declaration as the same may be amended and supplemented from time to time.

(b) fix, levy, collect and enforce payment by any lawful means, of all charges, fines or assessments pursuant to the terms of the Declaration; to pay all expenses in connection therewith and all 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 the maintenance and repair of the

(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, 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) employ personnel and retain independent contractors and professionals to enter into any agreements consistent with the purposes of the Association, including contracts or for professional management and to delegate to such professional management certain powers and duties of the Association.

(f) have and exercise any and all common law and statutory powers, rights and privileges which a corporation organized under the Non-Profit Corporation Law of the State of Florida may now or hereafter have or exercise.

## **ARTICLE VI** **MEMBERSHIP**

Every person or entity who is a record owner of a fee or undivided fee interest in any lot created by the plat of the Tomoka Pines Estates subdivision, shall automatically 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 separated from ownership of any lot which is subject to assessment by the Association.

## **ARTICLE VII** **VOTING RIGHTS**

The Association shall have one class of voting membership:

All Members who pay Assessments as set forth in the Bylaws shall be entitled to one (1) vote for each subdivision lot owned. In the event of multiple ownership, i.e., more than one (1) person or entity constitute the owners of a single lot, all such owners shall be members of the Association. The vote for such lot shall be exercised as the multiple owners may determine among themselves,

provided, however, that under no circumstances shall more than one (1) vote be cast with respect to any one (1) lot.

**ARTICLE VIII**  
**BOARD OF DIRECTORS**

The affairs of the Association shall be managed by a Board of Directors initially composed of three (3) directors. Directors need not be members of the Association. The number of directors may be changed by amendment of the Bylaws but shall not be less than three (3). The names and addresses of the persons who are to act in the capacity of directors until the selection of their successors are:

<u>Name</u>	<u>Address</u>
George Southworth	P.O. Box 16966 Tampa, FL 33687
Irving Polak	361 Western Road New Smyrna Beach, FL 32168
Lewis Kennedy	370 Western Road New Smyrna Beach, FL 32168

**ARTICLE IX**  
**BYLAWS**

Bylaws of the Association shall be adopted by the Board of Directors and thereafter may be altered, amended or rescinded in the manner provided for in the Bylaws. In the event of a conflict between the provisions of these Articles and the provisions of the Bylaws, the provisions of these Articles shall control.

**ARTICLE X**  
**DISSOLUTION**

The Association may be dissolved with the assent given in writing and signed by holders of not less than three-fourths (3/4) of the total votes. 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 the Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to any non-profit corporation, association, trust or other organization to be devoted to such similar purposes.

**ARTICLE XI**

**DURATION**

This Association shall exist perpetually.

**IN WITNESS WHEREOF**, for the purpose of forming this corporation under the laws of the State of Florida, the undersigned incorporator has executed these Articles of Incorporation this 11<sup>th</sup> day of February, 2003.

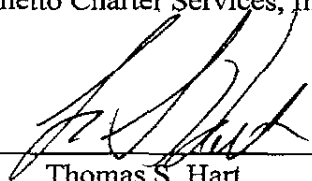
A handwritten signature in black ink, appearing to read "Mark A. Watts", written over a horizontal line.

Mark A. Watts

**DESIGNATION AND  
ACCEPTANCE OF REGISTERED AGENT**

Having been named as Registered Agent for the above-stated Association, the undersigned hereby agrees to act in this capacity, and the undersigned further agrees to comply with the provisions of all statutes relative to the proper and complete performance of the undersigned's duties.

Palmetto Charter Services, Inc.

By:   
Thomas S. Hart

Dated: 2/11/03

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