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FLORIDA NON-PROFIT CORPORATION

DeBary Plantation Unit 21A Homeowners Assoc., Inc.

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STATE OF FLORIDA
TALLAHASSEE, FLORIDA

**ARTICLES OF INCORPORATION
OF
DEBARY PLANTATION UNIT 21A HOMEOWNERS ASSOCIATION, INC.
(A Corporation Not-For Profit)**

In compliance with the requirements of Chapters 617 and 720 of the Florida Statutes, the undersigned, all of whom are residents of Florida and all of whom are full age, have this day voluntarily associated themselves together for the purpose of forming a corporation not for profit and so hereby certify:

ARTICLE I.

The name of this corporation is DEBARY PLANTATION UNIT 21A HOMEOWNERS ASSOCIATION, INC.

ARTICLE II.

The principal office of the Association is located at 100 Debary Plantation Boulevard, Debary, Florida.

ARTICLE III.

Scott R. Rost, whose address is 444 Seabreeze Boulevard, Suite 800, Daytona Beach, Florida 32118, is hereby appointed the initial registered agent of this Association.

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ARTICLE IV.

PURPOSES AND POWERS OF THE ASSOCIATION

This Association does not contemplate pecuniary gain or profit to the members thereof, and the specific purposes which it is formed are to provide for maintenance, preservation and control of the residential lot and Common Area, and to promote the health, safety and welfare of the residents within the DEBARY PLANTATION UNIT 21A HOMEOWNERS ASSOCIATION, INC. and any additions thereto as may hereafter be brought within the jurisdiction of this Association. In furtherance of their purposes, the Association shall:

a) have the duty to operate, maintain and manage the surface water or stormwater management system(s) in a manner consistent with the St. Johns River Water Management District permitting requirements and applicable District rules, and shall assist in the enforcement of the restrictions and covenants contained herein.

b) have the power to levy and collect adequate assessments against members of the Association for costs of maintenance and operation of the surface water or stormwater management system.

c) have the power to 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 of Covenants and Restrictions, (hereinafter called the "Declaration"), applicable to DEBARY PLANTATION UNIT 21A HOMEOWNERS ASSOCIATION, INC. and which is recorded in the Official Public Records of

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Volusia County, Florida, and as the same may be amended from time to time as herein provided, said Declaration being incorporated herein as if set forth at length.

d) have the power to 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.

The assessments shall also be used for the maintenance and repair of the surface water or stormwater management systems including, but not limited to, work within retention areas, drainage structures and drainage easements.

e) have the power to 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.

f) have the power to 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.

g) have the power to 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.

h) have the power to participate in mergers and consolidations with other non-profit corporations organized for the same purposes or annex additional residential property and Common Area.

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i) have the power to 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 fee interest in any lot which is subject by covenants of record to assessment by the Association, including contract purchasers, 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 VI.

VOTING RIGHTS

The Association shall have two classes of voting membership:

Class A. Class A member(s) shall consist of all the Owners with the exception of the Declarant. The Class A member shall be entitled to one (1) 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 (1) vote be cast with respect to any Lot.

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Class B. Class B shall be the Declarant (as defined in the Declaration), and shall be entitled to seven (7) votes for each Lot owned. The Class B membership shall cease and be converted to Class A membership on the happening of any of the following events, whichever occurs earlier.

- (a) when the total votes outstanding in Class A membership equal the total votes outstanding in Class B membership, or
- (b) the date the Declarant (or its successors or assigns) voluntarily relinquishes control of the Association to Class A members, or
- (c) on January 1, 2006.

ARTICLE VII.

BOARD OF DIRECTORS

The affairs of this Association shall be managed by a Board of Directors composed of three (3) directors. Directors need not be members of the Association. The directors shall be elected as stated in the By-Laws of the Association. 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>
William G. Vernon	100 Debary Plantation Boulevard Debary, Florida 32713
Xavier Rosales	100 Debary Plantation Boulevard Debary, Florida 32713
Richard Moody	100 Debary Plantation Boulevard Debary, Florida 32713

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ARTICLE VIII.

DISSOLUTION

The Association may be dissolved with the assent given in writing and signed by not less than three-fourths (3/4) of the 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 non-profit corporation, association, trust or other organization to be devoted such similar purposes.

In the event of termination, dissolution or final liquidation of the Association, 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 IX

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 X.

INCORPORATOR

The name and address of the individual who shall serve as this Association's incorporator are:

Scott R. Rost, 444 Seabreeze Blvd., Suite 800, Daytona Beach, Florida 32118.



Scott R. Rost - Incorporator

I hereby accept my designation as registered agent and agree to serve as the registered agent of DEBARY PLANTATION UNIT 21A HOMEOWNERS ASSOCIATION, INC. I hereby state that I am familiar with and accept the duties and responsibilities as registered agent for DEBARY PLANTATION UNIT 21A HOMEOWNERS ASSOCIATION, INC.



Scott R. Rost

SECRETARY OF STATE
TALLAHASSEE, FLORIDA

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