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TALLAHASSEE, FLORIDA

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COVER LETTER

TO: Amendment Section  
Division of Corporations

NAME OF CORPORATION: SEAGATE AT ST. AUGUSTINE BEACH  
HOMEOWNERS' ASSOCIATION, INC.

DOCUMENT NUMBER: N04705

The enclosed *Articles of Amendment* and fee are submitted for filing.

Please return all correspondence concerning this matter to the following:

RONALD W. BROWN  
(Name of Contact Person)

DORSON AND BROWN  
(Firm/ Company)

93 ORANGE STREET  
(Address)

ST. AUGUSTINE, FLORIDA 32084  
(City/ State and Zip Code)

For further information concerning this matter, please call:

RONALD W. BROWN at ( 904 ) 824.9032  
(Name of Contact Person) (Area Code & Daytime Telephone Number)

Enclosed is a check for the following amount:

- |   |  |   |  |
|---|--|---|--|
| <input checked="" type="checkbox"/> \$35 Filing Fee | <input type="checkbox"/> \$43.75 Filing Fee &<br>Certificate of Status | <input type="checkbox"/> \$43.75 Filing Fee &<br>Certified Copy<br>(Additional copy is<br>enclosed) | <input type="checkbox"/> \$52.50 Filing Fee<br>Certificate of Status<br>Certified Copy<br>(Additional Copy<br>is enclosed) |
|---|--|---|--|

Mailing Address  
Amendment Section  
Division of Corporations  
P.O. Box 6327  
Tallahassee, FL 32314

Street Address  
Amendment Section  
Division of Corporations  
Clifton Building  
2661 Executive Center Circle  
Tallahassee, FL 32301

Articles of Amendment  
to  
Articles of Incorporation  
of

FILED  
06 SEP 11 PM 8:49  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

SEAGATE AT ST. AUGUSTINE BEACH HOMEOWNERS' ASSOCIATION, INC.  
(Name of corporation as currently filed with the Florida Dept. of State)

NO4705

(Document number of corporation (if known))

Pursuant to the provisions of section 617.1006, Florida Statutes, this **Florida Not For Profit Corporation** adopts the following amendment(s) to its Articles of Incorporation:

**NEW CORPORATE NAME (if changing):**

(must contain the word "corporation," "incorporated," or the abbreviation "corp." or "inc." or words of like import in language; "Company" or "Co." may not be used in the name of a not for profit corporation)

**AMENDMENTS ADOPTED- (OTHER THAN NAME CHANGE)** Indicate Article Number(s) and/or Article Title(s) being amended, added or deleted: **(BE SPECIFIC)**

COMPLETE RESTATEMENT / COPY ATTACHED

(Attach additional pages if necessary)  
(continued)

The date of adoption of the amendment(s) was: JULY 26, 2006

Effective date if applicable: UPON FILING  
(no more than 90 days after amendment file date)

Adoption of Amendment(s) (CHECK ONE)

- ☒ The amendment(s) was (were) adopted by the members and the number of votes cast for the amendment was sufficient for approval.
- ☐ There are no members or members entitled to vote on the amendment. The amendment(s) was (were) adopted by the board of directors.

Signature Carol Bertacchi  
(By the chairman or vice chairman of the board, president or other officer- if directors have not been selected, by an incorporator- if in the hands of a receiver, trustee, or other court appointed fiduciary, by that fiduciary.)

CAROL BERTACCHI  
(Typed or printed name of person signing)

DIRECTOR / TREASURER  
(Title of person signing)

FILING FEE: \$35

## **ARTICLES OF INCORPORATION**

### **SEAGATE AT ST. AUGUSTINE BEACH HOMEOWNERS' ASSOCIATION**

#### **ARTICLE I**

The name of the corporation is Seagate at St. Augustine Beach Homeowners' Association, Inc., hereafter called the "Association".

#### **ARTICLE II**

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 no. 42-109-0505AN requirements and applicable District rules, and shall assist in the enforcement of the restrictions and covenants contained herein.

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 and architectural control of the residence Lots and Common Area within that certain tract of property described as follows:

#### **SEE EXHIBIT "A", PAGE 4**

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 the certain Declaration of Covenants and Restrictions, hereinafter called the "Declaration", applicable to the property and recorded in the Office of the Clerk of the Circuit Court, St. Johns 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, assessments shall also be used for the maintenance and repair of the surface water or storm water management systems including but not limited to work within retention areas, drainage structures and drainage easements;

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 sixty-six percent (66%) of the 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 sixty-six percent (66%) of the Members agreeing to such dedication, sale or transfer;

f. participate in mergers and consolidations with other not for profit 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 sixty-six percent (66%) of the Members;

g. have and to exercise any and all powers, rights and privileges which a corporation organized under the Not For Profit Corporation Law of the State of Florida by law may now or hereafter have or exercise;

h. 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.

### **ARTICLE III 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 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 appertain to and may not be separated from ownership of any Lot which is subject to assessment by the Association.

### **ARTICLE IV VOTING RIGHTS**

Members shall be all Owners 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.

## **ARTICLE V BOARD OF DIRECTORS**

The affairs of this Association shall be managed by the Board of five (5) Directors. The number of directors may be changed by amendment of the Bylaws of the Association.

## **ARTICLE VI DISSOLUTION**

The Association may be dissolved with the assent given in writing and signed by not less than sixty-six percent (66%) 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 not for profit corporation, association, trust or other organization to be devoted to 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 storm water 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 VII DURATION**

This corporation shall exist perpetually.

## **ARTICLE VIII AMENDMENTS**

Amendment of these Articles shall require the assent of sixty-six percent (66%) of the entire membership.

## **EXHIBIT "A"**

### **DESCRIPTION OF PROPERTY**

Parcel A      A parcel of land in Government Lots 1, 2, 3, and 4, Section 15, Township 8 South, Range 30 East, St. Johns County, Florida, also being part of Lots 23, 24, 25, 26, 27, 28, 29, and 30 of an unrecorded Plat prepared by J. W. Summerville and being more fully described as follows:

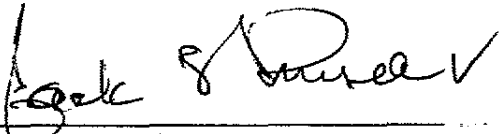
Beginning at the intersection of the South line of the North 1,130 feet of said Government Lots 1 and 2 with the West right of way line of State Road A 1 A, a 100 foot width right of way; thence South 14 degrees 55 minutes East, on said right of way line, 827.35 feet; thence South 89 degrees 15 minutes West, on the north line of the South 700 feet of said Government Lots 3 and 4, a distance of 1,210.00 feet; thence North 00 degrees 45 minutes West 60.00 feet; thence North 31 degrees 45 minutes West 334.86 feet; thence North 58 degrees, 15 minutes East 69.40 feet; thence North 31 degrees 45 minutes West 194.70 feet, thence North 58 degrees 15 minutes East 82.55 feet; thence North 00 degrees 45 minutes West 210.00 feet; thence North 89 degrees 15 minutes East, on said South line of the North 1,130 feet of Government Lots 1 and 2, a distance of 1,150.00 feet to the Point of Beginning.

Parcel B      A parallelogram shaped parcel of land in Government Lot 4, Section 15, Township 8 South, Range 30 East, St. Johns County, Florida, also being in Lot 31 and the North Part of Lot 32 of an unrecorded Plat prepared by J. W. Summerville; said parcel of land being more fully described as follows

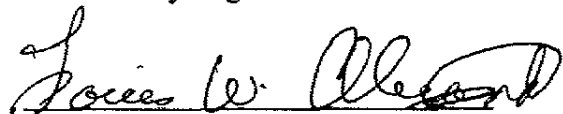
Beginning at the intersection of the North line of the South 700 feet of said Government Lot 4 with the West right of way line of State Road A 1 A, a 100 foot width right of way; thence South 14 degrees 55 minutes East, on said right of way line, 150.00 feet; thence South 89 degrees 15 minutes West 130.00 feet; thence North 14 degrees 55 minutes West 150.00 feet; thence North 89 degrees 15 minutes East, on said North line of the South 700 feet of Government Lot 4, a distance of 130.00 feet to the Point of Beginning.



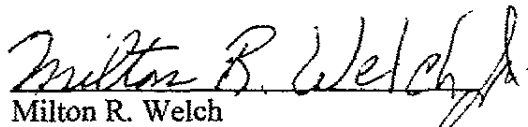
IN WITNESS WHEREOF, we, being all of the directors of SEAGATE AT ST. AUGUSTINE BEACH HOMEOWNERS' ASSOCIATION, INC., have hereunto set our hands on this 26TH day of JULY, A. D., 2006.

  
\_\_\_\_\_  
Jack L. Russell

  
\_\_\_\_\_  
S. W. Buddy Register

  
\_\_\_\_\_  
Louis W. Alexander

  
\_\_\_\_\_  
Carol L. Bertacchi

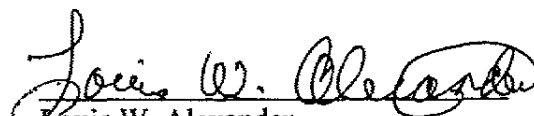
  
\_\_\_\_\_  
Milton R. Welch

#### CERTIFICATION

I, the undersigned, do hereby certify:

That I am the duly elected and acting Secretary of SEAGATE AT ST. AUGUSTINE BEACH HOMEOWNERS' ASSOCIATION, INC., a Florida corporation, and,

That the foregoing Articles of Incorporation constitute the restated and amended Articles of Incorporation of said Association, as duly adopted at a Meeting of the Members thereof, held on the 26<sup>th</sup> day of July, A.D., 2006.

  
\_\_\_\_\_  
Louis W. Alexander  
Secretary