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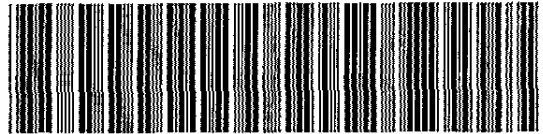
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TALLAHASSEE, FLORIDA

2/17/05



CORPORATION SERVICE COMPANY

ACCOUNT NO. : 072100000032

REFERENCE : 197049 81034A

AUTHORIZATION :

COST LIMIT : \$ PPD

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ORDER DATE : February 10, 2005

ORDER TIME : 12:06 PM

ORDER NO. : 197049-005

CUSTOMER NO: 81034A

CUSTOMER: Michael W. Mead, Esq  
Michael Wm. Mead, Esq

P. O. Drawer 1329

Fort Walton Bea, FL 32549-1329

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DOMESTIC FILING

NAME: CIRCLE PARK CONDOMINIUMS  
OWNERS ASSOCIATION, INC.

EFFECTIVE DATE:

XX ARTICLES OF INCORPORATION

PLEASE RETURN THE FOLLOWING AS PROOF OF FILING:

XX CERTIFIED COPY

CONTACT PERSON: Troy Todd - EXT. 2940

EXAMINER'S INITIALS: \_\_\_\_\_

ARTICLES OF INCORPORATION  
OF  
CIRCLE PARK CONDOMINIUMS OWNERS ASSOCIATION, INC.

ARTICLE I. NAME AND ADDRESS

The name of this corporation is CIRCLE PARK CONDOMINIUMS OWNERS ASSOCIATION, INC., hereinafter referred to as "association". The mailing address of the association shall be 5 Bedford Place, Fort Walton Beach, Florida 32547.

ARTICLE II. PURPOSE

This corporation is organized for the purpose of providing an entity pursuant to Section 718.111, Florida Statutes, for the operation of CIRCLE PARK CONDOMINIUMS, in accordance with the provisions of the Declaration, including, but not limited to, the responsibility to operate and maintain the storm water management system, the storm water drainage facility as exempted or permitted, and to otherwise fulfill the responsibilities of the Association to Okaloosa County and the State of Florida as it may relate to the drainage and storm water management and landscaping, and further including the assessment and collection of fees to all owners within the association to maintain same, as well as any other common elements.

In addition to those matters set forth above, the Association is hereby granted the powers to do the following:

- (a) operate and maintain the stormwater management system and the stormwater discharge facility as exempted or permitted by the Florida Department of Environmental Protection, or its successors;
- (b) establish rules and regulations;
- (c) assess members
- (d) contract for services and/or provide the services for operation and maintenance
- (e) if the Association shall become dissolved, the stormwater management system and discharge facility shall be maintained by the City of Fort Walton Beach, Florida.

Each unit owner at CIRCLE PARK CONDOMINIUMS shall be a member of the Association, in accordance with the provisions of Article V of the Declaration of Condominium for CIRCLE PARK CONDOMINIUMS.

ARTICLE III. TERM

The term of the association shall be the life of the condominium, unless the association is terminated by the termination of the condominium in accordance with the provisions of the Declaration.

ARTICLE IV. SUBSCRIBERS

The names and addresses of the subscribers of these Articles of Incorporation are as follows:

Shawn G. Mallin	Jennifer Mallin
5 Bedford Place	5 Bedford Place
Fort Walton Beach, Florida 32547	Fort Walton Beach, Florida 32547

Ricky L. Smith  
102 Perdido Circle  
Niceville, FL 32578

## ARTICLE V. DIRECTORS

1. The affairs of the association will be managed by a board consisting of the number of directors as shall be determined by the Bylaws, but not less than three (3) directors nor more than seven (7) directors.

2. Directors of the association shall be elected at the annual meeting of the members in the manner determined by the Bylaws. Directors may be removed and vacancies of the Board of Administration shall be filled in the manner provided in the Bylaws.

3. When unit owners other than the developer own fifteen percent (15%) or more of the units within the condominium that will be operated ultimately by the Association, the unit owners, other than the developer, shall be entitled to elect no less than one-third (1/3) of the directors of the Board of Administration of the Association. Unit owners, other than the developer, are entitled to elect not less than a majority of the members of the Board of Directors of the Association:

- a) three (3) years after fifty percent (50%) of the units that will be operated ultimately by the Association have been conveyed to purchasers;
- b) three (3) months after ninety percent (90%) of the units that will be operated ultimately by the Association have been conveyed to purchasers;
- c) when all the units that will be operated ultimately by the Association have been completed, some of them have been conveyed to purchasers, and none of the others are being offered for sale by the developer in the ordinary course of business;
- d) when some of the units have been conveyed to purchasers and none of the others are being constructed or offered for sale by developer in the ordinary course of business; or
- e) seven (7) years after recording of the Declaration of Condominium,

whichever occurs first.

The developer is entitled to elect at least one member of the Board of Administration of the Association as long as the developer holds for sale, in the ordinary course of business, at least five percent (5%) of the units in the condominium operated by the Association. Following the time the developer relinquishes control of the Association, the developer may exercise the right to vote any developer-owned units in the same manner as any other unit owner except for purposes of reacquiring control of the Association or selecting the majority members of the Board of Administration.

Within seventy-five (75) days after the unit owners, other than the developer, are entitled to elect a member or members of the Board of Administration of the Association, the Association shall call, and give not less than sixty (60) day's notice of an election for the members of the Board of Administration. The election shall proceed as provided in s. 718.112(2)(d). The notice may be given by any unit owner if the Association fails to do so. Upon election of the first unit owner, other than the developer, to the Board of Administration, the developer shall forward to the Division the name and mailing address of the unit owner Board member.

f) If the developer holds units for sale in the ordinary course of business, none of the following actions may be taken without approval in writing by the developer:

- 1. Assessment of the developer as a unit owner for capital improvements.

2. Any action taken by the association that would be detrimental to the sales of units by the developer; however, an increase in assessments for common expenses without discrimination against the developer shall not be deemed detrimental to the sales of units.
4. The names and addresses of the members of the first Board of Administration who shall hold office until their successors are elected and have qualified, or until removed, are as follows:

Shawn G. Mallin	Jennifer Mallin
5 Bedford Place	5 Bedford Place
Fort Walton Beach, Florida 32547	Fort Walton Beach, Florida 32547

Ricky L. Smith  
102 Perdido Circle  
Niceville, FL 32578

#### ARTICLE VI. OFFICERS

The affairs of the association shall be administered by the officers elected by the Board of Administration at its first meeting following the annual meeting of the members of the association, which officers shall serve at the pleasure of the Board of Administration. The names of the officers who shall serve until the Board of Administration designates their successors are as follows:

President - Shawn G. Mallin, 5 Bedford Place, Fort Walton Beach, FL 32547  
Vice President - Ricky L. Smith, 102 Perdido Circle, Niceville, FL 32578  
Secretary - Jennifer Mallin, 5 Bedford Place, Fort Walton Beach, FL 32547  
Treasurer - Jennifer Mallin, 5 Bedford Place, Fort Walton Beach, FL 32547

#### ARTICLE VII. BYLAWS

The first Bylaws of the association shall be adopted by the Board of Administration and may be altered, amended or rescinded in the manner provided by the Bylaws.

#### ARTICLE VIII. AMENDMENTS

Amendments to the Articles of Incorporation shall be proposed and adopted in the following manner:

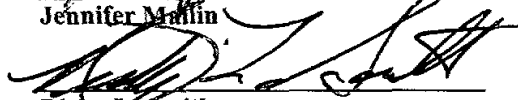
1. Notice of the subject matter of a proposed amendment shall be included in the notice of any meeting at which a proposed amendment is considered.
2. A resolution approving a proposed amendment may be proposed by either the Board of Administration or by the members of the association. A member of the Board of Administration or a committee may submit in writing his or her agreement or disagreement with any action taken at a meeting that the member did not attend. This agreement or disagreement may not be used as a vote for or against the action taken, and may not be used for the purposes of creating a quorum. Limited proxies shall be used for votes taken to amend the articles of incorporation or bylaws, pursuant to 718.112(2)(b)(2), Florida Statutes.
3. Approval of an amendment must be by not less than sixty-six and two-thirds percent (66-2/3%) of the votes of the Board of Administration of the association or by not less than sixty-six and two-thirds percent (66-2/3%) of the votes of the entire membership of the association.
4. No amendments shall make any changes in the qualification for membership or the voting rights of members.
5. A copy of each amendment shall be certified by the Secretary of State and recorded in the Public Records of Okaloosa County, Florida.

ARTICLE IX. RESIDENT AGENT

The association has named SHAWN G. MALLIN, whose address is 5 Bedford Place, Fort Walton Beach, (Okaloosa County) Florida 32547, as its resident agent to accept service of process within the State.

  
Shawn G. Mallin

  
Jennifer Mallin

  
Ricky L. Smith

STATE OF FLORIDA  
COUNTY OF OKALOOSA

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of February, 2005 by SHAWN G. MALLIN, who is personally known to me and he did not take an oath.

  
Notary Public

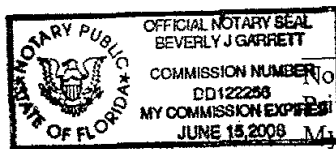
Print name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

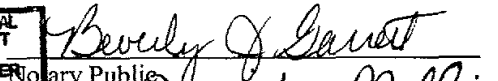


Beverly J. Garrett  
My Commission DD0122256  
Expires June 15, 2008

STATE OF FLORIDA  
COUNTY OF OKALOOSA

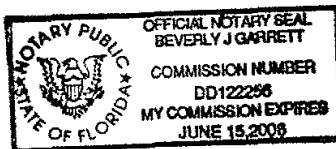
The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of February, 2005 by JENNIFER MALLIN, who is personally known to me and she did not take an oath.

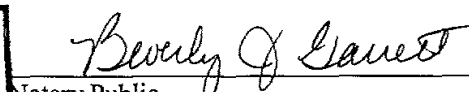


  
Notary Public  
Print name: Jennifer Mallin  
My Commission Expires: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF OKALOOSA

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of February, 2005 by: RICKY L. SMITH, who is personally known to me and he did not take an oath.

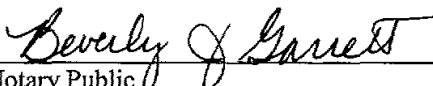


  
Notary Public  
Print name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**OATH OF RESIDENT AGENT**

I, SHAWN G. MALLIN, having been named to accept service of process for CIRCLE PARK CONDOMINIUMS OWNERS ASSOCIATION, INC., at 5 Bedford Place, Fort Walton Beach, (Okaloosa County) Florida 32547, hereby accept to act in this capacity and agree to comply with the provisions of said act relative to keeping open said office.

  
SHAWN G. MALLIN

  
Notary Public  
Print name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

- ☒ Personally known to me
- ☐ Produced \_\_\_\_\_ as identification



Beverly J. Garrett  
My Commission DD0122256  
Expires June 15, 2006

CIRCLE PARK \  
Articles of Incorporation for COA  
MWM/bjg

**FILED**  
2005 FEB 16 P 4: 19  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA