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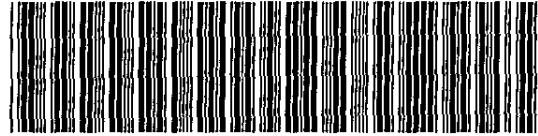
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CB 5-25

LAW OFFICES  
**SCRUGGS & CARMICHAEL, P.A.**

DOWNTOWN OFFICE:

ONE S.E. FIRST AVENUE 32601  
POST OFFICE BOX 23109 32602  
GAINESVILLE, FLORIDA  
TELEPHONE (352) 376-5242  
FAX (352) 375-0690

WEST OFFICE:

METROCORP CENTER  
4041 N.W. 37TH PLACE  
SUITE B  
GAINESVILLE, FLORIDA 32606  
TELEPHONE (352) 374-4120  
FAX (352) 378-9326

☐ REPLY  
DOWNTOWN

☒ REPLY  
WEST OFFICE

JAMES G. LARCHE, JR.  
JOHN F. ROSCOW III  
STAN CUSHMAN †  
FRANK P. SAIER  
PHILIP A. DELANEY  
CHARLES W. LITTELL  
MITZI COCKRELL AUSTIN †  
JOHN G. STINSON  
KAREN K. SPECIE  
KEVIN DALY  
RAYMOND M. IVEY  
MARY DAY COKERT  
JEFFREY R. DOLLINGER  
JEFFERSON M. BRASWELL  
KEVIN D. JURECKO  
ELIZABETH A. MARTIN

†CERTIFIED FAMILY MEDIATOR  
‡CERTIFIED CIVIL MEDIATOR

SIGSBEE L. SCRUGGS  
1898-1983  
PARKS M. CARMICHAEL  
1909-1994  
WILLIAM D. PRIDGEON  
1933-1980  
MICHELLE VAUGHNS  
1946-1982  
WILLIAM N. LONG  
1920-2003

RETIRED  
RAY D. HELPLING  
WILLIAM C. ANDREWS

May 19, 2005

Secretary of State  
Division of Corporations  
Post Office Box 6327  
Tallahassee, Florida 32314

RE: Carriage Way Homeowners Association, Inc.

Dear Sir or Madam:

In connection with the above-referenced corporation, I am transmitting herewith the following:

1. original, executed Articles of Incorporation; and
2. check in the amount of \$78.75.

If you have any questions, please advise.

Sincerely,



Raymond M. Ivey

Enclosures

RECORDED  
AND  
FILED

05 MAY 23 AM 8:20

SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

**ARTICLES OF INCORPORATION  
OF  
CARRIAGE WAY  
HOMEOWNERS ASSOCIATION, INC.**

In compliance with the requirements of Chapter 617, Florida Statutes (2003), 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 **CARRIAGE WAY, HOMEOWNERS ASSOCIATION, INC.** hereafter called the "Association."

**ARTICLE II**

The initial principal office and mailing address of the corporation is located at 4141 NW 37<sup>th</sup> Place, Gainesville, Florida 32606.

**ARTICLE III**

**Raymond M. Ivey**, whose address is 4041 NW 37<sup>th</sup> Place, Suite B, Gainesville, Florida 32606, is hereby appointed the initial registered agent of this corporation.

**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 is to provide for maintenance, preservation and architectural control of the residence Lots and Common Area within that certain tract of property described as:

The Drainage Easement and Common Area, together with Lots One (1) through Thirty (16) of CARRIAGE WAY, as per Plat thereof recorded in Plat Book \_\_\_\_, Page \_\_\_\_, 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) operate, maintain and manage the surface water or stormwater management system(s) in a manner consistent with the St. Johns River Water Management District permit no. 40-001-95369-1 requirements and applicable District rules, and shall assist in the enforcement of the restrictions and covenants contained herein.

(c) 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;

(d) 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;

(e) 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;

(f) 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;

(g) 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 each class of members;

(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.

## **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. In the event that multiple owners of a lot do not agree on a vote, such lot shall be treated as abstaining on such vote. Votes cast by one of the owners shall be considered consented to by all other owners of such lot. The Association shall have no obligation to determine whether such other owners consent to votes made by the owner voting.

Class B. Class B member(s) shall be the Declarant (as defined in the Declaration), and shall be entitled to three (3) 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, 2006, or

(d) when Declarant turns 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 -	Thomas P. McIntosh, Jr.
Vice-President -	Thomas P. McIntosh, Jr.
Secretary -	Thomas P. McIntosh, Jr.
Treasurer -	Thomas P. McIntosh, Jr.

## **ARTICLE VIII SUBSCRIBERS**

The name and address of the subscriber is:

Thomas P. McIntosh, Jr., 4141 NW 37<sup>th</sup> Place, Gainesville, Florida 32606.

## **ARTICLE IX AMENDMENTS**

Amendments of these Articles shall be adopted upon receiving the affirmative vote of a majority of the 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.

## **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 five (5) 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 names and addresses of the persons who are to act in the capacity of directors until the selection of their successors are:

Thomas P. McIntosh, Jr., 4141 NW 37<sup>th</sup> Terrace, Gainesville, FL 32606

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. 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 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 stormwater management system(s) in a manner consistent with the applicable 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 stormwater 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 stormwater management system.

The assessments shall 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.

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 \_\_\_\_ day of May 2005.

CARRIAGE WAY HOMEOWNERS  
ASSOCIATION, INC.


by:   
Thomas P. McIntosh, Jr., as its president

STATE OF FLORIDA  
COUNTY OF ALACHUA

I HEREBY CERTIFY that on this 18<sup>th</sup> day of May 2005, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Thomas P. McIntosh, Jr., the **President of CARRIAGE WAY, HOMEOWNERS ASSOCIATION, a Florida corporation**, who executed the foregoing instrument on behalf of said corporation, who acknowledged before me that he executed the same, and who (X) is personally known to me or who ( ) presented as identification.



Raymond M. Ivey  
MY COMMISSION # DD082267 EXPIRES  
January 7, 2006  
BONDED THRU TROY FAIR INSURANCE, INC.

  
Notary Public  
(NOTARY SEAL)  
My Commission Expires:

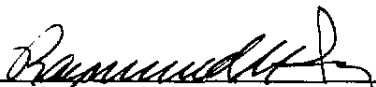
**CERTIFICATE DESIGNATING REGISTERED AGENT FOR THE SERVICE OF  
PROCESS WITHIN THIS STATE.**

In accordance with Chapter 617.0501, Florida Statutes,

**CARRIAGE WAY, HOMEOWNERS ASSOCIATION, INC.** desiring to organize under the laws of the State of Florida designates Raymond M. Ivey whose address is 4041 NW 37<sup>th</sup> Place, Suite B, Gainesville, Florida 32606 as its registered agent to accept service of process within this state.

**ACKNOWLEDGMENT**

Having been named to accept service of process for **CARRIAGE WAY HOMEOWNERS ASSOCIATION, INC.** at the address stated above, I hereby agree to be the registered agent for the corporation and agree to maintain an office at the stated address in compliance with § 617.0501, Florida Statutes (2003).

by:   
Raymond M. Ivey, Registered Agent