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Florida Dept of State

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January 18, 2007

FLORIDA DEPARTMENT OF STATE

Division of Corporations

SUMMERCREST HOMEOWNERS' ASSOCIATION, INC.

4260 NE 35TH ST.

OCALA, FL 34479

SUBJECT: SUMMERCREST HOMEOWNERS' ASSOCIATION, INC.

REF: N06000002368

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Darlene Connell
Document Specialist

FAX Aud. #: HD7000014905
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**AMENDED AND RESTATED
ARTICLES OF INCORPORATION
OF
SUMMERCREST HOMEOWNERS' ASSOCIATION, INC.
(CHANGING NAME AND MAKING OTHER CHANGES)**

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07 JAN 19 AM 11:09
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

We, the undersigned, being the President and Secretary of Summercrest Homeowners' Association, Inc., a Florida not for profit corporation ("Association"), the name of which is being changed hereby, in accordance with its Articles of Incorporation do hereby certify:

- A. The Association was originally incorporated on March 2, 2006, under Document Number N06000002368, pursuant to Chapter 617 of the laws of the State of Florida.
- B. The original Articles of Incorporation of the Association ("Original Articles") are hereby duly amended and restated in their entirety in accordance with the provisions of Section 617.1007(1), Florida Statutes.
- C. These Amended and Restated Articles of Incorporation were duly adopted by the Board, by Unanimous Written Consent of the Board dated January 17, 2007, and no Members were entitled to vote thereon nonetheless, the sole Member of the Association has consented to these Amended and Restated Articles of Incorporation.
- D. These Amended and Restated Articles of Incorporation have been duly executed by the President and Secretary of the Association on the dates hereinafter set forth on the execution page.
- E. As so adopted, these Amended and Restated Articles of Incorporation replace the Original Articles in their entirety and are substituted therefor.
- F. By virtue of these Amended and Restated Articles of Incorporation, the name of the Association is changed to: Summercrest Homeowners Association, Inc. (i.e., the apostrophe after the "s" in "Homeowners" has been dropped).

In compliance with the requirements of Chapter 617, Florida Statutes, the undersigned, acting as incorporator of this corporation, hereby forms a corporation not for pecuniary profit under the laws of the State of Florida and adopts the following Articles of Incorporation for such corporation:

ARTICLE I - Name

- 1.1. The name of this corporation shall be Summercrest Homeowners Association, Inc. (hereinafter referred to as the "Association").

ARTICLE II - Address

- 2.1. The address of the principal office of the Association is 4260 NE 35th Street, Ocala, Florida 34479, and the mailing address of the Association is 4260 NE 35th Street, Ocala, Florida 34479.

ARTICLE III - Registered Agent

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- 3.1. Harvey Vandeven, whose address is 4260 NE 35th Street, Ocala, Florida 34479, is hereby appointed the initial registered agent of the Association.

ARTICLE IV - Duration

- 4.1. This Association shall exist perpetually, commencing on the date of filing of these Articles with the Florida Department of State.

ARTICLE V - Purposes

- 5.1. The Association does not contemplate pecuniary gain or profit, direct or indirect, to the members thereof (hereinafter referred to individually as a "Member"¹ and collectively as "Members"), and the specific purposes for which it is formed are to provide for the maintenance, preservation and architectural control of the Lots and Common Area within the Property (as those terms are defined in the Declaration of Covenants, Conditions and Restrictions for Summercrest recorded or to be recorded in the Public Records of Marion County, Florida (the "Declaration")) and to promote the health, safety and welfare of the Owners and residents within the Property and any additions thereto as may hereafter be brought within the jurisdiction of the Association. For these purposes the Association shall have the following powers, which, unless indicated otherwise by Declaration or Bylaws, may be exercised by the Board of Directors:

- 5.1.1. Any and all powers, rights and privileges which a corporation organized under Chapter 617, Florida Statutes, by law may now or hereafter have or exercise;

- 5.1.2. The powers necessary or desirable to perform all obligations and duties of the Association and to exercise all rights and powers of the Association as set forth in the Declaration or as set forth in the Bylaws, and as the same may be amended from time to time as therein provided including, without limitation, the following:

- a. To fix, levy, collect and enforce payment of, by any lawful means, all charges or Assessments pursuant to the terms of the Declaration;
- b. 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 property of the Association;
- c. To acquire (by gift, purchase or otherwise), manage, control, own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property subjected to the Declaration or any other property for which the Association by rule, regulation, Declaration or contract has a right or duty to provide such services;

¹ Terms capitalized herein and not otherwise defined have the same meaning as set forth in the Declaration of Covenants and Restrictions for Summercrest (as supplemented, restated, renewed, extended or amended, from time to time) to which a copy of these Articles have been annexed.

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- d. To borrow money, and as provided in the Declaration, Bylaws, or action of the Association, 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. To dedicate, sell or transfer all or any part of the Common Area to any public agency, authority or utility as set forth in the Declaration;
- f. To enter into, make, perform, or enforce contracts of every kind and description, and to perform all other acts necessary, appropriate, or advisable in carrying out any purpose of the Association, with or in association with any other association, corporation, or other entity or agency, public or private;
- g. To enforce covenants, conditions, or restrictions affecting any property to the extent the Association may be authorized to do so under the Declaration or Bylaws;
- h. To engage in activities which will actively foster, promote, and advance the interests of owners of real property subject to the Declaration; and
- i. To adopt the Bylaws as may be necessary or desirable for the proper management of the affairs of the Association; provided, however, such Bylaws may not be inconsistent with or contrary to any provisions of these Articles of Incorporation or the Declaration.

5.2. The Association shall operate, maintain and manage the surface water management system in a manner consistent with the requirements of the permit issued for such system by St. Johns River Water Management District (the "District") 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.

5.3. 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.

5.4. The foregoing enumeration of powers shall not limit or restrict in any manner the exercise of other and future rights and powers which may now or hereafter be allowed or permitted by law; and the powers specified in each of the paragraphs of this Article are independent powers, not to be restricted by reference to or inference from the items of any other paragraph or provisions of this Article.

ARTICLE VI - Membership

6.1. Membership, transfer of Membership, classes of Members and voting by Members shall be as set forth in the Declaration.

ARTICLE VII - Directors

7.1. The method of election of directors shall be stated in the Bylaws of the Association.

7.2. Until their successors are elected, the following persons shall serve as directors:

- a. Harvey Vandeven
- b. Nancy Deichman
- c. John E. Fabian, Jr.

ARTICLE IX - Dissolution of the Association

8.1. The term of the Association shall be perpetual unless dissolved by the written consent of at least three-fourths (3/4) of each class of Members.

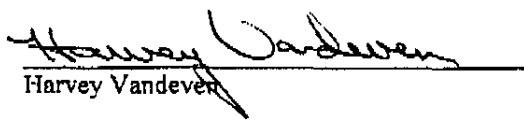
8.2. In the event of termination, dissolution or final liquidation of the Association, the responsibility for the operation and maintenance of the surface water or stormwater management system must be transferred to and accepted by an entity which would comply with Section 40C-42.027, F.A.C., and be approved by the St. Johns River Water Management District prior to such termination, dissolution or liquidation.

8.3. Except as set forth in paragraph 9.2 above, upon dissolution, the Association's assets (including any real property and improvements thereon) remaining after payment to creditors and payment of all costs and expenses relating to such dissolution shall be distributed in the following priority:

8.3.1. To any municipal or governmental authority which is willing to accept such assets; and, if none, then

8.3.2. To the Members in such proportions as they agree upon or, failing such agreement, in such proportions as are determined by a Court having jurisdiction thereof.

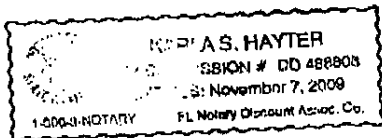
IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of Florida, the undersigned incorporator of this Association has executed these Articles of Incorporation this 11 day of January, 2007.


Harvey Vandeven

4010000149033

STATE OF FLORIDA
COUNTY OF MARION

The foregoing instrument was acknowledged before me this 17 day of January, 2007, by Harvey Vandeven.



Karla S. Hayter
Notary Public, State of Florida
Name: KARLA S. HAYTER
(Please print or type)

Commission Number:
Commission Expires:

☒ Notary: Check one of the following:

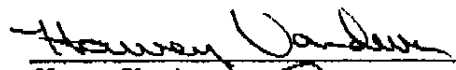
- ☐ Personally known OR
☐ Produced Identification (if this box is checked, fill in blank below).
Type of Identification Produced: _____

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AFFIRMATION BY PRESIDENT AND SECRETARY

The undersigned, being the President and Secretary of the Association, hereby affirm that the foregoing Amended and Restated Articles of Incorporation of Summercrest Homeowners' Association, Inc. were duly adopted by the Board of Directors of the Association on January 17, 2007.


Harvey Vandeven


Nancy Deichman

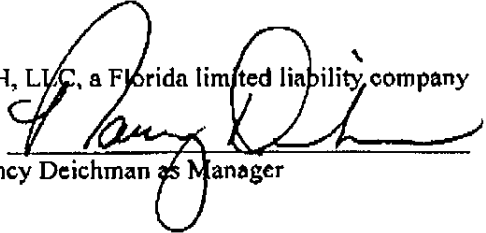
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CONSENT BY SOLE MEMBER

To the extent it may be necessary, the undersigned, being the sole member of the Association, hereby consents to the adoption of the foregoing Amended and Restated Articles of Incorporation of Summercrest Homeowners' Association, Inc.

NJH, LLC, a Florida limited liability company

By: 
Nancy Deichman as Manager

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ACCEPTANCE OF REGISTERED AGENT

Having been named as registered agent for the above-named Association, at the place designated in the foregoing Articles of Incorporation, I hereby accept such designation and agree to act in such capacity, and I further agree to comply with the provisions of all statutes relative to the proper and complete performance of my duties, as registered agent.

Harvey Vandeven
Harvey Vandeven
Registered Agent
Date: January 12, 2007

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