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LITVAK BEASLEY WILSON

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**FLORIDA PROFIT/NON PROFIT CORPORATION**

**Crepe Myrtle Condominium Homeowners Association, Inc**

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**ARTICLES OF INCORPORATION  
OF  
CREPE MYRTLE CONDOMINIUM  
HOMEOWNERS' ASSOCIATION, INC.  
(A Florida Corporation Not-For-Profit)**

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TALLAHASSEE, FLORIDA

In order to form a corporation not-for-profit under and in accordance with Chapter 617 of the Florida Statutes, the undersigned, hereby certifies and sets forth the following:

**ARTICLE I  
NAME**

The name of the corporation, hereinafter called the "Association," is Crepe Myrtle Condominium Homeowners' Association, Inc., and its principal place of business is 8400 Little John Junction, Navarre, FL 32566.

**ARTICLE II  
DEFINITIONS**

The definitions set forth in the Declaration of Condominium of Crepe Myrtle, a Condominium, shall apply to the terms used in these Articles.

**ARTICLE III  
PURPOSES AND POWERS**

The purpose for which the Association is organized is to provide an entity pursuant to the Florida Condominium Act for the operation, management, maintenance and control of Crepe Myrtle, a Condominium, located in Escambia County, Florida. The Association is organized and shall exist upon a non-stock basis as a corporation not for profit under the laws of the State of Florida, and no portion of any earnings of the Association shall be distributed or inure to the private benefit of any member, director or officer of the Association. For the accomplishment of its purposes, the Association shall have all of the common law and statutory powers and duties of a corporation not for profit except as limited or modified by these Articles, the Declaration of Condominium or Chapter 718 Florida Statutes, as it may hereafter be amended, including but not limited to the following:

- (A) To make and collect Assessments against members of the Association to defray the costs, expenses and losses of the Condominium, and to use the proceeds of Assessments in the exercise of its powers and duties.
- (B) To protect, maintain, repair, replace and operate the Condominium Property.
- (C) To purchase insurance upon the Condominium Property and Association Property for the protection of the Association and its members.

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- (D) To reconstruct improvements after casualty and to make further improvements of the Condominium Property and Association Property.
- (E) To make, amend and enforce reasonable rules and regulations governing the use of the Common Elements and the operation of the Association.
- (F) To enforce the provisions of the Condominium Act, the Declaration of Condominium, these Articles, the Bylaws and any Rules and Regulations of the Association.
- (G) To contract for the management and maintenance of the Condominium and the Condominium Property and to delegate any powers and duties of the Association in connection therewith except such as are specifically required by the Declaration of Condominium to be exercised by the Board of Directors or the membership of the Association.
- (H) To employ accountants, attorneys, architects, and other professional personnel to perform the services required for proper operation of the Condominium.
- (I) To enter into agreements, or acquire leaseholds, memberships, and other possessory or use interests in lands or facilities regardless of whether the lands or facilities are contiguous to the lands of the Condominium, if they are intended to provide enjoyment, recreation, or other use or benefit to the Unit owners.
- (J) To borrow money without limit as to amount if necessary to perform its other functions hereunder.
- (K) To access each Unit during reasonable hours, when necessary for the maintenance, repair or replacement of any Common Elements or any portion of a Unit to be maintained by the Association pursuant to the Declaration or as necessary to prevent damage to the Common Elements or to a Unit or Units.
- (L) To grant, modify, or move any easement if the easement constitutes part of or crosses the Common Elements or the Association property.

**ARTICLE IV**  
**MEMBERSHIP**

- (A) The members of the Association shall consist of all record owners of a Unit in the Condominium.

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- (B) The share of a member in the funds and assets of the Association cannot be assigned, hypothecated or transferred in any manner except as an appurtenance to the member's Unit.
- (C) The owners of each Unit, collectively, shall be entitled to the number of votes in Association matters as set forth in the Declaration of Condominium and the Bylaws. The manner of exercising voting rights shall be as set forth in the Bylaws.
- (D) Change in membership shall be accomplished by recording in the public records of Escambia County, Florida, a deed or other similar instrument establishing a record title to a Unit in the Condominium operated by the Association and the delivery to the Association of a certified copy of such instrument. The owner designated by such instrument thus becomes a member of the Association and the membership of the prior owner is terminated.

#### **ARTICLE V**

##### **TERM**

The term of the Association shall be perpetual.

#### **ARTICLE VI**

##### **BYLAWS**

The Bylaws of the Association may be altered, amended, or rescinded in the manner provided therein.

#### **ARTICLE VII**

##### **DIRECTORS AND OFFICERS**

- (A) The affairs of the Association will be administered by a Board of Directors consisting of the number of directors determined by the Bylaws, but not less than three (3) directors, and in the absence of such determination shall consist of three (3) directors.
- (B) Directors of the Association shall be elected by the members in the manner determined by the Bylaws. Directors may be removed and vacancies on the Board of Directors shall be filled in the manner provided by the Bylaws.
- (C) The business of the Association shall be conducted by the officers designated in the Bylaws. The officers shall be elected each year by the Board of Directors at its first meeting after the annual meeting of the members of the Association, and they shall serve at the pleasure of the Board.

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## **ARTICLE VIII AMENDMENTS**

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

- (A) Proposal. Amendments to these Articles may be proposed by a majority of the Board of Directors or by petition of the owners of one-half (1/2) of the Units by instrument, in writing, signed by them.
- (B) Procedure. Upon any amendment or amendments to these Articles being proposed by said Board or Unit owners, such proposed amendment or amendments shall be submitted to a vote of the members not later than the next annual meeting for which proper notice can be given.
- (C) Vote Required. Except as otherwise required for by Florida law, these Articles of Incorporation may be amended by a vote of not less than two-thirds (2/3) of the voting interests at any annual or special meeting, or by approval in writing of two-thirds (2/3) of the voting interest without a meeting, provided that notice of any proposed amendment has been given to the members of the Association, and that the notice contains the text of the proposed amendment.
- (D) Limitation. No amendment shall make any change in the qualifications for membership or the voting rights of members without such approval as is provided for in the Declaration. Further, no amendment shall abridge, limit or alter the rights reserved by or granted to the Developer, its successors or assigns, or any successor developer, by these Articles or Bylaws without prior written consent of the Developer, its successors or assigns, or a successor developer.
- (E) Effective Date. An amendment shall become effective upon filing with the Secretary of State and recording a certified copy in the Public Records of Escambia County, Florida.

## **ARTICLE IX INITIAL DIRECTORS**

The initial Directors of the Association shall be:

Kevin McDonough, President, Unit 4116, APO AA 34033  
Rose McDonough, Vice-President, Unit 4116, APO AA 34033  
Kevin McDonough II, Secretary, Unit 4116, APO AA 34033  
William McDonough, Treasurer, Unit 4116, APO AA 34033

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**ARTICLE X**  
**INITIAL REGISTERED AGENT**

The initial registered agent shall be Lee Hall. The address of the initial registered agent is 8400 Little John Junction, Navarre, FL 32566.

7 WHEREFORE, the incorporator has caused these presents to be executed this day of May, 2006.

INCORPORATOR:  
GREEN GECKO, LLC

By: [Signature]  
Kevin McDonough  
Its: Managing Member

The foregoing instrument was acknowledged before me this 7 day of May, 2006, by Kevin McDonough as Managing Member of Green Gecko, L.L.C., who is personally known to me or has produced Driver license as identification.

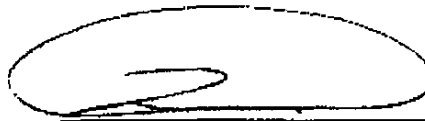
[Signature]  
NOTARY PUBLIC



Diane Cadle  
Commission #DD489899  
Expires: NOV 13, 2009  
WWW.AARONNOTARY.COM

**ACCEPTANCE OF REGISTERED AGENT**

Having been named to accept service of process for Crepe Myrtle Condominium Homeowners' Association, Inc., at the place designated in these Articles of Incorporation, I hereby accept the appointment to act in this capacity. I am familiar with and agree to comply with the laws of the State of Florida in keeping open said office.



Lee Hall

This Document was prepared by:  
Robert O. Beasley, Esq., of  
Litvak Beasley & Wilson, LLP  
226 East Government Street  
Pensacola, Florida 32502

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