

N06000008276

(Requestor's Name)

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(City/State/Zip/Phone#)

PICK-UP WAIT MAIL

(Business Entity Name)

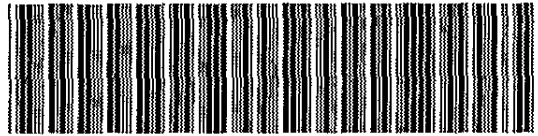
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11/08/06--01002--010 **8.75

11/08/06--01002--009 **78.75

*Amended &
Restated*

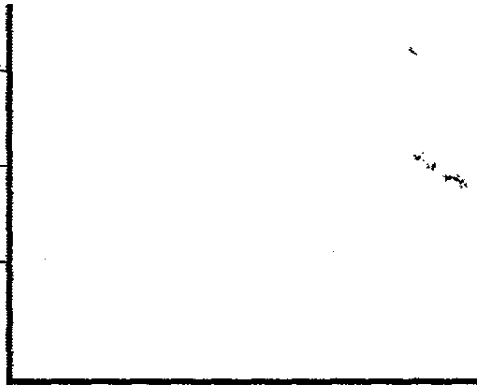
MAILED
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2006 NOV -7 PM 4:48
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

FILED

*ASR
11/13/06*

Boyd, Durant 3 Sliger
 Requester's Name
 1407 Piedmont Drive East
 Address
 Tall FL/32308 386-2171
 City/State/Zip Phone #



Office Use Only

CORPORATION NAME(S) & DOCUMENT NUMBER(S), (if known):

1. Comfort Creek Subdivison Property Owners Association Inc
 (Corporation Name) (Document #)

2. _____
 (Corporation Name) (Document #)

3. _____
 (Corporation Name) (Document #)

4. _____
 (Corporation Name) (Document #)

- Walk in
- Mail out
- Pick up time
- Will wait
- Photocopy
- Certified Copy
- Certificate of Status

NEW FILINGS

- Profit
- Not for Profit
- Limited Liability
- Domestication
- Other

OTHER FILINGS

- Annual Report
- Fictitious Name

AMENDMENTS

- Amendment
- Resignation of R.A., Officer/Director
- Change of Registered Agent
- Dissolution/Withdrawal
- Merger

REGISTRATION/QUALIFICATION

- Foreign
- Limited Partnership
- Reinstatement
- Trademark
- Other

Examiner's Initials



FLORIDA DEPARTMENT OF STATE
Division of Corporations

RECEIVED

06 NOV -9 PM 2:18

DEPARTMENT OF STATE
DIVISION OF CORPORATIONS
TALLAHASSEE, FLORIDA

November 8, 2006

Boyd, Durant & Sliger
1407 Piedmont Drive East
Tallahassee, FL 32308

SUBJECT: COMFORT CREEK SUBDIVISION PROPERTY OWNER'S
ASSOCIATION, INC.
Ref. Number: N06000008276

We have received your document for COMFORT CREEK SUBDIVISION
PROPERTY OWNER'S ASSOCIATION, INC. and your check(s) totaling \$87.50.
However, the enclosed document has not been filed and is being returned for the
following correction(s):

A certificate must accompany the Restated Articles of Incorporation setting forth
one of the following statements: (1) The restatement was adopted by the board
of directors and does not contain any amendments requiring member approval;
OR (2) If the restatement contains an amendment requiring member approval,
the date of adoption of the amendment by the members and a statement that the
number of votes cast for the amendment was sufficient for approval.

If you have any questions concerning the filing of your document, please call
(850) 245-6907.

Annette Ramsey
Document Specialist

Letter Number: 006A00065916

→ The attached has been corrected
per above instructions.

Thanks,

FILED

NOV -7 PM 4:48
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

**Amended and Restated Articles of Incorporation
of
Comfort Creek Subdivision Property Owner's Association, Inc.**

Pursuant to the provisions of section 617.1007, Florida Statutes, the undersigned Florida nonprofit corporation adopts the following Amended and Restated Articles of Incorporation of Comfort Creek Subdivision Property Owner's Association, Inc., a not for profit corporation.

Article I. Name

The name of this corporation is **Comfort Creek Subdivision Property Owner's Association, Inc.** ("Association").

Article II. Purposes

The Association is organized as a non-profit corporation under Chapter 617, Florida Statutes, for the following purposes:

- a. To levy and collect adequate assessments against the members of the Association for the costs of maintenance and operation of the surface water or storm water management systems.
- b. To obtain, receive, hold title to, convey, assign, manage, maintain, repair, replace, operate, and care for real and personal property, including but without limitation, all easements, roads, parks, lakes, ditches, canals, retention or detention areas, drainage and other surface water management works, preservation or conservation areas, wetlands and wetland mitigation areas, and other common areas, which are owned by the Association, or the persons owning property in the development known as Comfort Creek Subdivision ("Owners") in common.
- c. To facilitate transactions and communications among the Owners.
- d. To fix and make assessments against persons entities owning property in Comfort Creek Subdivision ("Subdivision"), and collect these assessments, together with necessary court costs and reasonable attorney fees, by any lawful means.
- e. To do and perform anything required by these Articles, the Bylaws, and the Declaration of Restrictive Covenants for the Subdivision.
- f. To do and perform any obligations imposed upon the Association by any permit or authorization from any unit of local, regional, state, or the federal government, and to enforce by any legal means the provisions of these Articles, the Bylaws of the Association, and the Declaration of Restrictive Covenants for the Subdivision.
- g. To exercise all of the powers enumerated in Chapter 617, Florida Statutes, as it now exists or is subsequently amended or superseded, and to do and perform such acts and to have such powers as shall be desirable and necessary in furtherance of any of the powers hereinabove enumerated which are not in derogation of the laws of the State of Florida.

Article III. Membership

Every person or entity who is, from time to time, the record owner of a lot within the Subdivision shall be a member of the Association. Membership in the Association will be appurtenant to, and may not be separated from ownership of a lot within the Subdivision.

Article IV. Term

The term of the Association shall be perpetual.

Article V. Incorporators

Repealed.

Article VI. Directors and Officers

Section One: The property, affairs, business, and operation of the Association shall be managed in accordance with the provisions of the Bylaws of the Association by the Board of Directors, which shall be elected annually by the members as provided in the Bylaws of the Association. The Board of Directors shall carry out the purposes of the Association in compliance with these Articles and the Bylaws of the Association.

Section Two: The officers of the Association shall consist of a President, a Secretary, and a Treasurer, who shall be members of the Board of Directors. The officers shall be appointed yearly in the manner provided by the Bylaws of the Association.

Article VII. Directors and Officers

The officers and directors as of the date of this Amendment are as follows:

<u>Name</u>	<u>Address</u>	<u>Title</u>
Joseph Bartel	1700 Prospect Street Sarasota, Florida 34239	President
Joseph Bartel	1700 Prospect Street Sarasota, Florida 34239	Vice President
Joseph Bartel	1700 Prospect Street Sarasota, Florida 34239	Treasurer

Article VIII. Registered Office and Agent

The registered office of the Association shall be at 1700 Prospect Street, Sarasota, Florida 34239. The initial registered agent of the Association shall be Joseph Bartel, whose mailing address and physical address is 1700 Prospect Street, Sarasota, Florida 34239.

Article IX. Initial Control of Developer

Notwithstanding the other provisions contained in these Articles to the contrary, Elliot Watson Conservation Communities, LLC, a Florida limited liability company, or its successor in interest ("Developer") shall have exclusive control over the Association until the Developer relinquishes that right or ceases to be the owner of lots within the Subdivision, whichever occurs first. The Developer, prior to relinquishing control of the Association or otherwise allowing control to transfer to the Board of Directors of the Association, shall provide at least thirty (30) days written notice to the District, that all terms and conditions placed upon the Developer by permits or authorization from the District have been satisfied in full and that transfer is proposed to occur on a specific date.

Article X. By-Laws

The Board of Directors shall adopt Bylaws for the Association and may from time to time modify, alter, amend, or rescind the same by a majority vote of the members of the Board of Directors present at any regular or special meeting.

Article XI. Amendments

The Articles of Incorporation may be amended at any time. Such amendment may be proposed by any member and any such proposal shall require adoption by the approval of a majority of the Board of Directors. Amendments to these Articles or the Bylaws which directly or indirectly impact operation and maintenance of the surfacewater management system, including but without limitation, all lakes, ditches, canals, retention or detention areas, wetlands, and wetland mitigation areas which are owned by the Association or the Owners in common, may be made after approval by the District. Such approval shall be in the form of a modification to any and all permits issued by the District under the lawfully adopted rules of the District in effect at the time of application for such modification. Amendments to these Articles or the Bylaws of the Association which do not impact operation or maintenance of the system may be made without authorization of the District; however, copies of any such amendments shall be forwarded to the District within 30 days of approval.

Article XII. Dissolution

Prior to dissolution of this Association, all property, interest in property, whether real, personal, or mixed, which is directly or indirectly related to the surfacewater management system, including but without limitation, all lakes, ditches, canals, retention or detention areas, drainage, other surfacewater management works, and preservation or conservation areas, wetlands, and wetland mitigation areas which are owned by the Association or the Owners in common, will be dedicated to and accepted for maintenance by the appropriate unit of government or otherwise transferred to and accepted for maintenance by an approved entity. Dedication or approval must be authorized by the District through modification of any and all permits or authorizations

issued by the District. Such modification shall be made under the lawfully adopted rules of the District in effect at the time of application for such modification.


Article XIII. Conflict

Should a conflict exist or arise between any of the provisions of these Articles and the provisions of the Bylaws of the Association, the provisions of these Articles shall control.

Article XIV. Certification.

We, the undersigned subscribers to these Articles of Incorporation, each a natural person competent to contract, hereby associate ourselves together to form a corporation not-for-profit under the laws of the State of Florida, and to make and file this certificate hereby declaring and certifying that the facts set forth herein are true, and have accordingly executed these Restated Articles on September 29, 2006.

Elliot Watson Conservation Communities, LLC,
a Florida limited liability company



By: Joseph Bartel
Its: Manager

The Amended and Restated Articles of Incorporation were adopted by the members and the number of votes cast was sufficient for approval.