

Division of Corporations

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**N06000008796**

Florida Department of State

Division of Corporations

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**FLORIDA PROFIT/NON PROFIT CORPORATION****The Enclave at Vero Beach Homeowner's Association**

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**ARTICLES OF INCORPORATION  
OF  
THE ENCLAVE AT VERO BEACH  
HOMEOWNER'S ASSOCIATION, INC.  
A NONPROFIT CORPORATION**

The undersigned natural person of legal age, who is a citizen of the State of Florida, acting as incorporator of a corporation under Chapter 617 of the Florida Statutes, does hereby adopt the following Articles of Incorporation for such corporation:

**ARTICLE I**

The name of the corporation is THE ENCLAVE AT VERO BEACH HOMEOWNER'S ASSOCIATION, INC.

**ARTICLE II**

The Association is a non-profit corporation.

**ARTICLE III**

The business address and the mailing address of the association is 6123 57th Court Vero Beach, FL 32967.

**ARTICLE IV**

The existence of this Association shall commence with the filing of these Articles of Incorporation with the Secretary of State, Tallahassee, Florida. The Association shall exist in perpetuity.

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**ARTICLE V**

The purposes for which the Association is formed are to provide for maintenance, preservation, and architectural control, and services to the residential lots and improvements thereon, and common area, within a certain tract described as THE ENCLAVE, in Indian River County, Florida, and such additions thereto as may hereafter be brought within the jurisdiction of the Association for such purposes, of real property described as follows:

**SEE EXHIBIT "A" ATTACHED HERETO**

In furtherance of such purposes, the Association shall have the power to:

(a) Perform all of the duties and obligations of the Association as set forth in a certain Declaration of Covenants, Conditions, and Restrictions (the Declaration) applicable to the subdivision and to be recorded in the public records of Indian River County, Florida;

(b) Affix, levy, and collect all charges and assessments pursuant to the terms of the Declaration, and enforce payment thereof by any lawful means, including foreclosure; and 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 on the property of the Association;

(c) Acquire (by gift, purchase, or otherwise), own, hold, improve, build on, operate, maintain, convey, sell, lease, transfer, dedicate to public use, or otherwise dispose of real and personal property in connection with the affairs of the Association;

(d) Borrow money and, subject to the consent by vote of written instrument of two-thirds of each class of members, mortgage, pledge, convey by deed of trust, or hypothecate any or all or its real or personal property as security for money borrowed or debts incurred;

(e) Dedicate, sell, or transfer all or any part of the common areas to any municipality, public agency, authority, or utility for such purposes and subject to such conditions as may be agreed upon by the members. No such dedication or transfer shall be effective unless an instrument has been signed by two-thirds of each class of members, agreeing to such dedication, sale, or transfer;

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(f) Participate in mergers and consolidations with other nonprofit corporations organized for the same purposes, or annex additional property and common areas, provided that any merger, consolidation, or annexation shall have the consent by vote or written instrument of two-thirds of each class of members;

(g) Have and exercise any and all powers, rights, and privileges that a corporation organized under chapter 617 of the Florida Statutes by law it may now or hereafter have or exercise.

(h) The Association shall 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 requirements and applicable District rules, and shall assist in the enforcement of the Declaration provisions which relate to the surface water or stormwater management system(s). Adequate assessments against members as provided in the Declarations shall be levied and collected for the cost of maintenance and operation of the surface water or stormwater management system(s).

The Association is organized and shall be operated exclusively for the aforementioned purposes. The activities of the Association shall be financed by assessments on members as provided in the Declaration, and no part of any net earnings shall inure to the benefit of any member.

#### ARTICLE VI

The street address of the initial registered office of the Association is 3355 Ocean Drive, Vero Beach, Florida 32963, and the name of its initial registered agent at such address is Ralph L. Evans.

#### ARTICLE VII

Every person or entity who is a record owner of a fee or undivided fee interest in any lot which is subject by covenants of record to assessments by the Association, but excluding persons holding title merely as security for performance of an obligation, shall be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of a lot which is subject to assessment by the Association.

#### ARTICLE VIII

The directors shall be elected or appointed as stated in the bylaws. The number of directors constituting the initial board of directors of the Association is three.

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**ARTICLE IX**

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 X**

The name and street address of each incorporator is:

*Name**Address*


Richard F. Rendina

5564 Whirlaway Road  
Palm Beach Gardens, FL 33418

Executed at Vero Beach, Florida, on April 26 2006.

  
\_\_\_\_\_  
Richard F. Rendina, Incorporator

State of Florida  
County of Indian River

 The foregoing instrument was acknowledged before me this 26 day of April, 2006, by Richard F. Rendina, who is personally known to me or who produced \_\_\_\_\_ as identification.

  
\_\_\_\_\_  
Notary Public



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CERTIFICATE DESIGNATING PLACE OF BUSINESS OR DOMICILE FOR THE SERVICE OF PROCESS WITHIN THIS STATE, NAMING AGENT UPON WHOM PROCESS MAY BE SERVED.

Pursuant to Section 48.091, Florida Statutes (1995), the following is submitted:

**THE ENCLAVE AT VERO BEACH HOMEOWNER'S ASSOCIATION, INC.**, desiring to organize under the laws of the State of Florida with its principal office as designated in the Articles of Incorporation, Vero Beach, Indian River County, Florida, has named **RALPH L. EVANS, ESQUIRE**, located at 3355 Ocean Drive, Vero Beach, FL 32963, as its agent to accept service of process within this State.

**ACKNOWLEDGMENT:**

Having been named to accept service of process for the above stated corporation, at place designated in this certificate, I hereby accept to act in this capacity, and agree to comply with the provisions of said Act relative to keeping open said office.

  
Ralph L. Evans, Esquire  
Registered Agent

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EXHIBIT "A"

A PORTION OF TRACT 8, SECTION 8, TOWNSHIP 32 SOUTH, RANGE 39 EAST, ACCORDING TO THE LAST GENERAL PLAT OF THE INDIAN RIVER FARMS COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 25 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA SAID LAND NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST  $\frac{1}{4}$  CORNER OF SAID SECTION 8, TOWNSHIP 32 SOUTH, RANGE 39 EAST, SAID POINT ALSO BEING THE SE CORNER OF SAID TRACT 8, THENCE RUN N89°48'55"W ALONG THE SOUTH LINE OF SAID TRACT 8, A DISTANCE OF 1327.60 FEET TO A POINT BEING THE SOUTH WEST CORNER OF SAID TRACT 8, THENCE RUN N 00°05'31"E ALONG THE WEST LINE OF TRACT 8, A DISTANCE OF 50.00 FEET TO THE NORTH RIGHT OF WAY LINE OF 65<sup>TH</sup> STREET, ALSO KNOWN AS SOUTH WINTER BEACH ROAD, FOR THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PORTION OF LAND.

THENCE CONTINUING ALONG SAID WEST LINE OF TRACT 8 RUN N 00°05'31"E, A DISTANCE OF 1277.37 TO THE NORTH WEST CORNER OF SAID TRACT 8, THENCE RUN S 89°42'33"E ALONG SAID NORTH LINE OF TRACT 8, A DISTANCE OF 328.55 FEET, THENCE LEAVING THE NORTH LINE OF SAID TRACT 8 RUN S 00°06'09" W A DISTANCE OF 1276.76' TO SAID NORTH RIGHT OF WAY LINE OF 65<sup>TH</sup> STREET, THENCE RUN 89°48'55" W A DISTANCE OF 328.31 FEET TO THE POINT OF BEGINNING.

SAID LAND NOW LYING AND BEING IN INDIAN RIVER COUNTY, FLORIDA, CONTAINING 9.63 ACRES, MORE OR LESS, AND SUBJECT TO EASMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.