

N06000009572

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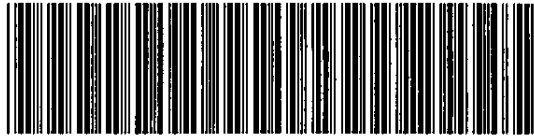
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TALLAHASSEE, FLORIDA

Amend
SP

COVER LETTER

TO: Amendment Section
Division of Corporations

NAME OF CORPORATION: Harbor Del Mar
Homeowners Association Inc

DOCUMENT NUMBER: NO6000009572

The enclosed *Articles of Amendment* and fee are submitted for filing.

Please return all correspondence concerning this matter to the following:

Richard T Avis, Esq.
(Name of Contact Person)

Law Office Richard T Avis
(Firm/ Company)

1325 Snell Isle Blvd, Suite 205C
(Address)

St Petersburg, FL 33704
(City/ State and Zip Code)

For further information concerning this matter, please call:

Richard T Avis at (727) 894-2626
(Name of Contact Person) (Area Code & Daytime Telephone Number)

Enclosed is a check for the following amount:

- \$35 Filing Fee
- \$43.75 Filing Fee & Certificate of Status
- \$43.75 Filing Fee & Certified Copy (Additional copy is enclosed)
- \$52.50 Filing Fee Certificate of Status Certified Copy (Additional Copy is enclosed)

Mailing Address
Amendment Section
Division of Corporations
P.O. Box 6327
Tallahassee, FL 32314

Street Address
Amendment Section
Division of Corporations
Clifton Building
2661 Executive Center Circle
Tallahassee, FL 32301



FLORIDA DEPARTMENT OF STATE
Division of Corporations

March 30, 2007

RICHARD T AVIS, ESQ.
1325 SNELL ISLE BLVD, SUITE 2056
ST PETERSBURG, FL 33704

SUBJECT: HARBOR DEL MAR HOMEOWNERS ASSOCIATION INC.
Ref. Number: N06000009572

We have received your document for HARBOR DEL MAR HOMEOWNERS ASSOCIATION INC. and your check(s) totaling \$35.00. However, the enclosed document has not been filed and is being returned for the following correction(s):

Amendments for nonprofit corporations are filed in compliance with section 617.1006, Florida Statutes. Please see the attached information.

The document must have original signatures.

Please return your document, along with a copy of this letter, within 60 days or your filing will be considered abandoned.

If you have any questions concerning the filing of your document, please call (850) 245-6957.

Pamela Smith
Document Specialist

Letter Number: 507A00021894



FLORIDA DEPARTMENT OF STATE
Division of Corporations

May 2, 2007

Richard T. Avis, Esq.
1325 Snell Isle Blvd., Ste. 2056
St. Petersburg, FL 33704

SUBJECT: HARBOR DEL MAR HOMEOWNERS ASSOCIATION INC.
Ref. Number: N06000009572

We have received your document for HARBOR DEL MAR HOMEOWNERS ASSOCIATION INC. and check(s) totaling \$35.00. However, the enclosed document has not been filed and is being returned to you for the following reason(s):

Per our phone conversation amendments for a not for profit corporation must comply with section 617.1006, Florida Statutes. A form with guidelines is enclosed.

Please return your document, along with a copy of this letter, within 60 days or your filing will be considered abandoned.

If you have any questions concerning the filing of your document, please call (850) 245-6901.

Susan Payne
Senior Section Administrator

Letter Number: 907A00030563

Articles of Amendment
to
Articles of Incorporation
of

Harbor Del Mar Homeowners Association Inc.

(Name of corporation as currently filed with the Florida Dept. of State)

NO 6000009572

(Document number of corporation (if known))

Pursuant to the provisions of section 617.1006, Florida Statutes, this *Florida Not For Profit Corporation* adopts the following amendment(s) to its Articles of Incorporation:

NEW CORPORATE NAME (if changing):

(must contain the word "corporation," "incorporated," or the abbreviation "corp." or "inc." or words of like import in language; "Company" or "Co." may not be used in the name of a not for profit corporation)

AMENDMENTS ADOPTED- (OTHER THAN NAME CHANGE) Indicate Article Number(s) and/or Article Title(s) being amended, added or deleted: **(BE SPECIFIC)**

See Attached (total 5 pages) Amended
Articles of Incorporation of Harbor Del Mar
Homeowners Association Inc.

FILED
07 JUN 22 PM 2:47
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

(Attach additional pages if necessary)
(continued)

AMENDED

ARTICLES OF INCORPORATION

OF

HARBOR DEL MAR HOMEOWNERS ASSOCIATION INC.

A non profit corporation

ARTICLE I

NAME OF CORPORATION

The name of the corporation shall be HARBOR DEL MAR HOMEOWNERS ASSOCIATION INC., a corporation not-for-profit under the provisions of the laws of the State of Florida, (hereinafter referred to as the "Association").

ARTICLE II

DEFINITIONS

Unless defined in these Articles of Incorporation (the "Articles") or the Bylaws of the Association (the "Bylaws"), all terms used in the Articles and Bylaws shall have the same meanings as used in the Declaration of Covenants, Conditions and Restrictions for Harbor Del Mar (the "Declaration"). The Declarant under these Articles of Incorporation is the developer of Harbor Del Mar, ALTA VISTA DEVELOPMENT CORPORATION.

ARTICLE III

PRINCIPAL PLACE OF BUSINESS

The principal office of the business is located at 31564 U.S. 19 North, Palm Harbor, Florida 34684.

ARTICLE IV

INITIAL REGISTERED AGENT AND STREET ADDRESS

The initial registered agent is Joseph A. Pettinella and is located at: 31564 U.S. 19 North, Palm Harbor, Florida 34684.

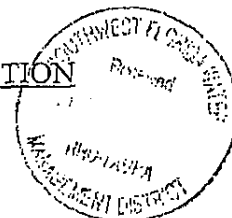
ARTICLE V

INCORPORATOR

The name and street address of the Incorporator is Joseph A. Pettinella, President of Alta Vista Development Corporation, whose address is 31564 U.S. 19 North, Palm Harbor, Florida 34684.

ARTICLE VI

PURPOSE AND POWERS OF THE ASSOCIATION



This Association does not contemplate pecuniary gain or profit to the Members thereof, and the specific purposes for which it is formed are to provide for maintenance, preservation and architectural control of the residence Lots and Common Area within that certain tract of property as will be recorded in the Plat of Harbor Del Mar in the public records of Pinellas County, Florida, to promote the health, safety and welfare of the residents within the Property and any additions thereto as may hereafter be brought within the jurisdiction of the Association for this purpose to:

(a) exercise all of the powers and privileges and to perform all of the duties and obligation of the Association as set forth in the Declaration, applicable to the Property and recorded or to be recorded in the public records of Pinellas County, Florida, and as the same may be amended from time to time as therein provided, the Declaration being incorporated herein as if set forth at length;

(b) 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 real or personal property of the Association;

(c) 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 (including the private road of Harbor Del Mar development) in connection with the affairs of the Association;

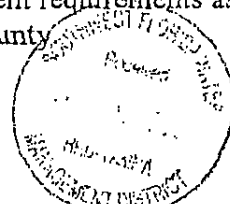
(d) borrow money, and with the assent of sixty percent (60%) of each class of Members, mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred;

(e) 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 upon by the Members. No such dedication or transfer shall be effective unless an instrument has been signed by sixty percent (60%) of each class of Members, agreeing to such dedication, sale or transfer;

(f) participate in mergers and consolidations with other non-profit corporations organized for the same purposes or annex additional residential property and Common Areas, provided that any such merger, consolidation, or annexation shall have the assent of sixty percent (60%) of each class of Members;

(g) have and to exercise to the fullest extent under the law, any and all powers, rights and privileges which a corporation not-for-profit, organized under the laws of the State of Florida, may now or hereafter have or exercise;

(h) operate, maintain and manage the Surface Water or Storm water Management System(s) in a manner consistent with the South West Florida Water Management District permit (or permits as may be applicable) requirements and applicable District rules, and assist in the enforcement of the restrictions and covenants contained therein. The Association shall levy and collect adequate assessments against Members of the Association 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. The Association shall be required to monitor and exercise practices which shall provide drainage, water storage, conveyance, survival and growth and installed aquatic plant material or other Surface Water or Storm Water Management requirements as permitted by the South West Florida Water Management District and Pinellas County



ARTICLE VIIMEMBERSHIP

Every person or entity who is a record owner of a fee or undivided fee interest in any Lot which is subject by covenants or 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 separated from ownership of any Lot which is subject to assessment by the Association.

ARTICLE VIIIVOTING 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.

Class B. The Class B Member shall be the Declarant and shall be entitled to two (2) votes for each Lot owned. The Class B membership shall cease and be converted to Class A membership on the happening of the earlier of the two following events:

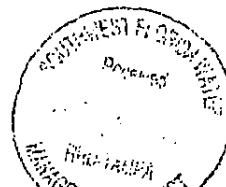
- (a) when the total votes outstanding in the Class A membership equal or surpass the total votes outstanding in the Class B membership, or
- (b) On the date exactly three years from the recording of the Declaration.

ARTICLE IXBOARD OF DIRECTORS

The affairs of this Association shall be managed by a Board consisting of no less than three (3) and no more than five (5) Directors, who need not be Members of the Association. The number of Directors shall always consist of an odd number and may be changed by amendment of the Bylaws. The initial number of Directors shall be one (1). The names and address of the persons who are to act in the capacity of Directors until the first annual meeting and the selection of their successors are:

President Secretary, Treasurer and Director: Joseph A. Pettinellas 31564 U.S. 19 North
Palm Harbor, Florida 34684

At the first annual meeting 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. In the event the number of Directors is more than three, additional Directors shall be elected for a term of three years.

ARTICLE X

OFFICERS

The affairs of the Association shall be administered by the Officers designated in the Bylaws as shall be elected by the Board of Directors at its first meeting, following the first annual meeting of the general membership, and they shall serve at the pleasure of the Board of Directors. Pending the election of the permanent Officers of this Association by the Board of Directors, the corporate offices shall be held by the persons referenced in Article IX above.

ARTICLE XI

INDEMNIFICATION

The Directors and Officers of the Association shall be indemnified by the Association to the fullest extent now or hereafter permitted by law and shall not be personally liable for any act, debt, liability or other obligation of the Association. Similarly, Members are not personally liable for any act, debt, liability or obligation of the Association. A Member may become liable to the Association for dues, assessments or fees as provided by law.

ARTICLE XII

BYLAWS

Bylaws of the Association will be hereinafter adopted at the first meeting of the Board of Directors. Such Bylaws may be amended or repealed, in whole or in part, at a regular or special meeting of the Members, by a vote of a majority of a quorum of Members present in person or by proxy, except that the Federal Housing Administration ("FHA") or the Veterans Administration ("VA") shall have the right to veto amendments while there is a Class B membership.

ARTICLE XIII

DISSOLUTION

The Association may be dissolved with the assent given in writing and signed by not less than sixty percent (60%) of each class of Members. Upon dissolution of the Association, other than incident to a merger or consolidation, the assets of the Association shall be dedicated to an appropriate public agency to be used for purposes similar to those for which this Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed, and assigned to any non-profit corporation, association, trust or other organization to be devoted to such similar purposes.

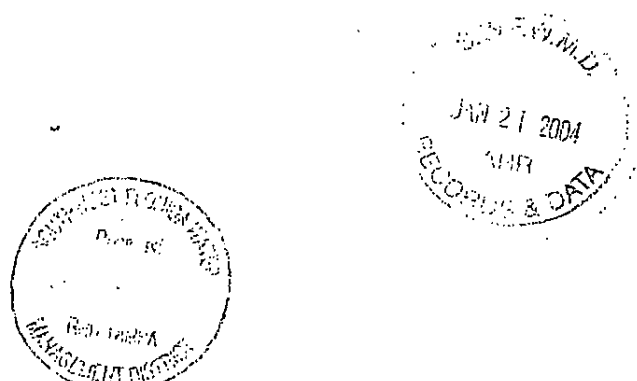
In the event of termination, dissolution or final liquidation of the Association, the responsibility for the operation and maintenance of the Surface Water or Storm water Management System must be transferred to and accepted by an entity which would comply with Section 40D-42.027, Florida Administration Code, and be approved by the South West Florida Water Management District prior to such termination, dissolution or liquidation.

ARTICLE XIV

DURATION

The duration of this corporation shall be perpetual.

ARTICLE XV



AMENDMENTS OF ARTICLES

Amendment of these Articles shall require the consent of eighty percent (80%) of the entire membership of the Association.

ARTICLE XVI

CONFLICT

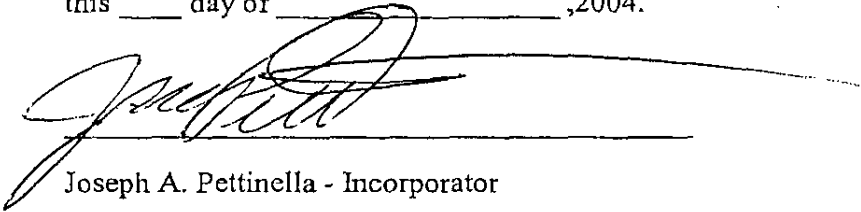
In the event that any provision of these Articles conflicts with any provision of Declaration, the provision of Declaration in conflict therewith shall control. If any provision of these Articles conflicts with any provision of the Bylaws, the provision of the Articles shall control.

ARTICLE XVII

FHA/VA APPROVAL

Upon Harbor Del Mar receiving FHA/VA approval, and as long as a Class B membership exists, the following actions require the prior approval of the FHA/VA; annexation of additional properties, mergers and consolidations, mortgaging of the Common Areas, dedication of Common Areas, dissolution of the Association or amendment of these Articles or the Bylaws of the Association.

IN WITNESS WHEREOF, the undersigned Incorporator has executed these Articles of Incorporation, this ___ day of _____, 2004.


Joseph A. Pettinella - Incorporator

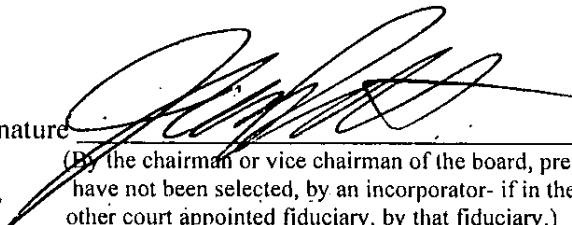


The date of adoption of the amendment(s) was: 3/21/07

Effective date if applicable: 3/21/07
(no more than 90 days after amendment file date)

Adoption of Amendment(s) **(CHECK ONE)**

- The amendment(s) was (were) adopted by the members and the number of votes cast for the amendment was sufficient for approval.
- There are no members or members entitled to vote on the amendment. The amendment(s) was (were) adopted by the board of directors.

Signature 
(By the chairman or vice chairman of the board, president or other officer- if directors have not been selected, by an incorporator- if in the hands of a receiver, trustee, or other court appointed fiduciary, by that fiduciary.)

Joseph A Bettinella
(Typed or printed name of person signing)

President

(Title of person signing)

FILING FEE: \$35