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TALLAHASSEE, FLORIDA

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**RUSSELL ENTERPRISES**  
P. O. Box 757, Crestview, FL 32536  
Phone (850) 682-6156 Fax (850) 682-3321

Department of State  
Division of Corporations  
Corporate Filings  
P. O. Box 6327  
Tallahassee, FL 32314

June 5, 2007

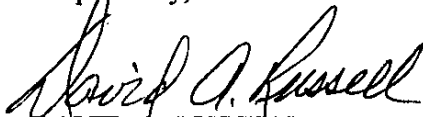
Dear Sir:

Please find enclosed the Articles of Incorporation for the Homeowner's Association for Clear Creek Lake, Inc. a non-profit corporation along with our check in the amount of \$78.75 for registration.

Please send a certified copy suitable for recording in the Public Records of our county and return all documents to me at the above address.

If you have any questions please give me a call.

Respectfully,

  
DAVID A. RUSSELL,  
Realtor

## ARTICLES OF INCORPORATION

OF

### HOMEOWNER'S ASSOCIATION FOR CLEAR CREEK LAKE, INC.

(A corporation not for profit)

We, (Joe Boylan, Deborah Holland, Sonya Watt), being desirous of forming a corporation not for profit under the provisions of Chapter 617, of the Florida Statutes, do agree to the following:

#### ARTICLE 1. Name.

The name of the corporation is HOMEOWNER'S ASSOCIATION FOR CLEAR CREEK LAKE, Inc.

#### ARTICLE II. Purposes.

The general nature of the objects and purposes of this corporation is to provide for maintenance, preservation and upkeep of Clear Creek Lake and any other properties or assets of the association; to insure compliance with recorded restrictions if any; and to provide for collection of funds and dues for such operations, within the certain tract of property described as follows:

(SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION OF THIS PROPERTY)

And to promote the health, safety, and welfare of the property owners within the above described property, and any additions thereto as may be brought within the jurisdiction of this Association by annexation, as provided by Article X herein, and for this purpose to:

A. Exercise all of the powers and privileges and to perform all of the duties and obligations of a corporation not for profit established under Chapter 617 of the Statutes of the State of Florida, as set forth in this document and as the same may be amended from time to time.

B. Levy, collect and enforce payment by any lawful means, annual dues and any charges or assessments pursuant to the terms of this charter and the By-laws; 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 property of the Association, and to pay for the annual corporation renewal to the Florida Department of State, Division of Corporations;

C. Acquire (by gift 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 in connection with the affairs of the Association;

D. Borrow money, with the assent of sixty percent of the voting members, mortgage, pledge, deed in trust, or hypothecate any and all of it's real or personal property as security for money borrowed or debts incurred; and

E. Have and to exercise any and all powers, rights and privileges which a corporation organized under the Non-profit Corporation Law of the State of Florida may now are hereafter have or exercise.

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### **ARTICLE III. Membership.**

The Association shall have only one class of membership, which shall consist of

A. Those property owners who own property abutting Clear Creek Lake and who sign the incorporation documents, and

B. Those property owners who may in the future sign an agreement to allow their property to be bound by and subject to the provisions of the Association charter and by laws.

C. The foregoing is not intended to include persons or entities that hold an interest merely as security for the performance of an obligation, such as a mortgagee. Membership shall flow with ownership and shall inure and be binding upon future owners, heirs, and assigns. No owner shall have more than one membership. Ownership of property abutting the lake shall be the sole requirement for membership. The association may extend membership privileges to any owner of a parcel of land adjacent to or in close proximity to Clear Creek Lake and who desires to use the lake for fishing or boating. Once an owner signs agreement to be a member, such membership shall then become binding upon all future owners of his/her lot or parcel, and the owner agrees to include such stipulation in any deed or conveyance to future purchasers. Once membership is obtained, it cannot be separated from any lot, even if sold to a subsequent owner.

D. The Association may set reasonable fees for use of the lake by anyone that does not belong to the Association. Since lake is private property, use may be limited to members of the Association only, if so desired. There shall not be any additional fee requirements other than annual dues or special assessments of association members for use of lake or any other facilities belonging to the Association.

### **ARTICLE IV. Voting Rights.**

The Association shall have only one class of voting membership and this shall consist of all members of the association. Any member in good standing of the "Homeowners Association for Clear Creek Lake, Inc." shall be entitled to one vote for each lot owned. Size of lot or amount of acreage shall not be considered. 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 by the owners for each lot. (Note: Where an individual purchases two parcels at the same time, be it one acre or five acres, the combined parcel shall be considered as one lot. As long as the individual does not split the parcel, it shall count as only one lot. If the parcel is divided or has more than one residence built upon it, each parcel shall then be counted as a single lot.)

### **ARTICLE V. Board of Directors.**

The affairs of this corporation shall be managed by a Board of three directors, who are members of the Association. The initial Board of Directors shall serve until the election of Directors at the first annual meeting. The number of directors who manage the affairs of the corporation subsequent to the first annual meeting shall be set forth in the by-laws of this corporation, but shall never be less than three. The names and addresses of those who are to act in the capacity of directors until the selection of their successors are:

#### **NAME**

JOE BOYLAN

DEBORAH HOLLAND

#### **ADDRESS**

6089 Clear Creek Road, Crestview, FL 32539

3979 Indian Mound Rd, Crestview, FL 32539

SONYA WATT

5843 Antler Way, Crestview, FL 32539

**ARTICLE VI. Officers.**

Section A: The officers of this corporation shall be a President, a Vice-President, and a Secretary/Treasurer, and such other officers as may be provided in the by-laws.

Section B: The names of the persons who are to serve as officers of the corporation until the first meeting of the Board of Directors:

<u>OFFICE</u>	<u>NAME</u>
President	JOE BOYLAN
Vice-President	DEBORAH HOLLAND
Secretary/Treasurer	SONYA WATT

Section C: The officers shall be elected at the annual meeting of the (Members) as provided by the by-laws.

**ARTICLE VII. Duration.**

The corporation shall exist perpetually.

**ARTICLE VIII. By-laws**

The by-laws of the Association shall initially be adopted by the Board of Directors. Thereafter, the by-laws may be amended, altered or rescinded by 60 percent vote of the entire membership.

**ARTICLE IX. Amendment of Articles.**

Amendment of these articles shall require the assent of sixty (60) percent of the entire membership.

**ARTICLE X. Annexation.**

The corporation may, at any time, annex additional residential or recreational properties and common areas to the property described in Article II and so add to its membership under provisions in Article III. Any such annexation shall then become subject to the by-laws of the Association. Such annexation shall require the approval of 60 percent of the members.

**ARTICLE XI. Mergers and Consolidation.**

To the extent permitted by law, the corporation may participate in mergers and consolidations with other non-profit corporations organized for the same purpose, provided that such mergers or consolidations will have the assent of 60 percent of the entire voting membership of the Association.

**ARTICLE XII. Authority to Dedicate.**

The corporation shall have the power to dedicate, sell or transfer all or any part of the common areas to any public agency or authority for such purposes and subject to such condition as may be agreed to by the members. No such dedication or transfer shall be effective unless an instrument has been signed by members entitled to cast 60 percent of the votes of the Association, agreeing to such dedication, sale or transfer. (The corporation may grant easements for utility companies to install public utilities without a vote of the general membership. Further, the Association may execute a non-exclusive, perpetual, right of use to Clear Creek Lake, in a form that is recordable (if desired by a majority of the members), to a member at time of conveyance of deed or other instrument of ownership. Any such instrument shall stipulate that continued use of the lake is contingent upon maintaining

membership current in the Association and payment of all dues and assessments levied by the Association.)

#### ARTICLE XIII. Dissolution.

A. The corporation may be dissolved with the assent given in writing by no less than sixty percent of the entire voting membership of the Association. Upon dissolution of the corporation, the assets, the real and personal property of the corporation, shall be dedicated to an appropriate public agency to be devoted to purposes as nearly as practicable to the same as those to which they were required to be dedicated by the corporation. In the event that such dedication or acceptance is refused, such assets shall be granted, conveyed, assigned to any non-profit corporation, association, trust, or other organization qualified for exemption under 501(C)(3) of the Internal Revenue code to be devoted to purposes and uses that would most nearly reflect the purposes and uses to which they were required to be dedicated by the corporation.

B. In the event the officers, directors, and members fail to file annual reports with the Division of Corporations, Department of State, State of Florida, the corporation will expire and no longer be effective. Without a homeowners association to pay taxes and maintain ownership, the county may sell a tax certificate for property and after two years the holder of the tax certificate can apply for and receive a Tax Deed to the property. This could result in a difficult situation should dam go out leaving the land under the lake bottom dry enough to be divided and built upon. A new owner might also make it difficult to repair the dam in event of damage.

C. In the event that the corporation is allowed to expire without some other entity assuming responsibility for the lake, the final action of the Board shall be to petition the Board of County Commissioners to accept the lake and use it for a county park or recreation source. If it becomes necessary to file such petition with the Board of County Commissioners, all owners hereby agree to such petition without a further vote of the membership.

#### ARTICLE XIV. Subscribers

The name and residence of the subscribers of these articles are:

<u>NAME</u>	<u>ADDRESS</u>
JOE BOYLAN	6089 Clear Creek Road, Crestview, FL 32539
DEBORAH HOLLAND	3979 Indian Mound Road, Crestview, FL 32539
SONYA WATT	5843 Antler Way, Crestview, FL 32539

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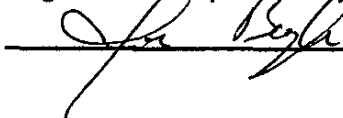
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#### ARTICLE XV. Initial Registered Office and Agent.

The principal street address of the corporation is 6089 Clear Creek Road, Crestview, FL 32539. The initial registered agent of the corporation at that same address is

JOE BOYLAN.

I agree to accept the responsibility and act for the Corporation as Registered Agent.

  
\_\_\_\_\_

IN WITNESS WHEREOF for the purposes of forming this corporation under the laws of the State of Florida, We, the undersigned, constitute the incorporators of this Association, have executed these Articles of Incorporation this 15TH day of MAY 2007.

WITNESSES: (AS TO ALL PARTIES)

David A. Russell  
James A. Watt

Joe Boylan  
Joe Boylan  
Deborah Holland  
Deborah Holland  
Sonya S. Watt  
Sonya Watt

STATE OF FLORIDA

COUNTY OF: OKALOOSA

Before me, the undersigned authority, an officer in and for the State of Florida, appeared Joe Boylan, Deborah Holland, Sonya Watt

personally known to me and who saeth that they have read the foregoing and that they have executed the same for the purpose stated therein.

Sworn to and subscribed before the this 15TH day of MAY 2007.

David A. Russell

Notary Public

My commission expires \_\_\_\_\_

NOTARY PUBLIC - STATE OF FLORIDA  
David A. Russell  
Commission # DD629627  
Expires: MAR. 13, 2011  
BONDED THRU ATLANTIC BONDING CO, INC.