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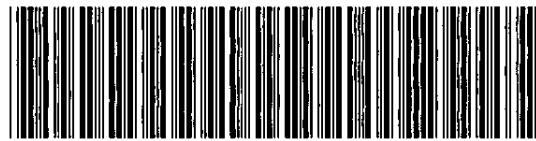
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W08-16521

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2008 APR - 7 PM 4: 25

SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

T. Burch APR 8 2008

## TRANSMITTAL LETTER

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

SUBJECT: LOWER SPRINGS HOMEOWNERS' ASSOCIATION, INC.  
(Proposed Corporate Name - Must include suffix)

Enclosed is an original and one (1) copy of the articles of incorporation and a check for:

☐ \$70.00  
Filing Fee

☒ \$78.75  
Filing Fee &  
Certificate of  
Status

☐ \$122.50  
Filing Fee  
& Certified Copy

☐ \$131.25  
Filing Fee,  
Certified Copy  
& Certificate

**ADDITIONAL COPY REQUIRED**

FROM: Audrey S. Bullard  
Name (Printed or typed)

P.O. Box 1733  
Address

Lake City, FL 32056  
City, State & Zip

386-755-4050  
Daytime Telephone number

**NOTE: Please provide the original and one copy of the articles**

Please return the photocopy to me with the filing date stamped on it.



FLORIDA DEPARTMENT OF STATE  
Division of Corporations

March 31, 2008

AUDREY S. BULLARD  
PO BOX 1733  
LAKE CITY, FL 32056

SUBJECT: LOWER SPRINGS HOMEOWNERS' ASSOCIATION, INC.  
Ref. Number: W08000016521

We have received your document for LOWER SPRINGS HOMEOWNERS' ASSOCIATION, INC. and your check(s) totaling \$78.75. However, the enclosed document has not been filed and is being returned for the following correction(s):

You must list the corporation's principal street address and/or a mailing address in the document. A post office box is not acceptable for the principal address.

Please return the corrected original and one copy of 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) 245-6928.

Tim Burch  
Regulatory Specialist II  
New Filing Section

Letter Number: 108A00018862

ARTICLES OF INCORPORATION

OF

LOWER SPRINGS HOMEOWNERS' ASSOCIATION, INC.

A CORPORATION NOT FOR PROFIT

The undersigned, desiring to form a corporation not for profit under the laws of the State of Florida, hereby adopt the following Articles of Incorporation:

ARTICLE I. NAME

The name of this Corporation shall be: LOWER SPRINGS HOMEOWNERS' ASSOCIATION, INC. (hereinafter referred to as the "Association").

ARTICLE II. PURPOSE

The primary purposes for which the Association is formed are to acquire title to lands and personal property to be used as easements, retention or detention areas, drainage, ditches or other surface water management works, within a residential real estate subdivision known as Lower Springs Subdivision ( the "development" ) of a tract of real property in Columbia County, Florida, and more particularly described as Lower Springs Subdivision, an unrecorded subdivision in Columbia County, Florida, and to provide for the management, maintenance, operation and care of real and personal property, including, but without limitation, all easements, common areas, lakes, ditches, retention or detention areas, drainage, and other surface water management works, and preservation or conservation areas, wetlands and wetland mitigation areas, which are owned by the Association or the owners in common within the Development; and to exercise all of the rights, powers and duties granted to it under that certain Declaration of Covenants, Conditions, Restrictions and Easements for Lower Springs Subdivision, as amended from time to time, applicable to said subdivision, (the "Declaration" ), which Declaration is or will be recorded in the public records of Columbia County, Florida, as well as all other

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SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

which may be granted to it by the developer, as that term is defined in the Declaration (the "Developer"), these Articles or the Association By-Laws.

1. The Association shall operate, maintain and manage the Surface Water or Storm Water Management System(s) in a manner consistent with Suwannee River Water Management District ("District") permit No. \_\_\_\_\_ and applicable District rules, and shall assist in the enforcement of the Declaration of Covenants and Restrictions which related to the Surface Water or Storm Water Management System(s).

2. The Association shall 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 System(s).

### ARTICLE III. POWERS

In carrying out its purpose, the Association shall have all corporate powers now or hereafter provided by the laws of the state of Florida, including, but not limited to:

(a) Make and establish reasonable rules and regulations governing the use of the Property or the Common Areas, as such terms will be defined herein and in the Declaration.

(b) Adopt for, and in advance of, each fiscal year, a budget necessary to carry out the purposes of the Association as set out herein.

(c) Levy and collect assessments against Members of the Association and Lots owned by Members to defray the expenses of the Association, including the right to enforce any lien right granted the Association to secure the payment of said assessments.

(d) Own, operate, lease, sell, transfer, dedicate to public use, convey to any governmental agency, manage, encumber, convey, subject to easements, and otherwise deal with such real and personal property as may be necessary or convenient for the management, upkeep and administration surface water management works and Common Areas.

(e) To own, manage, administer and operate such property as may be conveyed to it by the Developer, its successors or assigns for the mutual benefit and use of all Members.

(f) Enforce the provisions of these Articles of Incorporation, the By-Laws, the Declaration and all covenants, restrictions, rules and regulations governing use of the Property, or a portion thereof, and the Common Areas which may now or hereafter be established.

(g) Review plans and specifications of proposed improvements of lot owners to determine whether they comply with the Declaration.

(h) To maintain, repair, replace, operate and care for real and personal property, including without limitation, all easements, ditches, retention or detention areas, drainage, and other surface water management works which are owned by the Association or the owners in common in a manner consistent with the permit issued by the Suwannee River Water Management District.

(i) Purchase and maintain insurance as may be necessary or desirable.

(j) To make, amend, impose, and enforce by any lawful means, reasonable rules and regulations for use of the Common Areas and Association Property.

(k) To contract for services with others.

(l) To do and perform anything required by these Articles, the By-Laws, or the Declaration to be done by the Owner, but if not done by the Owner in a timely manner, at the expense of Owner.

(m) To do and perform any obligations imposed upon the Association by the Declaration or by a 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 By-Laws and the Declaration.

#### ARTICLE IV. MEMBERSHIP

Every person or entity who is, from time to time, the record owner of any Lot in the Development shall be a Member of the Association. Membership will be appurtenant to, and may not be separated from the ownership.

#### ARTICLE V. VOTING

A. The affairs of Lower Springs Homeowners' Association, Inc. shall be administered and managed by the Board of Directors as described in Article VIII hereof.

B. Until such time as the first lot is conveyed to an Owner other than the Developer, the membership of the Association shall be comprised of the subscribers to these Articles, each of whom shall be entitled to cast a vote on all matters upon which the membership would be entitled to vote.

C. Each Member of the Association, including the Developer, while an Owner of any Lot, shall be entitled to one (1) vote for each Lot owned. When more than one person holds and interest in any Lot other than as security for the performance of an obligation, 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.

#### ARTICLE VI. TERM OF EXISTENCE

The existence of the Association will commence upon the filing of these Articles with the Department of State of the State of Florida and shall continue thereafter in perpetuity.

#### ARTICLE VII. REGISTERED OFFICE AND AGENT

The principal street address of the initial office of the Association and the initial registered agent shall be 1826 SW SR 47, in the Town of Lake City, Columbia County, Florida 32025. The initial registered agent of the Association at such office is Audrey S. Bullard.

## ARTICLE VIII. BOARD OF DIRECTORS

A. The business affairs of this Association shall be managed by the Board of Directors. The actual number of the members of the Board of Directors shall be as provided for from time to time in the By-Laws, but shall be no less than three. The number of members of the initial Board of Directors shall be three. Each member of the Association Board of Directors shall entitled to one vote.

B. The names and addresses of the persons who are to serve as the initial Board of Directors until their successors are chosen, are as follows:

<u>DIRECTOR</u>	<u>ADDRESS</u>
Audrey S. Bullard	1826 SW SR 47 Lake City, FL 32025
Holly C. Hanover	218 NW Patriot Court Lake City, FL 32055
Chris A. Bullard	520 South Marion Street Lake City, FL 32055

## ARTICLE IX. OFFICERS

A. The officers of the Association shall be a President, one or more Vice Presidents, Secretary and Treasurer and, if any, the Assistant Secretaries and Assistant Treasurer, who shall perform the duties of such offices customarily performed by like officers of corporations in the State of Florida subject to the directions of the Board of Directors.

B. Officers of the Association may not be compensated. The Board of Directors, or the President with the approval of the Board of Directors, may employ a managing agent, agency, and/or other managerial and supervisory personnel or entity to administer or assist in the administration of the operation and management of the affairs of the Association, and any and all such persons and/or entity or entities may be so employed without regard to whether any such person or entity is a Member, Director or officer of the Association.

C. The persons who are to serve as officers of the Association until their successors are chosen are:

<u>OFFICER</u>	<u>NAME</u>
President	Audrey S. Bullard
Vice-President	Chris A. Bullard
Secretary	Holly C. Hanover

D. The officers shall be elected by the Board of Directors at their annual meeting as provided in the By-Laws. Any vacancies in any office shall be filled by the Board of Directors at any meeting duty held.

E. The President shall be elected from the membership of the Board of Directors, but no other officer need be a Director. The same person may hold two offices, provided, however, that the office of President and Vice-President shall not be held by the same person, nor shall the office of president and secretary or Assistant Secretary be held by the same person. Officers shall be elected annually.

#### ARTICLE X. BY-LAWS AND AMENDMENT OF ARTICLES

Amendments which directly or indirectly impact operation and maintenance of the surface water management system, including but without limitation, all lakes, ditches, canals, retention or detention areas, drainage, other surface water management works, and preservation or conservation areas, wetlands and wetland mitigation areas which are owned by the Association or the owners in common, may be made after approval by the Suwannee River Water Management District. Such approval shall be in the form of a modification to any and all permits issued by the Suwannee River Water Management District under the lawfully adopted rules of the Suwannee River Water Management District in effect at the time of application for such modification. Amendments to the Articles or the By-Laws which do not impact operation or maintenance of the system may be made without authorization of the Suwannee River Water Management District; however, copies of such amendments shall be forwarded to the district within thirty (30) days of approval.

## ARTICLE XI. SURFACE WATER MANAGEMENT SYSTEM

Prior to dissolution of this Association, all property, interest in property, whether real, personal, or mixed, which is directly or indirectly related to the surface water management system, including but without limitation, all lakes, ditches, canals, retention or detention areas, draining, other surface water 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 the appropriate unit of government or otherwise transferred to another approved entity. Dedication or approval must be authorized by the Suwannee River Water Management District through modification of any and all permits or authorizations issued by the Suwannee River Water Management District. Such modification shall be made under the lawfully adopted rules of the Suwannee River Water Management District in effect at the time of application for such modification.

## ARTICLE XII. INDEMNITY

Every director and every officer of the Association shall be indemnified by the Association against all expenses and liabilities, in connection with any proceeding to which he may become involved, by reason of his being or having been a Director or officer of the association, whether or not he is a Director or officer at the time such expenses are incurred, except in such cases where the Director or officer is adjourned guilty of willful misfeasance or malfeasance in the performance of his duties; provided, that in the event any claim for reimbursement or indemnification hereunder is based upon a settlement by the Director or officer seeking such reimbursement or indemnification, the indemnification herein shall only apply if the Board of Directors approves such settlement and reimbursement as being in the best interests of the Association. The foregoing right of indemnification shall be in addition to and not exclusive of all other rights to which such Director or officer may be entitled.

#### ARTICLE XIII. NON-PROFIT STATUS

No part of the income of this corporation shall be distributed to the members. On dissolution, the assets of the association shall be distributed to an appropriate public agency to be used for purposes similar to those for which the association was created. In the event such distribution is refused acceptance, such assets shall be granted, conveyed, and assigned to any non-profit corporation, association, trust, or other organization organized and operated for such similar purposes, or as may be directed by a final judgement of a Court having jurisdiction thereof.

#### ARTICLE XIV. INITIAL CONTROL BY DEVELOPER

Notwithstanding the other provisions contained in these Articles to the contrary, Developer, or their successors in interest, shall be responsible for the care and upkeep of the surface water management works and all other Common Areas and shall carry out all of the purposes of the Association, until the Developer relinquishes that right or ceases to be the Owner of any Lot in the Development. The Developer, prior to relinquishing control of the Association, shall provide at least ninety (90) days written notice to the Suwannee River Water Management District that all terms and conditions placed upon the Developer by permits or authorizations from the Suwannee River Water Management District have been satisfied in full and that transfer is proposed to occur on a specific date.

#### ARTICLE XV. SUBSCRIBER

The names and addresses of the subscriber to these Articles is:

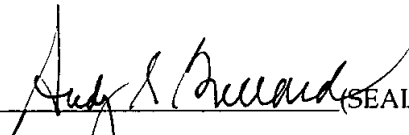
Audrey S. Bullard

1826 SW SR 47  
Lake City, FL 32025

#### ARTICLE XVI. MISCELLANEOUS CLAUSES

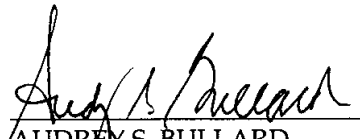
Should a conflict exist or arise between any of the provisions of the Articles of Incorporation and the provisions of the Bylaws, the provisions of the Articles of Incorporation shall control.

IN WITNESS WHEREOF, the undersigned has made and incorporated these Articles of Incorporation, at Lake City, Columbia County, Florida, for the uses and purposes of which are aforesaid.

  
\_\_\_\_\_  
AUDREY S. BULLARD

ACCEPTANCE OF REGISTERED AGENT

The undersigned, AUDREY S. BULLARD, designated as Registered Agent for the above LOWER SPRINGS HOMEOWNERS' ASSOCIATION. INC., does hereby accept said appointment as Registered Agent.

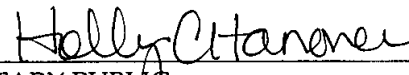
  
\_\_\_\_\_  
AUDREY S. BULLARD

STATE OF FLORIDA

COUNTY OF COLUMBIA

BEFORE ME, the undersigned authority, personally appeared AUDREY S. BULLARD, well known to me to be the person described as the Incorporator in the above Articles of Incorporation and she acknowledge having read and executed the same for the purposes therein expressed.

WITNESS my hand and official seal this 27 day of march 2008.

  
\_\_\_\_\_  
NOTARY PUBLIC



**Holly C. Hanover**  
Commission # DD553935  
Expires May 18, 2010  
Bonded Troy Fan - Insurance, Inc. 800-385-7019