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DEPARTMENT OF STATE  
DIVISION OF CORPORATIONS  
TALLAHASSEE, FLORIDA

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SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

FEB 25 2010

D.A. WHITE

## Advanced Incorporating Service, Inc.

1317 California Street  
P.O. Box 20396  
Tallahassee, FL 32316

Phone: 850-222-CORP  
Fax: 850-575-2724  
Email: [orders@advancedincorporating.com](mailto:orders@advancedincorporating.com)  
Website: [www.advancedincorporating.com](http://www.advancedincorporating.com)

<p>NAME OF ENTITY</p> <p><u>Viking Office Park Property</u> <u>Owners Association, Inc.</u></p> <p>_____</p> <p>_____</p>	<p>FOR OFFICE USE ONLY</p>
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### PICK ONE:

☒ CERTIFIED COPY ☐ PHOTOCOPY

### FILING:

☒ CORPORATION ☐ LLC ☐ LIMITED PARTNERSHIP ☐ GENERAL PARTNERSHIP

☐ FICTITIOUS NAME ☐ SERVICEMARK/TRADEMARK ☐ AMENDMENT

☐ FOREIGN QUALIFICATION ☐ JUDGMENT LIEN

☐ OTHER \_\_\_\_\_

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Of \_\_\_\_\_

### APOSTILLE/CERTIFICATION REQUEST:

Country \_\_\_\_\_

Amount of Documents \_\_\_\_\_

DATE 2/24/10 TIME 3:30

Notes: \_\_\_\_\_

**PREPARED BY:**

**D. Brian Kuehner, P.A.  
4921 SOUTHFORK DR., STE. 4  
LAKELAND, FL 33813  
File No. 10-4535**

**FILED**

2010 FEB 24 P 1:35

SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

**ARTICLES OF ASSOCIATION  
OF  
VIKING OFFICE PARK PROPERTY OWNERS ASSOCIATION, INC.  
(A Corporation Not For Profit)**

We, the undersigned do hereby associate ourselves together for the purpose of forming a Property Owner's Association.

**ARTICLE I - NAME**

The name of this Association shall be VIKING OFFICE PARK PROPERTY OWNERS ASSOCIATION, INC., (the "Association"), and it shall be located at 4010 Canyon Lake Point Lakeland, FL 33813.

**ARTICLE II - INITIAL REGISTERED OFFICE & AGENT**

The street address of the initial registered office of the Association, until changed by the Board of Directors, shall be 4010 Canyon Lake Point, Lakeland, FL 33813, and the name of the initial registered agent of the Association at that address is James P. Quinn.

**ARTICLE III - PURPOSES AND POWERS**

The general purposes and powers for which the Association is formed are as follows:

A. To manage, maintain, construct and repair for the use of its members, their guests, and invitees all common area improvements now on or to be placed upon VIKING OFFICE PARK subdivision; storm water management system together with all lawns, shrubbery and trees located thereupon. The use of said common facilities shall be governed in accordance with these Articles of Association and By-Laws hereinafter enacted.

B. To manage, maintain and repair ingress, egress, drainage and utility easements over, under and across and for the benefit of said subdivision, including without limitation, the Association shall perform any responsibilities of Stephens and Adams under that certain Amended Easement Agreement recorded May 9, 2008 in Official Records Book 7627, Page 1409-1419 of the public records of Polk County, Florida.

C. To enact rules of use and to maintain its ownership in any lot or parcel of real property that may be conveyed to the Association for the common use of all members.

D. To enforce the Restrictive Covenants and Conditions of the VIKING OFFICE PARK subdivision as recorded in the public records of Polk County, Florida either on its own account or in conjunction with other lot owners.

E. To modify said Restrictive Covenants and Conditions in a reasonable basis to prevent undue hardship in the placement of any structures upon any lot in regard to lot line setback requirements.

F. To place Easements of record, if necessary, for utility and drainage along the perimeter of any lot line in VIKING OFFICE PARK subdivision.

G. To maintain and improve private lighting for either decorative effect or security purposes within said subdivision.

H. To obtain insurance for loss purposes, whether by casualty or liability, covering Directors, Officers, Committee members and employees of the Association. Further, it may bond, if desired, Directors, Officers and employees of the Association.

I. To own and convey property and to pay real estate taxes and utilities attributable thereto and to the common improvements and use thereof.

J. To operate, maintain and manage the surface water or stormwater management system(s) in a manner consistent with the Southwest Florida Water Management District requirements and applicable District Rules, and shall assist in the enforcement of the Declaration of Covenants and Restrictions which relate to the surface water or stormwater management system.

The Association shall levy and collect adequate assessments against members of the Association for the costs of maintenance and operation of the surface water or stormwater management system.

K. To determine, prepare, deliver notice of and collect assessments from the Association members for the purpose of the foregoing and to enforce liens for such assessments uncollected with interest, by legal action, if necessary.

L. To do every other act as may be reasonably necessary in carrying out that which has been empowered to it under those Restrictive Covenants and Conditions recorded in the Public Records of Polk County, Florida; its Articles of Association; By-Laws; Rules and Regulations.

M. To operate and maintain common property, specifically the surface water management system as permitted by the Southwest Florida Water Management District including all lakes, retention areas, culverts and related appurtenances.

N. To transact any and all lawful business.

2. A. Each owner shall be a member of the Association. As a member, each Lot owner shall be liable and obligated for payment of a pro-rata share per each member Lot owner of the costs of surface water management, those ingress, egress, and utility easements pertaining thereto and the use thereof, together with any sums that the membership in accordance with these Articles of Association may vote to spend for those purposes as outlined herein. Each lot membership shall bear equal proportion of each assessment regardless of a Lot's location, dimension or size. Any unpaid assessment due at any time shall be and become the obligation of a subsequent owner of a Lot upon purchase of said Lot.

B. During the month of December in each year, commencing in 2010, the Board of Directors of the Association shall call a meeting of the membership of the Association for the purpose of electing members of the Board of Directors; fixing the amount of the Association's maintenance, improvement and operation assessment; and conducting old and new Association business for the ensuing year. Annual assessments shall be payable in advance on or before December 31st or each preceding year. The amount of an equal assessment will depend upon the financial requirements for maintenance, improvements and operation of the common areas desired by the Association members. Special assessments for these purposes may from time to time be made by the Association.

C. The call for a meeting shall be in writing; shall state the meeting's purpose; shall designate the date (which shall be no less than ten (10) days from the date the call is made) time and place of said meeting; and shall be mailed to all lot owners at the last addresses for said owners on the books and records of the Association or to the Lot owner's addresses as shown on the Polk County Tax Rolls. The amount of each year's annual assessments and charges shall be determined at the annual meeting by the affirmative written vote of a majority of those Lot owners present, in person or proxy, at said meeting who, in voting, either affirmatively or negatively in writing, shall be deemed a member of the Association in accordance with Article IV.

D. Following the Association annual meeting, written annual assessments voted for by the membership for any of those purposes enumerated in Article III shall be mailed by the Association to all Lot owners who are members in accordance with Article IV. Annual assessments and charges shall apply to a calendar year, shall be deemed to be due as of January 1st of each year, and shall be payable in monthly installments. Sums thus collected by the Association shall be held and expended by it for the sole purposes that said assessments were made.

E. The Association shall be empowered through its officers and Board of Directors to place a charging lien against the Lot owner's property for non-payment of such assessments, charges and costs that have been properly made hereunder and in accordance with the Charter, By-Laws, Rules and Regulations of the Association. Removal of said lien shall require the payment of said lien amount, interest, recording costs and attorney fees. A lien shall be subordinate to a mortgage lien of any financial

institution having a mortgage on said Lot whether before or after said lien shall have been placed thereupon. In addition, any financial institution holding a mortgage on any Lot and taking title thereto after default through foreclosure or otherwise, shall have no obligation toward the payment of accrued and uncollected assessments, charges and costs on the part of the Association that have accrued to the date that it has taken title to said Lot.

#### **ARTICLE IV - MEMBERS**

The Association shall have two (2) classes of voting membership.

CLASS A. Class A member(s) 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(s) shall be the Declarant and Declarant shall be entitled to four (4) votes for each lot owned. The Class B membership shall cease and be converted to a Class A membership on the happening of either of the following events, whichever occurs earlier:

(A) When Declarant owns none of the remaining lots, or (B) On January 1, 2020.

The owner of each lot in VIKING OFFICE PARK subdivision as provided herein who shall pay the normal and any special assessments which may from time to time be fixed by the Board of Directors of the Association shall be a member of the Association. The foregoing shall not include persons or entities who hold an interest merely as security for the performance of an obligation. Membership shall be on the terms and conditions set forth herein as regulated by the Board of Directors of the Association, and it shall be appurtenant to and may not be separated from the ownership of any Lots as outlined herein.

A member not in good standing with the Association shall include a member that has failed to pay any assessments, charges and costs of the Association during the time period allowed for the payment of same. A member not in good standing with the Association may be denied the right to vote at the Association meetings or to hold office within the Association as well as the use of any recreational facilities within the common areas of the Association or the use thereof by immediate family members, guests and invitees.

#### **ARTICLE V - DISSOLUTION**

If the Association is terminated, dissolved, or liquidated, the responsibility for the operation and maintenance of the surface water 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 Southwest Florida Water Management District prior to such termination, dissolution or liquidation. Upon dissolution of the Association, other

than incident to a merger or consolidation, its assets, both real and personal, shall be dedicated to an appropriate public agency to be used for purposes similar to those for which this Association was formed. In the event there is a refusal to accept such dedication, then such assets shall be granted, conveyed and assigned to any nonprofit corporation, association, trust or other organization which is devoted to purposes similar to those of this Association.

## **ARTICLE VI - MANAGEMENT**

The affairs and business of the Association shall be managed by a Board of Directors and by the following officers: President, Vice President, Secretary and Treasurer, and such other officers as the Board of Directors shall appoint. The officers shall be elected by the Board of Directors at the first meeting of the Board of Directors immediately following the annual meeting of the Association. The President and Vice President shall be members of the Board of Directors, but no other officer need be a member of the Board of Directors. The same person may hold two (2) offices, the duties of which are not incompatible.

## **ARTICLE VII - OFFICERS**

The names of the officers who are to serve until the first election of officers by the Board of Directors are:

James P. Quinn, President, 4010 Canyon Lake Point, Lakeland, FL 33813  
Larry Libertore, Jr., Vice President, 5 La Terraza, Lakeland, FL 33813  
James P. Quinn, Secretary/Treasurer, 4010 Canyon Lake Point, Lakeland, FL 33813

## **ARTICLE VIII - DIRECTORS**

1. The Association shall have three (3) directors initially. Thereafter, the number of directors may be either increased or diminished from time to time by a vote of a majority of the membership present at any authorized meeting but shall never be less than three (3).

2. The names and addresses of the persons who are to serve on the first Board of Directors are:

James P. Quinn, 4010 Canyon Lake Point, Lakeland, FL 33813  
Larry Libertore, Jr., 5 La Terraza, Lakeland, FL 33813  
Mary S. Libertore, 5 La Terraza, Lakeland, FL 33813

3. The initial directors shall serve until the first annual meeting of the Association and thereafter as provided for hereafter.

4. At each annual meeting the members of the Association shall elect the members of the Board of Directors by a plurality of the votes cast at such election, and such members shall serve until the next annual meeting of the Association.

5. In the event of the removal, resignation, death or other vacancy of a member of the Board of Directors, the vacancy shall be filled by the remaining Board of Directors. The replacement member of the Board of Directors shall serve the remainder of the term of his predecessor.

6. No member of the Board of Directors or any committee of the Association or any officer of the Association shall be liable to any other party, including the Association, for any damage, loss or prejudice suffered or claimed on account of any act, omission, error or negligence of such person or group; provided that such person or group has, upon the basis of such information as may be possessed by him, acted in good faith, without willful or intentional misconduct.

7. The Board of Directors shall see that all assessments shall be assessed equally against all Lot owners as outlined herein. Where there are multiple owners of any Lots, such owners shall be jointly and severally liable for the payment of the Assessments.

The Board of Directors from time to time may adopt By-Laws of the Association that may be amended or rescinded by them. In addition, any By-Laws so adopted may be amended, modified or rescinded at any Association meeting by a majority vote of the members present.

## **ARTICLE IX**

Proposals for the alteration, amendment or recession of these Articles of Incorporation may be made by any of the voting members. Such proposals shall set forth the proposed alterations, amendment or rescission, shall be in writing filed by the members, and delivered to the President not less than twenty (20) days prior to the membership meeting at which such proposal is voted upon. The Secretary will give to each voting member notice setting out the proposed alteration, amendment or rescission and the time of the meeting at which such proposal will be voted upon, and such notice shall be given not less than fifteen (15) days prior to the date set for such meeting, and it shall be given in a manner provided in the by-laws. An affirmative vote of seventy-five percent (75%) of the qualified voting members of the corporation is required for the requested alteration, amendment or rescission.

Any voting member may waive any or all of the requirements of the Article as to notice by the Secretary or proposals to the President for alteration, amendment or rescission of these Articles, either before, at, or after a membership meeting at which a vote is taken to amend, alter or rescind the Articles in whole or in part.



IN WITNESS WHEREOF, the undersigned, as subscriber to these Articles of Association, has hereunto set his hand and seal at Lakeland, Polk County, Florida, this 19<sup>th</sup> day of February 2010.

SUBSCRIBER:

James P. Quinn  
James P. Quinn

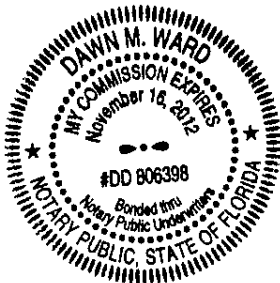
ADDRESS:

4010 Canyon Lake Point, Lakeland, FL 33813

STATE OF FLORIDA  
COUNTY OF POLK

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared James P. Quinn to me known to be the person described in these Articles of Association and who acknowledged before me that he executed the same as Subscriber, and who did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 19<sup>th</sup> day of February 2010.



Dawn M. Ward  
Notary Public-State of Florida

DAWN M. WARD

**FILED**  
2010 FEB 24 P 1:35  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

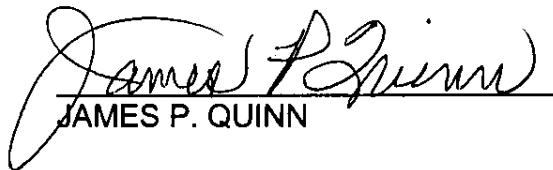
**CERTIFICATE DESIGNATING PLACE OF BUSINESS OR DOMICILE FOR THE  
SERVICE OF PROCESS WITHIN THE STATE. NAMING AGENT UPON WHO  
PROCESS MAY BE SERVED:**

In pursuance of Chapter 48.091, Florida Statutes, the following is submitted, in compliance with said Act:

VIKING OFFICE PARK PROPERTY OWNERS ASSOCIATION, INC., desiring to organize under the laws of the State of Florida with its initial registered office, as indicated in the Articles of Association, County of Polk. State of Florida has named James P. Quinn, 4010 Canyon Lake Point, Lakeland, Florida 33813, 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 provision of said Act relative to keeping open said office.

  
JAMES P. QUINN

**FILED**

2010 FEB 24 P 1:35

SECRETARY OF STATE  
TALLAHASSEE, FLORIDA