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(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

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☐ MAIL

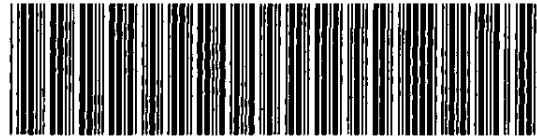
(Business Entity Name)

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SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

10 MAR -3 PM 4:23

APPROVED  
AND  
FILED

**LAW OFFICES  
SCRUGGS & CARMICHAEL, P.A.**

James G. Larche, Jr.  
Stan Cushman†  
Frank P. Saier  
Philip A. DeLaney  
Charles W. Littell  
John G. Stinson  
Kevin Daly  
Raymond M. Ivey  
Jeffrey R. Dollinger  
Jefferson M. Braswell  
Brian S. Kramer  
Kevin D. Jurecko  
Kirstin J. Stinson  
Elizabeth A. Martin  
Virginia E. Griffiths  
Jesse Caedington

†Certified Civil Mediator  
OF COUNSEL:  
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Eisinger, Brown, Lewis &  
Frankel, P.A.

Downtown Office:  
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Gainesville, Florida  
Telephone (352) 376-5242  
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4041 N.W. 37th Place, Suite B  
Gainesville, Florida 32606  
Telephone (352) 374-4120  
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☐ Reply to Downtown Office  
☒ Reply to West Office

Sigsbee L. Scruggs  
1898-1983  
Parks M. Carmichael  
1909-1994  
William D. Pridgeon  
1933-1980  
Michelle Vaughns  
1946-1982  
William N. Long  
1920-2003

Retired  
Ray D. Helping  
William C. Andrews  
John F. Roscow, III  
Mitzi Cockrell Austin

March 2, 2010

Secretary of State  
Division of Corporations  
Corporate Filings  
Post Office Box 6327  
Tallahassee, Florida 32314

Re: Ashton Ridge Homeowners Association, Inc.

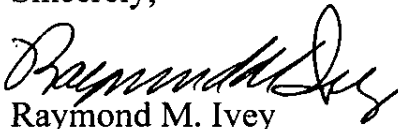
Dear Sir or Madam:

In connection with the above-referenced corporation, I am transmitting herewith the following:

1. original Articles of Incorporation for Ashton Ridge Homeowners Association, Inc. and
2. Check for \$78.75.

Please file the Articles. If you have any questions, please advise.

Sincerely,

  
Raymond M. Ivey

Enclosures

APPROVED  
AND  
FILED  
10 MAR -3 PM 4:23  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

**ARTICLES OF INCORPORATION OF  
ASHTON RIDGE HOMEOWNERS ASSOCIATION, INC.**

In compliance with the requirements of Chapter 617, Florida Statutes undersigned, who is a resident of Alachua County, Florida and who is of full age, has this day agreed to form a corporation not for profit and does hereby certify:

**ARTICLE I**

The name of the corporation is **ASHTON RIDGE, HOMEOWNERS ASSOCIATION, INC.** hereafter called the "Association."

**ARTICLE II**

The initial principal office and mailing address of the corporation is located at 28101 West Newberry Road, Newberry, FL 32669.

**ARTICLE III**

**Toney Sullivan**, whose address is 28101 West Newberry Road, Newberry, FL 32669, is hereby appointed the initial registered agent of this corporation.

**ARTICLE IV  
PURPOSE AND POWERS OF THE ASSOCIATION**

This Association does not contemplate pecuniary gain or profit to the members thereof, and the specific purpose for which it is formed is to provide for maintenance, preservation and architectural control of the residence Lots and Common Area within that certain tract of property described as:

The Recreation Area, Drainage Easement and Common Area, together with Lots One (1) through Fifty-One (51) of ASHTON RIDGE, as per Plat thereof recorded in Plat Book 28, Page 80, of the Public Records of Alachua County, Florida.

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).

It shall also be the purpose of the Association to promote the health, safety and welfare of the residents within the above-described property and any additions thereto as may hereafter be brought within the jurisdiction of this Association for this purpose to:

(a) exercise all of the powers and privileges and to perform all of the duties and obligations of the Association as set forth in that certain Declaration of Covenants, Conditions and Restrictions, hereinafter called the "Declaration", applicable to the

property and recorded or to be recorded in the Office of the Clerk of the Court of Alachua County, Florida, and as the same may be amended from time to time as therein provided, said Declaration being incorporated herein as if set forth at length;

(b) operate, maintain and manage the surface water or stormwater management system(s) in a manner consistent with the Suwannee River Water Management District permit no. 40-001-23317-6 requirements and applicable District rules, and shall assist in the enforcement of the restrictions and covenants contained herein.

(c) 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 property of the Association;

(d) 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 in connection with the affairs of the Association;

(e) borrow money, and with the assent of two-thirds (2/3) 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;

(f) 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 to by the members. No such dedication or transfer shall be effective unless an instrument has been signed by two-thirds (2/3) of each class of members, agreeing to such dedication, sale or transfer;

(g) participate in mergers and consolidations with other non-profit corporations organized for the same purpose or annex additional residential property and Common Area, provided that such merger, consolidation or annexation shall have the assent of two-thirds (2/3) of each class of members;

(g) 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 by law may now or hereafter have or exercise;

(h) The books, records and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any Member or any representative of the Suwannee River Water Management District.

## **ARTICLE V MEMBERSHIP**

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

## **ARTICLE VI VOTING 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. In the event that multiple owners of a lot do not agree on a vote, such lot shall be treated as abstaining on such vote. Votes cast by one of the owners shall be considered consented to by all other owners of such lot. The Association shall have no obligation to determine whether such other owners consent to votes made by the owner voting.

Class B. Class B member(s) shall be the Declarant (as defined in the Declaration), and shall be entitled to three (3) votes for each Lot owned or intended to be annexed to the Properties by Declarant. The Class B membership shall cease and be converted to Class A membership on the happening of either of the following events, whichever occurs earlier:

- (a) when the total votes outstanding in the Class A membership equal the total votes outstanding in the Class B membership; or
- (b) on December 31, 2011, or
- (d) when Declarant turns over control to the Class A members.

Notwithstanding the other provisions contained in these Articles to the contrary, Toney Sullivan Construction, Inc. (hereinafter "Developer"), or the Developer's successor(s) in interest, shall, prior to relinquishing control of the Association or otherwise allowing control to transfer to the directors of the Association, provide at least thirty (30) days prior written notice to the Suwannee River Water Management District that all terms and conditions placed on the Developer by permits or authorizations from the Suwannee River Water Management District have been satisfied in full and that transfer of control of the Association from the Developer to an approved operation and maintenance entity is proposed to occur on a specific date.

At any meeting, whether annual or special called meeting, of the Members or Directors, at which a Motion is made concerning the Surface Water or Storm Water Management System(s) a Motion may only be voted upon at a meeting at which the

Suwannee River Water Management District has been given at least 10 days written notice and to which the Suwannee River Water Management District is invited to attend by its representatives.

## **ARTICLE VII OFFICERS**

The affairs of this Association shall be managed by a President, Vice-president, Secretary, and Treasurer and they shall be elected at the first meeting of the Board of Directors following each annual meeting of the members or as otherwise provided in the By-Laws. until the first election of officers under the Articles of Incorporation, the following shall serve as officers:

President -	Toney Sullivan
Vice-President	Roberto Ramirez
Secretary -	Roberto Ramirez
Treasurer -	Vondla D. Sullivan

## **ARTICLE VIII SUBSCRIBERS**

The name and address of the subscriber is:

Toney Sullivan, 28101 West Newberry Road, Newberry, FL 32669.

## **ARTICLE IX AMENDMENTS**

Amendments of these Articles shall be adopted upon receiving the affirmative vote of a majority of the votes of members entitled to vote thereon, unless any class of members is entitled to vote thereon as a class in which event the proposed amendment shall be adopted upon receiving both the affirmative vote of a majority of the votes of members of each class entitled to vote thereon as a class and the affirmative vote of a majority of the votes of all members entitled to vote thereon.

## **ARTICLE X BOARD OF DIRECTORS**

The Board of Directors shall be elected as provided for in the By-Laws of the Association. The affairs of this Association shall be managed by a Board of at least three (3) but not more than nine (9) Directors, who need not be members of the Association. The number of Directors may be changed by amendment of the By-Laws of the Association. The names and addresses of the persons who are to act in the capacity of directors until the selection of their successors are:

Toney Sullivan, 28101 West Newberry Road, Newberry, FL 32669

Roberto Ramirez 1523 NW 54<sup>th</sup> Drive, Gainesville, FL 32605  
Travis C. Williams 234 NE 1<sup>st</sup> Avenue, High Springs, FL 32643

The first annual meeting of 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.

## **ARTICLE XI DISSOLUTION**

The Association may be dissolved with the assent given in writing and signed by not less than two-thirds (2/3) of each class of members. 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 Suwannee River Water Management District prior to such termination, dissolution or liquidation.

## **ARTICLE XII DURATION**

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

## **ARTICLE XIII AMENDMENTS TO BY-LAWS**

The power to make, alter, and rescind By-Laws shall be vested in the members as provided by the by-laws. Amendments to the Bylaws which directly or indirectly impact operation and maintenance of the surface water or Storm Water Management System, including but without limitation, all lakes, ditches, canals, retention or detention areas, drainage, other Surface Water Management works, preservation areas, conservation areas, wetlands and wetland mitigation areas which are owned by the Association or the owners in common, may be made only after written approval by the Suwannee River Water Management District. Such Approval shall be in the form of 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 Bylaw, 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 any such amendments shall be forwarded to the Suwannee River Water Management District within thirty (30) days of approval.

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.

#### **ARTICLE XIV SURFACE WATER MANAGEMENT SYSTEM**

The Association shall operate, maintain and manage the surface water or stormwater management system(s) in a manner consistent with the applicable Suwannee River Water Management District permit 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.

The assessments shall be used 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.

IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of Florida, I, the undersigned, constituting the incorporator of this Association, have executed these Articles of Incorporation this 25 day of ~~March~~ February 2010.

#### **ARTICLE XV INCORPORATOR**

The name and address of the sole incorporator to these Articles of Incorporation is:

Toney Sullivan, 28101 West Newberry Road, Newberry, FL 32669

ASHTON RIDGE HOMEOWNERS  
ASSOCIATION, INC.

by: 

Toney Sullivan, as its president

STATE OF FLORIDA  
COUNTY OF ALACHUA

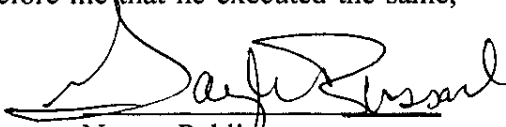
I HEREBY CERTIFY that on this 25 day of ~~March~~ February 2010, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Toney Sullivan, the President of ASHTON RIDGE HOMEOWNERS



ASSOCIATION, INC., a Florida corporation, who executed the foregoing instrument on behalf of said corporation, who acknowledged before me that he executed the same, and who is personally known to me.



GAYLE BUSSARD  
Commission # DD 862444  
Expires March 19, 2013  
Bonded Thru Troy Pain Insurance 900-385-7019

  
Notary Public

**CERTIFICATE DESIGNATING REGISTERED AGENT FOR THE  
SERVICE OF PROCESS WITHIN THIS STATE.**

In accordance with Chapter 617.0501, Florida Statutes,

**ASHTON RIDGE, HOMEOWNERS ASSOCIATION, INC.** desiring to organize under the laws of the State of Florida designates Toney Sullivan whose address is 28101 West Newberry Road, Newberry, FL 32669 as its registered agent to accept service of process within this state.

**ACKNOWLEDGMENT**

Having been named to accept service of process for **ASHTON RIDGE HOMEOWNERS ASSOCIATION, INC.**, at the address stated above, I hereby agree to be the registered agent for the corporation and agree to maintain an office at the stated address in compliance with § 617.0501, Florida Statutes (2009).

by:   
Toney Sullivan, Registered Agent

APPROVED  
AND  
FILED  
10 MAR -3 PM 4:23  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA