

N11000010476

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

☐

PICK-UP

☐

WAIT

☐

MAIL

(Business Entity Name)

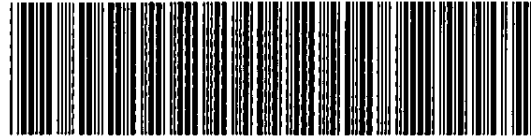
(Document Number)

Certified Copies \_\_\_\_\_ Certificates of Status \_\_\_\_\_

Special Instructions to Filing Officer:

Bob Stambaugh GAVE  
AUTHORIZATION BY PHONE TO  
CORRECT Principal place of business  
DATE 10/26/11  
DOC. EXAM TJ

Office Use Only



300213351353

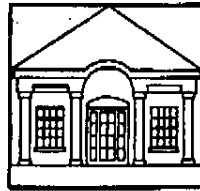
10/26/11--01012--009 \*\*78.75

FILED  
2011 OCT 26 PM 3:50  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

NOV 08 2011

R. Scott Bunn \* Δ  
Charles R. Chilton  
Robert J. Stambaugh  
Kelly P. Butz  
Robert C. Chilton

\* Board Certified Civil Trial Lawyer  
Δ Also Admitted in Colorado



**Sharit,  
Bunn &  
Chilton P.A.**  
ATTORNEYS AT LAW

99 Sixth Street, S.W.  
Winter Haven, Florida 33880-7900  
Telephone: (863) 293-5000  
Facsimile: (863) 293-2091

Reply to: Post Office Box 9498  
Winter Haven, Florida 33883-9498

November 7, 2011

**Via email – Rebecca.mcknight@doc.myflorida.com**

Ms. Rebecca McKnight  
Division of Corporations  
Post Office Box 6327  
Tallahassee, FL 32314

Re: Lewellen Bay Property Owners' Association, Inc.

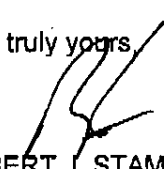
Dear Becky:

Consistent with your conversation last week with my assistant, Susan Saunders, and my previous telephone conversations with Justin Shiver, included please find Affidavits from each of the incorporators of Lewellen Bay Property Owners' Association, Inc. establishing the fact that they were the incorporators of the referenced corporation and that they are still alive. The Affidavit of Mr. Barry H. Ellingburg also confirms that he continues to reside at the registered office address and that he intends to serve as the registered agent.

When I last spoke with Justin on October 31, 2011, he indicated that, in addition to having a concern as to whether the incorporators continued to be living (a fact which is confirmed by the Affidavits), the Articles which we have submitted used the term "subscribers" and the term currently used in Chapter 617 is "incorporators". Although the Articles which have been submitted may refer to the incorporators as subscribers, the fact is that they were incorporators regardless of the descriptive term used. I do not see anything in Chapter 617 which expressly requires that those forming the corporation be referred to as incorporators. If I have, perhaps, overlooked a pertinent section of Chapter 617, please let me know. If I have not, I respectfully request that the Division of Corporations proceed to file the Articles and Resident Agent form which we submitted to your office by letter dated October 24, 2011, along with our firm's check in the amount of \$78.75.

Thank you, in advance, for your assistance.

Very truly yours,

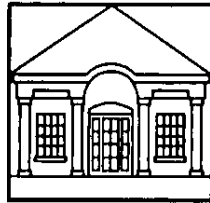
  
ROBERT J. STAMBAUGH

RJS/sls  
Enclosures

FILED  
2011 OCT 26 PM 3:50  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

R. Scott Bunn \* Δ  
Charles R. Chilton  
Robert J. Stambaugh  
Kelly P. Butz  
Robert C. Chilton

\* Board Certified Civil Trial Lawyer  
Δ Also Admitted in Colorado



**Sharit,  
Bunn &  
Chilton P.A.**  
ATTORNEYS AT LAW

99 Sixth Street, S.W.  
Winter Haven, Florida 33880-7900  
Telephone: (863) 293-5000  
Facsimile: (863) 293-2091

Reply to: Post Office Box 9498  
Winter Haven, Florida 33883-9498

October 24, 2011

Division of Corporations  
Post Office Box 6327  
Tallahassee, FL 32314

**Re: Lewellen Bay Property Owners' Association, Inc.**

Dear Sir or Madam:

Enclosed herewith for filing are Articles of Incorporation and Resident Agent Form for the above-captioned corporation. A copy of the Articles is also enclosed to be certified and returned to this office at your earliest convenience.

Our firm check in the amount of \$78.75 is enclosed to cover the following costs:

Filing Fee	\$ 35.00
Resident Agent Form	35.00
Certified Copy	<u>8.75</u>
<b>TOTAL</b>	<b>\$ 78.75</b>

Thank you for your kind cooperation in this regard.

Very truly yours,

Susan L. Saunders  
Legal Assistant

/s/s  
Enclosures

FILED  
2011 OCT 26 PM 3:50  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

ARTICLES OF ASSOCIATION  
OF  
LEWELLEN BAY  
PROPERTY OWNERS' ASSOCIATION, INC.  
(A Corporation Not For Profit)

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

ARTICLE I

NAME

The name of this Association shall be Lewellen Bay Property Owners' Association, Inc. (the "Association"), and it shall be located in Polk County, Florida.

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 1962 Indian Trails Court, Lakeland, Florida 33813, and the name of the initial registered agent of the Association at that address is Ellingburg.

ARTICLE III

PURPOSES AND POWERS

1. 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 Common Area A improvements now on or to be placed upon Lewellen Bay Subdivision, Plat Book 94, Page 29, Public Records of Polk County, Florida; which improvements shall be for ingress-egress, storage, recreational purposes and utilities in conjunction therewith, all lawns, shrubbery,

3146 2134  
POLK OFF. REC. PAGE

FILED  
20 OCT 26 PM 3:50  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

THIS INSTRUMENT WAS PREPARED BY

DANIEL C. LEWIS  
5111-2 OLD HWY 37

trees and structures located thereupon. Individual septic system construction and maintenance shall be the responsibility of each individual lot owner. To manage, maintain, construct and repair for the use of its members, their guests and invitees **Common Area B** improvements now on or to be placed upon Lewellen Bay Subdivision, Plat Book 94, Page 29, Public Records of Polk County, Florida; which improvements shall be for pedestrian access, lakefront recreational purposes, and utilities in conjunction therewith, all lawns, shrubbery, trees and structures 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 and utility easements over, under, and across said subdivision.

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 Lewellen Bay Subdivision as recorded in Official Records Book 94, Page 29, 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 on a reasonable basis to prevent undue hardship in the placement of any structures upon any lot in regard to lot-line setback requirements and the placement of garages with a side-yard entrance.

F. To place Easements of record, if necessary, for utility and drainage along the perimeter of any lot-line in Lewellen Bay Subdivision, Plat Book 94, Page 29, Public Records of Polk County, Florida.

G. To maintain and improve traffic control signs, subdivision, and roadway name designation signs within Lewellen Bay Subdivision.

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

3146 2135  
POLK OFF. REC. PAGE

FILED  
2011 OCT 26 PM 3:50  
CLERK OF STATE  
TALLAHASSEE, FLORIDA

I. To maintain by appointment or retainer, a Building Committee which need not consist of Lot owners of Lewellen Bay Subdivision, to review plans and specifications required by said Lot owners to be submitted in accordance with the Restrictive Covenants and Conditions of said Subdivision hereinabove referenced which Committee for and or behalf of the Association shall give permission in writing or rejection in writing, as the case may be, to said Lot owners as provided herein. No member of the Building Committee shall in any way be subject to liability in granting or failing to grant approval and permission of any plans, specifications and requests brought before said Committee by any person whomsoever.

J. To maintain security within the Subdivision. It shall have the right, but not the duty, to enunciate a Neighborhood Watch Security Program or other similar program for the Subdivision as a whole.

K. 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.

L. To pay real estate taxes and utilities attributable to the common improvements and use thereof.

M. It shall have the right, but not the duty, to maintain drainage easements within Lewellen Bay Subdivision and to assess the cost thereof against those Lot owners on whose lots said drainage easements and storm water retention areas are designed and placed who fail to maintain same. It shall have an easement and license of entry over any Lot for the purposes of maintenance of drainage easements and storm water retention areas within Lewellen Bay Subdivision.

N. It shall have the right, but not the duty, to maintain improved or unimproved Lots within Lewellen Bay Subdivision wherein Lot owners have failed to maintain same in keeping said Lot free and clear of debris and trash and unsightly weeds and litter and to assess the costs thereof against said Lot owner. It shall have an easement and license of entry over any Lot within Lewellen Bay Subdivision for the purpose of this maintenance.

3146 2136  
POLK OFF. REC. PAGE

2016 OCT 26 PM 3:59  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

FILED

O. 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.

P. 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 Official Records Book 3146, Page 2124, Public Records of Polk County, Florida; its Articles of Association; By-Laws; Rules and Regulations.

Q. To transect any and all lawful business.

2. A. Each single family Lot owner shall be a single member of the Association. Each duplex Lot owner shall be a double 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 those ingress, egress, recreational, 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.

3146 2137  
POLK OFF. REC. PAGE

B. During the month of December in each year, commencing in 1992, 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 of each preceding year with the initial annual assessment payable on or before December 31, 1992 for the year 1993. The amount of an annual 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.

FILED  
2011 OCT 26 PM 3:50  
CLERK OF STATE  
TALLAHASSEE, FLORIDA

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 twenty (20) days from the date the call is mailed), time and place of said meeting; and shall be mailed to all lot owners at the last address for said owners shown on the books and records of the Association or to the Lot owners' addresses as shown on the Polk County tax rolls. The amount of each year's annual assessments and charges shall be determined as 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 one annual installment. 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 of 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.

3146 2138  
POLK OFF. REC. PAGE

FILED  
2011 OCT 26 PM 3:56  
CLERK OF STATE  
TALLAHASSEE, FLORIDA



#### ARTICLE IV

##### MEMBERS

The owner of each Lot in Lewellen Bay Subdivision, Plat Book 94, Page 29, Public Records of Polk County, Florida, 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.

Membership shall be on a calendar year basis and shall automatically be transferred during a calendar year with the transfer of Lot ownership. There shall be no pro-ration, except as between Lot owners of membership assessments, and any unpaid assessments due at any time shall be and become the obligation of a new Lot owner upon the purchase of said Lot.

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

The association shall exist in perpetuity.

3146 2139  
POLK OFF. REC. PAGE

FILED  
2011 OCT 26 PM 3:51  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

## ARTICLE VI

### VOTING

The Association shall have one class of voting membership made up of all Lot owners as outlined herein. Each member shall be entitled to one vote for each single family Lot owned and two votes for each duplex lot owned; provided, however, that said Lot shall not be delinquent at the time that a vote shall be taken as to any assessments attributable to the Lot as provided herein. When more than one person or entity holds an ownership interest in any Lot, all such persons shall be members; however, the vote for such Lot shall be exercised by only one member designated in writing to the Association. In no event shall more than one vote be cast with respect to any one single family Lot or in no event shall more than two votes be cast with respect to any one duplex lot.

## ARTICLE VII

### 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 offices, the duties of which are not compatible.

## ARTICLE VIII

### OFFICERS

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

3146 2140  
POLK OFF. REC. PAGE

FILED  
2011 OCT 26 PM 3:51  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

Barry H. Ellingburg

President

Daniel C. Lewis

Vice President

Kent G. Thayer

Secretary/Treasurer

## ARTICLE IX

### 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:

Barry H. Ellingburg

1962 Indian Trails Court  
Lakeland, Florida 33813

Daniel C. Lewis

5111-2 Old Highway 37  
Lakeland, Florida 33811

Kent G. Thayer

4064 Lana Drive  
Lakeland, Florida 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 of 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

3146 2141  
POLK OFF. REC. PAGE

FILED

2011 OCT 26 PM 3:51  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

or any officer of the Association shall be personally liable to any member of the Association, or 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 processed 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 assessments.

8. The Board of Directors from time to time may adopt By-Laws of the Association which 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 X AMENDMENTS

The Association through its membership shall have the absolute right to modify all of the Restrictive Covenants and Conditions pertaining to Lewellen Bay Subdivision as recorded in Official Records Book 3146, Page 2124, Public Records of Polk County, Florida, by amendment, deletion or addition thereto upon the written direction of 75% or more of the membership in the Association.

Other than the foregoing right to modify said Restrictive Covenants and Conditions pertaining to Lewellen Bay Subdivision hereinabove referenced, other amendments to these Articles of Association shall be approved by the Board of Directors, proposed by them to the members and approved at any meeting by a two-thirds (2/3) vote of the members present, provided that no less than thirty (30) days notice by mail shall have been given to all members, setting forth the proposed amendments.

3146 2142  
POLK OFF. REC. PAGE

FILED  
2011 OCT 26 PM 3:51  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

IN WITNESS WHEREOF, the undersigned, as subscribers to these Articles of Association, have hereunto set their hands and seals at Lakeland, Polk County, Florida, this 15<sup>TH</sup> day of SEPTEMBER, 1992.

SUBSCRIBERS

Barry H. Ellingburg  
Barry H. Ellingburg  
Ellen G. Ellingburg  
Ellen G. Ellingburg  
Daniel C. Lewis  
Daniel C. Lewis  
Ronda V. Lewis  
Ronda V. Lewis

ADDRESS

1962 Tuckman Tr Ct  
Lakeland FL 33813  
5111-2 OLD HWY 37  
LAKELAND, FLORIDA 33811

STATE OF FLORIDA  
COUNTY OF POLK

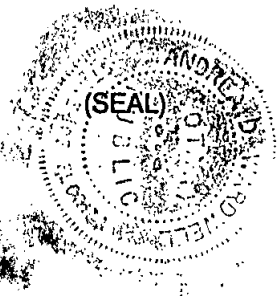
Personally appeared before me, a Notary Public authorized to take acknowledgements in the State and County set forth above, Barry Ellingburg, Ellen Ellingburg, Daniel C. Lewis, and Ronda V. Lewis, known to me to be the persons who executed the foregoing Articles of Association of Lewellen Subdivision and who acknowledged before me that they executed them for the purpose therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the State and County aforesaid this 15<sup>th</sup> day of September, 1992.

3146 2143  
POLK OFF. REC. PAGE

Andrea D Wardwell  
Notary Public, State of Florida  
ANDREA D. WARDWELL  
My Commission Expires:

Notary Public, State of Florida  
My Commission Expires March 15, 1995  
Bonded Thru Troy Fain - Insurance Inc.



DEPT-115 45.00  
DEPT 291 6.00  
2304 H  
CHECKS 51.00  
09/18/92  
CLERK OF STATE  
TALLAHASSEE, FLORIDA

FILED  
OCT 26 PM 3:51

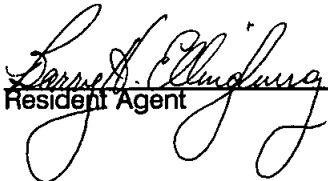
CERTIFICATE DESIGNATING PLACE OF BUSINESS  
OR DOMICILE FOR THE SERVICE OF PROCESS WITHIN THIS  
STATE, NAMING AGENT UPON WHOM PROCESS MAY BE SERVED

In pursuance of Chapter 48.091 and Chapter 617.023, Florida Statutes, the following is submitted, in compliance with said Acts:

That the Lewellen Bay Property Owner's Association, Inc. desiring to organize a corporation not for profit under the Laws of the State of Florida with its principal office, as indicated in the Articles of Association, as its Agent to accept Service of Process within the State.


ACKNOWLEDGEMENT

Having been named to accept Service of Process for the above stated corporation, at place designated in the Certificate, I hereby accept to act in this capacity, and agree to comply with the provisions of said Act relative to keeping open said office.

  
Resident Agent

3146 2144  
POLK OFF. REC. PAGE

FILED  
2011 OCT 26 1 35 PM  
TALLAHASSEE, FLA.  
SECRETARY OF

FILED, RECORDED, AND  
RECORD VERIFIED  
E.D. "Bud" DIXON, Clk. Cir. Ct.  
POLK COUNTY, FLA.  
BY  D.C.

Prepared by and return to:  
Robert J. Stambaugh  
Attorney at Law  
Sharit, Bunn & Chilton, P. A.  
99 Sixth Street, S.W.  
Winter Haven, FL 33880

### Affidavit

Before me, the undersigned authority, duly authorized to take acknowledgments and administer oaths, personally appeared **DANIEL C. LEWIS** ("Affiant"), who, after being by me first duly sworn, depose(s) and say(s) that:

1. I am Daniel C. Lewis, one of the incorporators who executed the Articles of Association of Lewellen Bay Property Owners' Association, Inc. (a corporation not for profit) on September 15, 1992.

2. As of the date of this Affidavit, I am alive.

Further Affiant sayeth naught.

Signed, sealed and delivered  
In our presence:

*Donald J. Fox*  
Typed/Printed Name of Witness

*Tiffany Ann Costello*  
Typed/Printed Name of Witness

*Daniel C. Lewis*  
DANIEL C. LEWIS

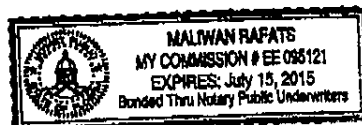
STATE OF FLORIDA  
COUNTY OF POLK

The foregoing instrument was acknowledged before me this 1st day of November, 2011, by Daniel C. Lewis, who is personally known to me or who produced \_\_\_\_\_ as identification.

My commission expires:

7/15/15

*Maliwan Rafats*  
Notary Public



2011 OCT 26 PM 3:51  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

FILED

Prepared by and return to:  
Robert J. Stambaugh  
Attorney at Law  
Sharit, Bunn & Chilton, P. A.  
99 Sixth Street, S. W.  
Winter Haven, FL 33880

### Affidavit

Before me, the undersigned authority, duly authorized to take acknowledgments and administer oaths, personally appeared **RONDA V. LEWIS** ("Affiant"), who, after being by me first duly sworn, depose(s) and say(s) that:

1. I am Ronda V. Lewis, one of the incorporators who executed the Articles of Association of Lewellen Bay Property Owners' Association, Inc. (a corporation not for profit) on September 15, 1992.

2. As of the date of this Affidavit, I am alive.

Further Affiant sayeth naught.

Signed, sealed and delivered  
In our presence:

KATHRYN S. HAINES  
Kathryn S. Haines  
Typed/Printed Name of Witness

Bill Klemm  
Bill Klemm  
Typed/Printed Name of Witness

Ronda V. Lewis  
RONDA V. LEWIS

2011 OCT 26 PM 3:51  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

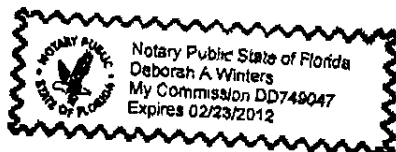
FILED

STATE OF FLORIDA  
COUNTY OF POLK

The foregoing instrument was acknowledged before me this 1st day of November, 2011, by Ronda V. Lewis, who is personally known to me or who produced as identification.

[Signature]  
Notary Public

My commission expires:





Prepared by and return to:  
Robert J. Stambaugh  
Attorney at Law  
Sharit, Bunn & Chilton, P. A.  
99 Sixth Street, S. W.  
Winter Haven, FL 33880

### Affidavit

Before me, the undersigned authority, duly authorized to take acknowledgments and administer oaths, personally appeared ELLEN G. ELLINGBURG ("Affiant"), who, after being by me first duly sworn, depose(s) and say(s) that:

1. I am Ellen G. Ellingburg, one of the incorporators who executed the Articles of Association of Lewellen Bay Property Owners' Association, Inc. (a corporation not for profit) on September 15, 1992.

2. As of the date of this Affidavit, I am alive.

Further Affiant sayeth naught.

Signed, sealed and delivered  
In our presence:

Isabel A. Lewis

Typed/Printed Name of Witness

Daniel C. Lewis

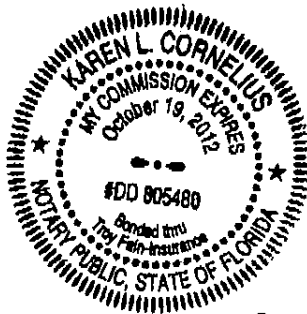
Typed/Printed Name of Witness

STATE OF FLORIDA  
COUNTY OF POLK

The foregoing instrument was acknowledged before me this 2 day of November, 2011, by Ellen G. Ellingburg, who is personally known to me or who produced \_\_\_\_\_ as identification.

My commission expires:

Ellen G. Ellingburg  
ELLEN G. ELLINGBURG



2011 OCT 26 PM 3:51  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

FILED

Karen L. Cornelius  
Notary Public

Prepared by and return to:  
Robert J. Stambaugh  
Attorney at Law  
Sharit, Bunn & Chilton, P. A.  
99 Sixth Street, S. W.  
Winter Haven, FL 33880

### Affidavit

Before me, the undersigned authority, duly authorized to take acknowledgments and administer oaths, personally appeared **BARRY H. ELLINGBURG** ("Affiant"), who, after being by me first duly sworn, depose(s) and say(s) that:

1. I am Barry H. Ellingburg, one of the incorporators who executed the Articles of Association of Lewellen Bay Property Owner's Association, Inc. (a corporation not for profit) on September 15, 1992.

2. I reside at 1962 Indian Trails Court, Lakeland, Florida 33813, and it remains my intent to serve as the initial registered agent and for such address to serve as the initial registered office of Lewellen Bay Property Owners' Association, Inc.

3. As of the date of this Affidavit, I am alive.

Further Affiant sayeth naught.

Signed, sealed and delivered  
In our presence:

Isabel A. Lewis  
ISABEL A. LEWIS

Typed/Printed Name of Witness

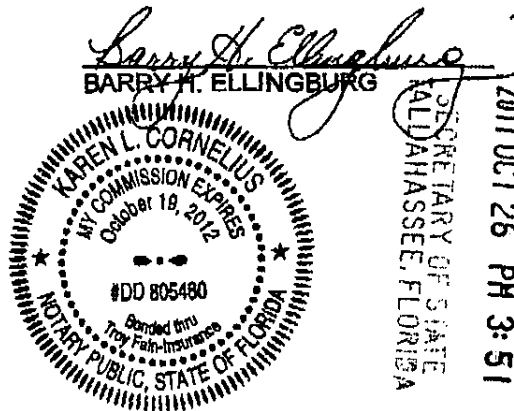
Barry H. Ellingburg  
BARRY H. ELLINGBURG

Typed/Printed Name of Witness

STATE OF FLORIDA  
COUNTY OF POLK

The foregoing instrument was acknowledged before me this 2 day of November, 2011, by Barry H. Ellingburg, who is personally known to me or who produced \_\_\_\_\_ as identification.

My commission expires:



Karen L. Cornelius  
Notary Public