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RECEIVED  
DIVISION OF STATE  
CORPORATIONS

## COVER LETTER

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

**SUBJECT:** Town Homes of West Bay Cove 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

☒ \$78.75  
Filing Fee  
& Certified Copy

☐ \$87.50  
Filing Fee,  
Certified Copy  
& Certificate

**ADDITIONAL COPY REQUIRED**

**FROM:** Costa Homes, Inc.  
Name (Printed or typed)

36181 East Lake Road, Suite 382  
Address

Palm Harbor, FL 34685  
City, State & Zip

352-686-0316  
Daytime Telephone number

joan@costahomesinc.com  
E-mail address: (to be used for future annual report notification)

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

**ARTICLES OF INCORPORATION**  
**TOWN HOMES OF WEST BAY COVE HOMEOWNERS ASSOCIATION, INC.**  
[A Florida Corporation Not For Profit]

FILED OF STATE  
SECRETARY OF CORPORATIONS  
12 JAN -6 PM 3:33

The undersigned incorporator, a resident of the State of Florida and of full age, hereby makes, subscribe, acknowledges and files with the Department of the State of Florida these Articles of Incorporation for the purpose of forming a corporation not for profit under the laws of the State of Florida.

**ARTICLE I - NAME**

The name of this corporation is Town Homes of West Bay Cove Homeowners Association, Inc., a Florida corporation not for profit, (hereinafter called the "Association" in these Articles.)

**ARTICLE II - OFFICE AND REGISTERED AGENT**

This Association's registered office is 36181 East Lake Road, Suite 382, Palm Harbor, Florida 34685, and its registered agent is Paul Bakkalapulo, who maintains a business office at 36181 East Lake Road, Suite 382, Palm Harbor, Florida 34685. Both this Association's registered office and registered agent may be changed from time to time by the Board of Directors as provided by law.

**ARTICLE III - PURPOSE**

This Association does not contemplate pecuniary gain or profit to its members and the specific purposes for which it is formed are to provide for the maintenance, preservation and architectural control of all common areas and other residence lots within that certain tract of property (hereinafter called the Property) in Hillsborough County, Florida and more particularly described as Town Homes of West Bay Cove.

**ARTICLE IV - POWERS**

Without limitation this Association is empowered to:

(a) Declaration. Exercise all rights, powers, privileges and perform all duties, of this Association 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 Public Records of Hillsborough 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 in full;

(b) Property. In any lawful manner, acquire, own, hold, improve, manage, operate, maintain, repair, replace, operate, convey, sell, lease, transfer, assign, and otherwise dispose of property of any nature whatsoever, real, personal, or mixed, tangible or intangible, in connection with this Association's affairs, specifically including the surface water management system facilities, including all inlets, ditches, swales, culverts, water control structures, retention and detention areas, ponds, lakes, flood plain compensation areas, wetlands and any associated buffer areas, and wetland mitigation areas.

(c) Assessments. Fix, levy, collect, and enforce by any lawful means all charges or assessments established by, or pursuant to, the Declaration; and to use and expend the proceeds of assessments in the exercise of its powers and duties hereunder.

(d) Costs. Pay all costs, expenses, and obligations lawfully incurred in connection with this Association's affairs including, without limitation, all licenses, taxes, or other governmental charges levied or imposed against this Association's property; and contract for services, such as to provide for operation and maintenance of facilities including surface water management system facilities.

(e) Borrowing. Borrow money and, with the approval of two-thirds of each class of members,

mortgage, pledge, deed in trust, hypothecate, assign, grant security interests in, or otherwise transfer any or all of its property as security for money borrowed, debts incurred, or any of its other obligations.

(f) Dedications. With the approval of three-fourths of the members, dedicate, sell or transfer all or any part of its property to any public agency, authority, or utility for such purposes, and subject to such conditions, as seventy-five percent (75%) of the members determine.

(g) Mergers. With the approval of two-thirds (2/3) of the members, participate in mergers and consolidations with other non-profit corporations organized for similar purposes.

(h) Rules. From time to time adopt, alter, amend, rescind, and enforce reasonable rules and regulations governing the use of the Lots, Common Area, and Corporate Property consistent with the rights and duties established by the Declaration and these Articles and governing Members' responsibilities.

(i) General. Have and exercise all common law rights, powers, and privileges and those that a corporation not for profit may now or hereafter have or exercise under the laws of the State of Florida, together with all other rights, powers, and privileges reasonably to be implied from the existence of any right, power, or privilege so granted, or granted by the Declaration or these Articles, or reasonably necessary to effectuate the exercise of any right, power, or privilege so granted.

(j) Enforcement. To enforce by legal means the obligations of the members of the corporation; the provisions of the Declaration, and the provisions of a dedication or conveyance of the Corporate Property to the corporation with respect to the use and maintenance thereof; to sue and be sued.

(k) Surface Water Management Facilities. The Association shall have the power to operate and maintain the surface water management facilities of the property, including all inlets, ditches, swales, culverts, water control structures, retention and detention areas, ponds, lakes, floodplain compensation areas, wetlands, and any associated buffer areas, and wetland mitigation areas.

#### **ARTICLE V - MEMBERSHIP**

Every person who from time to time holds the record fee simple title to, or any undivided fee simple interest in, any Lot that is subject to the provisions of the Declaration is a member of this Association, including contract sellers, but excluding all other persons who hold any interest in any Lot merely as security for the performance of an obligation. An Owner of more than one Lot is entitled to one membership for each Lot owned. Membership is appurtenant to, and may not be separated from, ownership of at least one Lot that is subject to the provisions of the Declaration, and membership may not be transferred other than by transfer of title to such Lot. Each membership is transferred automatically by conveyance of title of a Lot.

#### **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 (as defined in the Declaration), 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 shall be the Declarant, and shall be entitled to three (3) votes for each lot owned. The Class B membership shall cease and be converted to Class A membership on the happening 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

## **ARTICLE VII - BOARD OF DIRECTORS**

Section 1. This Association's affairs are managed by a Board of Directors initially composed of one Director. The number of Directors from time to time may be changed by amendment to this Association's By-Laws, but at all times it must be an odd number of one or more but not to exceed five (5). The initial Directors named below shall serve until this Association's first annual meeting. The term of office for all Directors is one year. Before any such annual meeting, all vacancies occurring on the Board of Directors, if any, will be filled by majority vote of the remaining Directors, even if less than a quorum. Any Director may succeed himself or herself in office. All Directors will be elected by ballot. Each member may cast as many votes for each vacancy as such member has; and the person receiving the largest number of votes cast for each vacancy is elected. Cumulative voting is not permitted. Directors shall be Association members.

Section 2. The names and addresses of the persons who will serve as Directors until their successors have been duly elected and qualify, unless they sooner die, resign, or are removed, are:

Paul Bakkalapulo  
36181 East Lake Road, Suite 382  
Palm Harbor, Florida 34685

## **ARTICLE VIII - INCORPORATOR**

The name and residence of the incorporator is:

Paul Bakkalapulo  
36181 East Lake Road, Suite 382  
Palm Harbor, Florida 34685

## **ARTICLE IX - DISSOLUTION**

This Association may be dissolved in the manner from time to time provided by the laws of the State of Florida and with the assent given in writing and signed by not less than two-thirds (2/3) of each class of members. Upon dissolution of this Association in any manner other than incident to a merger or consolidation, all of this Association's assets including the control or right of access to the property containing the surface water management system facilities, shall be conveyed or dedicated to an appropriate governmental unit or public utility to be used for purposes similar to those for which this Association was created. If dedication is refused or not accepted, such surface water management system facilities assets must be granted, conveyed, and assigned to any nonprofit corporation, association, trust, or other organization to be devoted to such similar purposes. In no event, however may any assets inure to the benefit of any member or other private individual.

## **ARTICLE X - DURATION**

This Association exists perpetually.

## **ARTICLE XI - BY-LAWS**

This Association's By-Laws initially will be adopted by the Board of Directors. Thereafter, the By-Laws may be altered, amended, or rescinded with the approval of a majority of each class of members, except as to those provisions for Amendment to the By-Laws which are provided in the Declaration or any Supplemental Declaration in which case those provisions shall control such Amendments.

## **ARTICLE XII - AMENDMENTS**

Amendments to these Articles may be proposed and adopted in the manner from time to time provided by the laws of the State of Florida, provided that each such amendment must have the approval in writing of fifty (50%) of the entire membership, except as to those provisions for Amendment to the By Laws which are provided in the Declaration or any Supplemental Declaration in which case those provisions shall control such Amendments.

## **ARTICLE XIII - INTERPRETATION**

Express reference is made to the Declaration where necessary to interpret, construe, and clarify the provisions of the Articles. Without limitation, all terms defined in the Declaration have the same meaning where used in these Articles. By subscribing and filing these Articles, the incorporators intend its provisions to be consistent with the provisions of the Declaration and to be interpreted, construed, and applied with those of the Declaration to avoid inconsistencies or conflicting results.

## **ARTICLE XIV - FHA/VA APPROVAL**

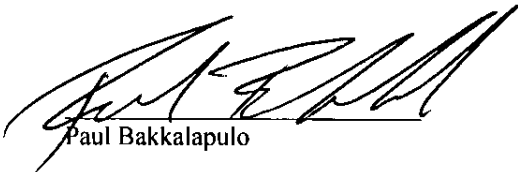
As long as there is a Class B membership, the following actions will require the prior approval of the Federal Housing Administration or the Veterans Administration: annexation of additional properties, mergers and consolidations, mortgaging of Common Area, dedication of Common Area, dissolution and amendment of these Articles.

## **ARTICLE XV – OPERATION AND MAINTENANCE AND LEGAL DOCUMENTATION**

The association has the power to do the following:

- (a) Own and convey property.
- (b) Operate and maintain the surface water management system facilities including all inlets, ditches, swales, culverts, water control structures, retention and detention areas, ponds, lakes, floodplain compensation areas, wetlands and any associated buffer areas, and wetland mitigation areas. .
- (c) Establish rules and regulations.
- (d) Assess members and enforce assessments.
- (e) Sue and be sued.
- (f) Contract for services to provide for operation and maintenance of the surface water management system facilities if the association contemplates employing a maintenance company.
- (g) Require all the lot owners, parcel owners or unit owners to be members.
- (h) Exist in perpetuity; however, the articles of incorporation shall provide that if the association is dissolved, the control or right of access to the property containing the surface water management system facilities shall be conveyed or dedicated to an appropriated governmental unit or public utility and that if not accepted, then the surface water management system facilities shall be conveyed to a non-profit corporation similar to the associations.
- (i) Take any other action necessary for the purposes for which the association is organized.

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 1st day of September 2010.



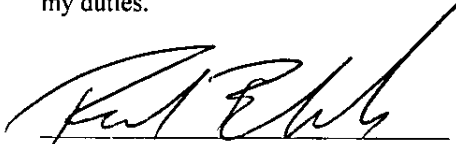
Paul Bakkalapulo

**CERTIFICATE DESIGNATING PLACE OF BUSINESS OR DOMICILE FOR THE  
SERVICE OF PROCESS WITHIN THE STATE OF FLORIDA AND NAMING THE  
REGISTERED AGENT UPON WHOM PROCESS MAY BE SERVED.**

Town Homes of West Bay Cove Homeowners Association, Inc., desiring to organize under the laws of the State of Florida, as a corporation not for profit with its principal office, as indicated in its Articles of Incorporation, at 36181 East Lake Road, Suite 382, Palm Harbor, Florida 34685, County of Pinellas, State of Florida, has named Paul Bakkalapulo, whose business office is 36181 East Lake Road, Suite 382, Palm Harbor, Florida 34685, as its registered agent to accept service of process within Florida.

**ACCEPTANCE**

Having been named to accept service of process for the foregoing corporation at the place designated in this certificate, I hereby agree to act in this capacity, and I further agree to comply with the provisions of all statutes, including the duties and obligations imposed by Section 607.325, relative to the proper and complete performance of my duties.

  
Paul Bakkalapulo  
Date:

12 JAN -6 PM 3:33  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS

**STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH**

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of September, 2010, by Paul Bakkalapulo, personally known.



JOAN M. GUENSCH  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# DD995193  
Expires 6/14/2014

  
Notary Public, State of Florida

**NOTARY SEAL**





# WEST BAY COVE TOWNHOMES

A PORTION OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 28 SOUTH, RANGE 17 EAST, HILLSBOROUGH COUNTY, FLORIDA

## LEGAL DESCRIPTION

FOR A POINT OF REFERENCE, BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 28 SOUTH, RANGE 17 EAST, HILLSBOROUGH COUNTY, FLORIDA, RUN THENCE SOUTH 36 DEGREES 24 MINUTES 36 SECONDS WEST, 411.46 FEET TO THE POINT OF BEGINNING; RUN THENCE SOUTH 53 DEGREES 55 MINUTES 54 SECONDS EAST, 435.6 FEET, THENCE SOUTH 36 DEGREES 24 MINUTES 36 SECONDS WEST, 300 FEET TO THE NORTHEASTLY RIGHT OF WAY LINE OF MEMORIAL HIGHWAY, THENCE WITH SAID RIGHT OF WAY LINE, RUN NORTH 53 DEGREES 55 MINUTES 54 SECONDS WEST, 435.6 FEET, THENCE NORTH 36 DEGREES 24 MINUTES 36 SECONDS EAST, 300 FEET TO THE POINT OF BEGINNING CONTAINING 3.00 ACRES MORE OR LESS.

## DEFINITION

The undersigned, as owners of the lands platted herein do hereby dedicate this plat of WEST BAY COVE TOWNHOMES for record. Further the private roads and rights-of-way shown hereon as Tract "A", are not dedicated to the public, but are hereby reserved by the owners for conveyance to a Homeowners' Association, Community Development District, or other custodial and maintenance entity subsequent to the recording of this plat, for the benefit of the lot owners within the subdivision, as access for ingress and egress of lot owners and their guests and private easements are hereby reserved by the owners for conveyance to a Homeowners' Association, Community Development District, or other custodial and maintenance entity subsequent to the recording of this plat, for the benefit of the lot owners within the subdivision.

Fee interest in Tract "A" is hereby reserved by the owners for conveyance to a Homeowners' Association, Community Development District, or other custodial and maintenance entity subsequent to the recording of this plat, for the benefit of the lot owners within the subdivision.

Said Tract "A" and Private Easements are subject to any and all easements dedicated to public use as shown on this plat. The maintenance of tracts, parcels, and private easements reserved by owners will be the responsibility of the lot owners within the subdivision.

Tract "A" (West Bay Cove Townhomes) will be used for residential purposes. The owners hereby dedicate to Hillsborough County government and all providers of fire, emergency, emergency medical, mail, package delivery, solid waste/waste/water, and other similar governmental and quasi-governmental services, a non-exclusive easement over and across the private roads and rights-of-way within Tract "A" as shown hereon for ingress and egress for the performance of their official duties.

Owners hereby grant to all providers of telephone, electric, cable television, water and sewer, and other public and quasi-public utilities, a non-exclusive easement over and across and a non-exclusive utility easement over, across and under the private roads and rights-of-way within Tract "A" and the areas designated hereon as utility easements, for the construction, installation, and maintenance of utilities and related purposes.

Owner: Townhomes of West Bay Cove, LLC  
A Florida Limited Liability Company

Witness (2)

1) Christine M. Davoli  
(Signature)  
Christine M. Davoli  
(Typed Name)  
2) Christine M. Davoli  
(Signature)  
CHRISTINE M. DAVOLI  
(Typed Name)

Paul Bakkegaard

**Address:**

1) Alfreda Kaloria  
(Signature)  
2) Michelle Katoaris  
(Signature)  
3) Christine M. Pattoli  
(Signature)  
CHRISTINE M. PATTOLI

*Paul Bakkefjord*  
Paul Bakkefjord

## NOTES

STATE OF FLORIDA

COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 22 day of April, 2006 by Paul Bakkalapulo, as President, on behalf of the Co. is personally known to me.

George W. Gurnea  
Notary Public, State of Florida

Name: Joseph M. Gerasch

Sharon. Quince  
Hollywood Public, State of Florida

Name: Spencer C. Givens

Commission No. 000563887  
My Commission Expires: 6/14/2010

**BOARD OF COUNTY COMMISSIONERS**

This plot has been approved for recordation

10/10/10  
Date

*[Signature]*  
Chairperson

CLERK OF THE CIRCUIT COURT  
COUNTY OF HILLSBOROUGH  
STATE OF FLORIDA

I hereby certify that this Subdivision Plat meets the requirements, in form, of Chapter 177 Part 1 of Florida Statutes, and has been filed for record in Plat Book 111, Page 51, of the Public Records of Hillsborough County, Florida.

By: PAT FRANK  
CLERK OF THE CIRCUIT COURT

By: Daniel  
DEPUTY CLERK

THIS 5th DAY OF DEC 2006 TIME 11:49 AM  
CLERK FILE NUMBER 2006564496

Edward C. Elliott  
PROFESSIONAL SURVEYOR AND MAP  
EAGLE CONSULTANTS, INC.  
2546 SUCCESS DRIVE  
ODDESSA, FLORIDA 33556  
LB # 7240

### SUPERVISOR'S CERTIFICATE

1. the undersigned surveyor, hereby certify that this Platted Survey is a correct representation of the land being that the plat complies with all the requirements of Chapter 177, Part I, Florida Statutes, and the Hagerough County Land Development Code, that permanent reference monuments (PRM's) were found in the locations shown on the 18th day of June, 2008, as shown hereon; and that permanent control points (PCPs), and lot corners shall be set per requirements of Florida Statute or in accordance with the requirements of Florida Statute or in accordance with the requirements of bonding.

## PLAT APPROVAL

This plot has been reviewed in accordance with Florida Statutes, Section 177.081 for Chapter conformity. The geometric data has not been verified.

Reviewed By Nanny 2 Bob  
Florida Professional Surveyor and Mapper License # 3317  
County Surveying Division, Real Estate Department  
Hillsborough County

**SHEET 1 OF 2**

**EAGLE CONSULTANTS<sup>INC.</sup>**  
CONSULTING ENGINEERS • PLANNERS • SURVEYORS  
3444 SUCCESSE DRIVE  
ORLANDO, FLORIDA 32835  
OFFICE (727) 371-0000  
TELEFAX (727) 371-0000  
STUDIO (407) 241-1490  
COSTA MESA, CALIFORNIA 92626  
(714) 440-7200