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# ARTICLES OF INCORPORATION OF LGI DOCK 69 ASSOCIATION, INC.

The undersigned, for the purpose of forming a corporation not for profit under the laws of the State of Florida, hereby adopts the following Articles of Incorporation:

#### **ARTICLE I**

NAME AND ADDRESS: The name of the corporation is LGI DOCK 69 ASSOCIATION, INC. The street address and mailing address of the corporation are 2543 U.S. Highway 27 South, Sebring, Florida 33870.

#### **ARTICLE II**

PURPOSE: The corporation is organized as an incorporated dock association to receive dues and assessments from members of the corporation and use those funds to operate and manage the affairs of its members related to the common use and maintenance of Dock 69, a private residential multifamily dock on Little Gasparilla Island, and related facilities, for purposes of Chapter 2014-237, Laws of Florida, as a Florida corporation not for profit under the Florida Not For Profit Corporation Act and as provided in Section 501(c)(7) of the Internal Revenue Code of 1986, or the corresponding section of any future tax code.

### **ARTICLE III**

**TERM OF EXISTENCE**. The corporation is to exist perpetually.

#### <u>ARTICLE IV</u> MEMBERSHIP

SECTION 1. Members. The corporation shall have members. Membership in the corporation is expressly limited to the owners of the real property hereinafter described, and this corporation has been formed for the benefit of all of those property owners. Pursuant to Section 617.0601(7), Florida Statutes, the owners of the hereinafter described real property shall not be denied membership in the corporation; provided, however, that those property owners, once

admitted to membership, shall comply with the terms and conditions of membership. The owners, collectively, of each parcel of real property hereinafter described, shall have the right to become a member of the corporation on the terms and conditions provided in the Bylaws of the corporation.

- <u>PARCEL 1</u>: Lot 3 of GASPARILLA COVE, according to the plat thereof as recorded in Plat Book 15, Page 1, of the Public Records of Charlotte County, Florida.
- PARCEL 2: Lot 4 of GASPARILLA COVE, according to the plat thereof as recorded in Plat Book 15, Page 1, of the Public Records of Charlotte County, Florida.
- PARCEL 3: Lot 5 of GASPARILLA COVE, according to the plat thereof as recorded in Plat Book 15, Page 1, of the Public Records of Charlotte County, Florida.
- PARCEL 4: Lot 6 of GASPARILLA COVE, according to the plat thereof as recorded in Plat Book 15, Page 1, of the Public Records of Charlotte County, Florida.
- PARCEL 5: Lot 7 of GASPARILLA COVE, according to the plat thereof as recorded in Plat Book 15, Page 1, of the Public Records of Charlotte County, Florida.
- PARCEL 6: Lot 8 of GASPARILLA COVE, according to the plat thereof as recorded in Plat Book 15, Page 1 of the Public Records of Charlotte County, Florida.
- PARCEL 7: Lot 9 of GASPARILLA COVE, according to the plat thereof as recorded in Plat Book 15, Page 1, of the Public Records of Charlotte County, Florida.
- <u>PARCEL 8</u>: Lot 10 of GASPARILLA COVE, according to the plat thereof as recorded in Plat Book 15, Page 1, of the Public Records of Charlotte County, Florida.
- PARCEL 9: Lot 3 of GASPARILLA COVE UNIT TWO, according to the planthereof as recorded in Plat Book 16, Pages 9A and 9B, of the Public Records of Charlotte County, Florida.
- PARCEL 10: Lot 4 of GASPARILLA COVE UNIT TWO, according to the plat thereof as recorded in Plat Book 16, Pages 9A and 9B, of the Public Records of Charlotte County, Florida.
- PARCEL 11: Lot 5 of GASPARILLA COVE UNIT TWO, according to the plat thereof as recorded in Plat Book 16, Pages 9A and 9B, of the Public Records of Charlotte County, Florida.
- PARCEL 12: The Easterly 174 feet of the Westerly 510 feet of the following described property: The Southerly 40 feet of TRACT 5 and the Northerly 20 feet of TRACT 6 of GASPARILLA ESTATES SUBDIVISION, according to the plat thereof as recorded in Plat Book 2, Page 94, of the Public Records of Charlotte County, Florida, all lying in Section 22, Township 42 South, Range 20 East.

PARCEL 13: Begin at a point located on the centerline of the most Westerly 50 foot road easement and located 80 feet Southerly of the Northerly Boundary of Tract 6 of GASPARILLA ESTATES SUBDIVISION, according to the plat thereof as recorded in Plat Book 2, Page 94, of the Public Records of Charlotte County, Florida; thence North 27°58'04" West along centerline of said 50 foot road easement 60.00 feet; thence North 62°01'56" East parallel with and 20.00 feet Southerly from the Northerly boundary of said Tract 6, for a distance of 199.00 feet; thence South 27°58'04" East 60.00 feet; thence South 62°01'56" West parallel with said Northerly boundary of said Tract 6, a distance of 199.00 feet to the Point of Beginning, subject to a 25 foot road easement along the Westerly 25 feet thereof, all lying in Section 22, Township 42 South, Range 20 East.

NOTE: BEARINGS IN THE FOREGOING DESCRIPTION OF PARCEL 13 HAVE BEEN ROTATED 00 DEGREES 21 MINUTES 31 SECONDS TO THE RIGHT TO MATCH SURVEY BEARING BASIS.

- PARCEL 14: Beginning at the Southeasterly corner of Lot 5 of GASPARILLA COVE, according to the plat thereof as recorded in Plat Book 15, Page 1, of the Public Records of Charlotte County, Florida; run South 61°40'25" West, along the Southerly boundary line of said GASPARILLA COVE, a distance of 160.0 feet; thence South 28°19'15" East, a distance of 60.0 feet; thence North 61°40' 25" East, a distance of 160 feet; thence North 28°19'15" West, a distance of 60.0 feet to the Point of Beginning. Said parcel of land lying in Section 22, Township 42 South, Range 20 East, being a part of Tract 5 and Tract 6 of GASPARILLA ESTATES SUBDIVISION according to the plat thereof as recorded in Plat Book 2, Page 94, of the Public Records of Charlotte County, Florida.
- PARCEL 15: A parcel of land lying in Section 22, Township 42 South, Range 20 East being more particularly described as follows: Commence at the Southeasterly corner of Lot 5 of GASPARILLA COVE, according to the plat thereof as recorded in Plat Book 15, Page 1, of the Public Records of Charlotte County, Florida; run South 62°12'55" West, along the Southerly boundary line of said GASPARILLA COVE, a distance of 160.0 feet; thence South 27°46'55" East, a distance of 60.0 feet to the Point of Beginning of the Lands herein described: thence continue South 27°46'55" East, a distance of 160.0 feet; thence North 62°12'55" East, a distance of 160.0 feet; thence South 62°12'55" West, a distance of 60.0 feet; thence South 62°12'55" West, a distance of 160.0 feet; thence
- PARCEL 16: A parcel of land lying in Section 22, Township 42 South, Range 20 East, which is a portion of the South 40 feet of Tract 5 and a portion of the North 20 feet of Tract 6 of GASPARILLA ESTATES SUBDIVISION, according to the plat thereof as recorded in Plat Book 2, Page 94, of the Public Records of Charlotte County, Florida, being more particularly described as follows: Commence at the Southeasterly corner of Lot 5 of GASPARILLA COVE, according to the plat thereof as recorded in Plat Book 15, Page 1, of the

Public Records of Charlotte County, Florida, thence South 61°40'25" West along the Southerly boundary line of said GASPARILLA COVE a distance of 160.00 feet to the point of beginning: thence South 28°19'25" East a distance of 60.00 feet; thence North 61°40'25" West, a distance of 350 feet more or less to the Waters Edge at time of survey; thence North 28°19'25" West along said Waters Edge a distance of 60.00 feet intersecting the Southerly boundary line of said GASPARILLA COVE; thence North 61°40'25" East along said Southerly boundary line a distance of 350 feet more or less to the point of beginning.

PARCEL 17: A parcel of land lying in Section 22, Township 42 South, Range 20 East, being the Westerly 350.00 feet of the Southerly 60 feet of the Northerly 80 feet of TRACT 6 of GASPARILLA ESTATES SUBDIVISION, as recorded in Plat Book 2, Page 94, of the Public Records of Charlotte County, Florida, being more particularly described as follows: Commence at the Southeasterly corner of Lot 5, of GASPARILLA COVE, according to the plat thereof as recorded in Plat Book 15, Page 1, of the Public Records of Charlotte County, Florida; thence South 62°12'55" West along the Southerly boundary line of said GASPARILLA COVE a distance of 160.00 feet; thence South 27°46'55" East a distance of 60.00 feet to the Point of Beginning: thence continue South 27°46'55" East a distance of 60.00 feet; thence South 62°12'55" West a distance of 350.00 feet, more or less, to the approximate mean high water line of the Gulf of Mexico; thence Northwesterly along said mean high water line a distance of 60.00 feet; thence North 62°12'55" East a distance of 350.00 feet, more on less to the Point of Beginning.

SECTION 2. No Right to Net Income. No part of the net earnings of the corroration shall inure to the benefit of, or be distributable to its members, trustees, directors, officers, officers, private persons, except that the corporation shall be authorized and empowered to pay reas mable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article II hereof. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these Articles, the corporation shall not carry on any other activities not permitted to be carried on by a corporation exempt from federal income tax under

Section 501(c)(7) of the Internal Revenue Code of 1986, or the corresponding section of any future federal tax code.

SECTION 3. Manner of Termination of Membership for Nonpayment. Members shall be subject to annual as well as special assessments by the corporation for the costs of the submerged land lease, repair and maintenance, utilities, insurance, and capital improvements, expansion, construction or reconstruction of Dock 69 on Little Gasparilla Island. The membership of any member that has not paid all assessments and other amounts owed by the member to the corporation on or before the ninetieth (90<sup>th</sup>) day after the due date for payment of the assessment or other amount to the corporation shall automatically terminate on the ninety first (91<sup>st</sup>) day after that due date.

SECTION 4. Reinstatement of Terminated Membership. After a membership has been terminated, that membership shall be reinstated upon payment of the annual assessment and any special assessment previously assessed by the Board of Directors for that calendar year, the initiation fee established by majority vote of the members of the corporation, which is then in effect, and all other amounts owed to the Association by the owner or owners of the parcel to which that membership is attached.

SECTION 5. Transferability of Memberships. Upon transfer of any of the parcels hereinabove described, the membership associated with that parcel or, if not ractivated of its previously terminated, the right to activate or reinstate the membership associated with that parcel, automatically transfers to the new property owner or property owners of that parcel, collectively.

SECTION 6. Distribution of Assets Upon Dissolution or Final Liquidation. No property of the corporation shall be distributed to the members except upon final dissolution or liquidation. Upon final dissolution or liquidation, after paying or making provisions for the payment of all

liabilities of the corporation, the assets of the corporation shall be distributed equally to the members of the corporation.

#### ARTICLE V

**BYLAWS**: After adoption by the Board of Directors of initial Bylaws, the Bylaws of the corporation shall be made, altered or rescinded by the members of the corporation.

#### ARTICLE VI

**ELECTION OF DIRECTORS**: The initial directors of the Corporation shall be Rex I. Godber, Adam J. Carr, and J. Ross Macbeth.

Commencing with the first meeting of the members of the corporation, the directors shall be elected as provided in the Bylaws of the corporation.

#### ARTICLE VII

**REGISTERED OFFICE AND AGENT**: The street address of the initial registered office of the corporation is 2543 U.S. Highway 27 South, Sebring, Florida 33870 and the name of the initial registered agent of the corporation at that address is J. Ross Macbeth.

#### ARTICLE VIII

INCORPORATOR: The name and address of the person signing these Articles as incorporator is:

Name

Address

J. Ross Macbeth

2543 U.S. Highway 27 South
Sebring, Florida 33870

# **ARTICLE IX**

AMENDMENT: These Articles of Incorporation may be amended by the act of seventy-five percent (75%) of the members of the corporation. Such amendments may be prepared and adopted in the manner provided by Florida law.

IN WITNESS WHEREOF, the undersigned has made and subscribed these Articles of

Incorporation on this 25th day of April, 2016.

/////

J. Ross Macbeth, Incorporator

## ACCEPTANCE AS REGISTERED AGENT

THE UNDERSIGNED, named as the registered agent in Article VII of these Articles of Incorporation, hereby accepts the appointment as such registered agent, and acknowledges that he is familiar with, and accepts the obligations imposed upon registered agents under, the Florida Not For Profit Corporation Act, including specifically Section 617.0501, Florida Statutes.

J. Ross Macbeth, Registered Agent

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