

N17000002213

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(Business Entity Name)

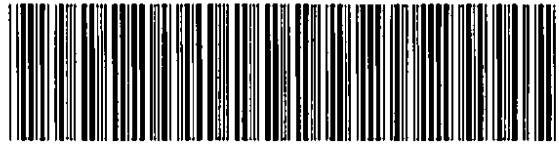
(Document Number)

Certified Copies _____ Certificates of Status _____

Special Instructions to Filing Officer:

Spoke to Mr. David Evans
which he made the correction
in the AFFIDAVIT 7/30/18

Office Use Only



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07/23/18--01037--008 **35.00

FILED
SECRETARY OF STATE
DIVISION OF CORPORATIONS
2018 JUL 30 PM 3:28

JUL 30 2018

CLERK



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DIVISION OF CORPORATIONS

2018 JUL 30 PM 3:28

FLORIDA DEPARTMENT OF STATE
Division of Corporations

July 26, 2018

DAVID L. EVANS
LIBERTY VILLAGE HOA, INC.
201 LYTHAM WAY
DAYTONA BEACH, FL 32124

SUBJECT: LIBERTY VILLAGE HOA, INC.
Ref. Number: N17000002213

We have received your document for LIBERTY VILLAGE HOA, INC. and your check(s) totaling \$35.00. However, the enclosed document has not been filed and is being returned for the following correction(s):

Please file the document as either Articles of Amendment or Restated Articles of Incorporation pursuant to applicable Florida Statutes.

If you have any questions concerning the filing of your document, please call (850) 245-6838.

Cheryl R McNair
Regulatory Specialist II

Letter Number: 818A00015410

COVER LETTER

FILED
SECRETARY OF STATE
DIVISION OF CORPORATIONS

2010 JUL 30 PM 3:28

TO: Amendment Section
Division of Corporations

Liberty Village HOA, Inc.

NAME OF CORPORATION: _____

N17000002213

DOCUMENT NUMBER: _____

The enclosed *Articles of Amendment* and fee are submitted for filing.

Please return all correspondence concerning this matter to the following:

David L. Evans

(Name of Contact Person)

Liberty Village Development, Inc.

(Firm/ Company)

201 Lytham Way

(Address)

Daytona Beach, FL 32124

(City/ State and Zip Code)

David.Liberty Village@yahoo.com

E-mail address: (to be used for future annual report notification)

For further information concerning this matter, please call:

David L. Evans

386

295-2125

at

(Name of Contact Person)

(Area Code)

(Daytime Telephone Number)

Enclosed is a check for the following amount made payable to the Florida Department of State:

- | | | | |
|---|--|---|--|
| <input checked="" type="checkbox"/> \$35 Filing Fee | <input type="checkbox"/> \$43.75 Filing Fee &
Certificate of Status | <input type="checkbox"/> \$43.75 Filing Fee &
Certified Copy
(Additional copy is
enclosed) | <input type="checkbox"/> \$52.50 Filing Fee
Certificate of Status
Certified Copy
(Additional Copy is
Enclosed) |
|---|--|---|--|

Mailing Address
Amendment Section
Division of Corporations
P.O. Box 6327
Tallahassee, FL 32314

Street Address
Amendment Section
Division of Corporations
Clifton Building
2661 Executive Center Circle
Tallahassee, FL 32301

2010 JUL 30 PM 3:28

**AMENDED AND RESTATED
ARTICLES OF INCORPORATION OF
LIBERTY VILLAGE HOA, INC.**
(A Florida Corporation Not for Profit)

The undersigned, for the purpose of forming a corporation not for profit under Chapter 617 of the Florida Statutes, hereby files these amended and restated articles of incorporation.

ARTICLE I. NAME

The name of this corporation is Liberty Village HOA, Inc. For convenience, the corporation shall be referred to in this instrument as the "Association", these Articles of Incorporation as the "Articles" and the By-Laws of the Association as the "By-Laws".

ARTICLE II. PURPOSES

The purposes for which the Association is organized are as follows:

- a. To take title to, operate, administer, manage, and maintain the assets and property of the Association as such are dedicated to or may be the responsibility of the Association by the recorded Plat of Liberty Village, the Declaration, these Articles, the By-Laws or otherwise.
- b. To Manage the Association of owners established by the Declaration of Covenants and Restrictions for Liberty Village HOA, Inc. (the "Declaration"). The Declaration was executed by Liberty Village Development, Inc., developer of the subdivision (the "Declarant").
- c. To enforce the Declaration and perform all duties and responsibilities imposed upon the Association by the Declaration.
- d. To carry out all duties placed upon it by these Articles, the By-Laws, the Declaration and the Florida law.
- e. The Association shall operate, maintain and manage the surface water or stormwater management system(s) in a manner consistent with the requirements of St. Johns River Water Management District permit #153211-1, 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.

ARTICLE III. POWERS

The Association shall have the following powers:

- a. The Association shall have all common law and statutory powers of a corporation not for profit, not in conflict with the terms of these Articles, the By-Laws and the Declaration.
- b. Unless otherwise specified herein, the Association shall be governed by Florida Statute, Chapters 617 and 720. The Association shall have the power to administer and to enforce the provisions of these Articles, the By-Laws and the Declaration and all powers reasonably necessary

to carry out the responsibilities and duties conferred upon it by these Articles, the By-Laws and the Declaration, as amended and supplemented from time to time, including but not limited to, the power to levy and collect adequate assessments against members of the Association.

c. 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 stormwater management system.

ARTICLE IV. MEMBERSHIP

Every person or entity who is or becomes a record owner of any "Lot or Dwelling Unit" in the "Property" or is otherwise considered an "Owner", as those terms are defined in the Declaration, shall be a "Member" of the Association. Declarant shall also be a Member of the Association as long as it owns a Lot or Dwelling Unit in the Property. Membership is solely for those having an ownership interest ("Title Owners") and is not intended to and shall not include any persons or entities who hold an interest in real property merely as security for the performance of an obligation. In the event there are more than one Title Owner, the Title Owners shall designate one as the Voting Member. All memberships in the Association shall be automatic and mandatory and shall terminate automatically when a Member becomes divested of a fee simple ownership in a Lot or Dwelling Unit in the Property.

When a corporation or partnership is the owner of a Lot or Dwelling Unit, the membership privilege shall be exercised by only one (1) individual being the one designated by the entity to cast its vote as hereinafter provided. When more than one person holds an interest in a Lot or Dwelling Unit, each person shall be a Member, even though each person does not acquire a separate right to vote.

The qualifications of the members, the manner of their admission to membership and termination of such membership and voting by members shall be as follows:

a. The membership of the Association shall consist of two classes of members. Class "A" members shall include, with the exception of the Class "B" members, every person who is a record owner of a fee simple estate, a life estate, an estate pur autre vie or a fee upon condition, in any Lot, as such term is defined in the Declaration, which is subject, by the Declaration, or by any supplementary Declaration, to assessment by the Association. Class "B" membership shall consist of the Declarant, and/or any successor in title who is designated as a Class B member in accordance with the Declaration and the By-Laws of the Association.

b. Change of membership in the Association shall be established by recording in the Public Records of Volusia County, Florida, a deed or other instrument establishing a record title to a Lot subject to assessment by the Association and the delivery to the Association of a certified copy of such instrument. The owner or owners designated by such instrument thus becomes members of the Association and the membership of the prior owner is terminated.

c. On all matters on which the membership shall be entitled to vote, said voting shall be in accordance with the voting rights as established in the By-laws.

d. The Class "B" membership shall terminate as set forth in the By-Laws which provisions are incorporated herein by reference.

ARTICLES V. MANAGEMENT

a. The affairs and property of the Association shall be managed and governed by a Board of Directors composed of not less than three (3) nor more than five (5) persons. The Board members shall be elected by the voting membership at the times and in the manner provided in the By-Laws. The Board members may be removed and vacancies in the Board filled in the manner provided in the By-Laws.

b. The "Initial Board" shall consist of three (3) persons, who need not be Members entitled to vote in the Association, and who shall be appointed by Declarant. The initial Board named in these Articles shall serve until the Owners, other than Declarant, are entitled to elect the Board members in the manner set forth in the By-Laws. Declarant may fill vacancies in the initial Board appointed by Declarant. After the election of the Board by the Owners other than the Declarant, vacancies occurring between annual meetings of the membership shall be filled in the manner provided in the By-Laws.

c. The number of members on the Board shall be increased to five (5) persons at the time and in the manner provided in the By-Laws.

d. Notwithstanding paragraph (b) above, Board members shall be elected by the membership in accordance with the By-Laws at the regular annual meeting of the membership of the Association to be held on the first Monday of June of each year or on such other date as may be set by the vote of a majority of the membership.

e. All officers shall be elected by the Board in accordance with the By-Laws at the annual meeting of the Board to be held immediately following the annual meeting of the membership. The Board shall elect or appoint at the time and in manner set forth in the By-Laws a President, Vice President, Secretary, Treasurer, and other officers as it may deem desirable.

ARTICLE VI. BOARD OF DIRECTORS

The number of persons constituting the first Board of Directors shall be three (3). The 3 names and street addresses of the persons who are to serve as the first Board is as follows:

The number of Board members may be increased or diminished from time to time as provided by the By-Laws but shall never be less than three (3). All Board members shall be natural persons.

ARTICLE VII. OFFICERS

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

Darold N. Schonscheck, President
98 Spinnaker Cr.
South Daytona, FL 32119

David L. Evans, Vice President

201 Lytham Way
Daytona Beach, FL 32124

Christopher D. Evans, Secretary/Treasurer
236 Bauer Cr.
Daytona Beach, FL 32124

ARTICLE VIII. PRINCIPAL OFFICE

The principal office and mailing address of the Association is 201 Lytham Way, Daytona Beach, FL 32124.

ARTICLE IX. BY-LAWS

By-Laws of the Association shall be adopted by the first Board and thereafter may be altered, amended or rescinded in the manner provided in the By-Laws. In the event of a conflict between the provisions of these Articles and the provisions of the By-Laws, the provisions of these Articles shall control.

ARTICLE X. EXISTENCE AND DURATION

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

ARTICLE XI. DISSOLUTION AND SUCCESSOR ENTITIES

The Association may be dissolved only with the written consent of the owners and holders of all mortgages and liens on any Lots, by the City Commission of the City of Edgewater, and by two-thirds (2/3) of the Voting Members. In the event of the dissolution of the Association, or any successor entity thereto, other than incident to a merger or consolidation, any property dedicated or conveyed to the Association shall be transferred to either a successor entity or an appropriate governmental agency or public body to be used for purposes similar to those for which this Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to a non-profit corporation, association, trust or other organization to be devoted to such similar purposes.

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 an entity which would comply with Section 62-330, F.A.C., and be approved by the St. Johns River Water Management District prior to such termination, dissolution or liquidation.

ARTICLE XII. SEVERABILITY

Invalidation of any of these Articles or portions thereof by judgment, court order, or operation of law shall in no way affect other provisions, which shall remain in full force and effect.

ARTICLE XIII. REGISTERED OFFICE AND REGISTERED AGENT

The street address of the registered office of the Association is 201 Lytham Way, Daytona Beach, FL 32124, and the Registered Agent of the Association at that address is David L. Evans.

ARTICLE XIV. INDEMNIFICATION

The Association shall indemnify any officer, Board member or committee member or any former officer, Board member or committee member to the full extent permitted by law.

Adoption of Amended and Restated Articles

There are no members entitled to vote on these Amended and Restated Articles of Incorporation. This Amendment was adopted by the Board of Directors.

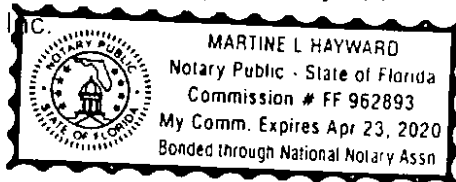
These Amended and Restated Articles of Incorporation completely replace those certain Articles previously filed with the Department of State on February 27, 2017.

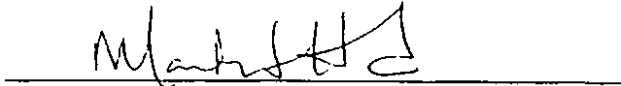
Dated this 16 day of July 2018.


Darold N. Schonscheck, President

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 16th day of July, 2018, by Darold N. Schonscheck, who personally appeared before me, as President and on behalf of Liberty Village, HOA, Inc.

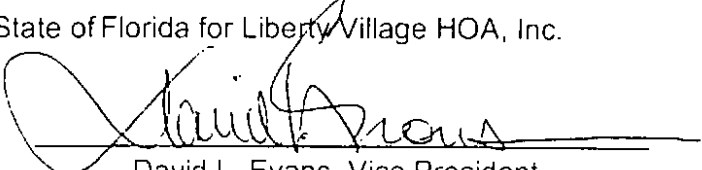



Notary Public, State of Florida at Large

My Commission Expires:

REGISTERED AGENT

I hereby accept the service of process within the State of Florida for Liberty Village HOA, Inc.


David L. Evans, Vice President