

N21000010922

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

☐

PICK-UP

☐

WAIT

☐

MAIL

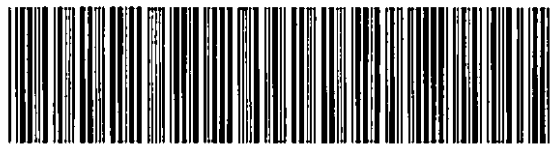
(Business Entity Name)

(Document Number)

Certified Copies _____ Certificates of Status _____

Special Instructions to Filing Officer:

Office Use Only



900372320079

09/08/21--01009--021 *+78.75

RECEIVED

SEP 07 2021

9/15/21
[Signature]

2021 SEP 15 10:16
10

C

COVER LETTER

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

SUBJECT: BERKLEY POINTE 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: CHRISTOPHER A DESROCHERS PL

Name (Printed or typed)

2504 AVENUE G NW

Address

WINTER HAVEN, FL 33880

City, State & Zip

863-299-8309

Daytime Telephone number

homeownersberkleypointe@gmail.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
OF
BERKLEY POINTE HOMEOWNERS ASSOCIATION, INC.

The undersigned subscribers to these Articles of Incorporation (the "Articles"), each a natural person competent to contract, and a resident of the State of Florida, have this day voluntarily associated themselves together for the purpose of forming a corporation not for profit under the Florida Nonprofit Corporation Law, adopts the following Articles of Incorporation.

ARTICLE I

NAME

The name of the corporation is **BERKLEY POINTE HOMEOWNERS ASSOCIATION, INC.** Sometimes hereinafter referred to as the "Association".

ARTICLE II

PRINCIPAL OFFICE

The principal office of the Association is located at 613 Berkley Pointe Pass, Auburndale, Florida 33823.

ARTICLE III

PURPOSES AND POWERS

The Association has been formed as a nonprofit corporation to provide for the ownership, maintenance, preservation and architectural control of certain common and dedicated properties located in a development known as **BERKLEY POINTE**, (the "Properties") situated in Auburndale, Florida, as more particularly described and shown in Plat Book 104 at Page 48, Public Records of Polk County, Florida, and to perform other specific purposes and powers as set forth below, and to be more fully set forth in the Declaration. The Association will not permit pecuniary gain or profit to the members nor distribution of its income to its officers or directors.

PURPOSES: The Association shall exist for all of the following purposes:

(A) To own, operate, and maintain certain common and dedicated properties within the Properties (as set forth in the Declaration)

(B) To take such actions as the Association is authorized pursuant to its Articles of Incorporation and Bylaws to take to maintain the residential quality of the Properties.

POWERS: The Association shall have all of the common law and statutory powers of a Florida corporation not for profit which are consistent with these Articles and with the Declaration and all of the powers and authority reasonable necessary or appropriate to the operation of a residential community including, but not limited to, the following powers:

(A) To exercise all the powers and privileges and to perform all the duties and obligations of the Associations set forth in the Declaration, as the same may be amended from time

to time as therein provided, and the Declaration is hereby incorporated herein by reference and made a part hereof;

(B) To fix, levy, collect, and enforce payment by any lawful means, all charges or assessments and assessment liens pursuant to the terms of the Declaration;

(C) To enforce any and all covenants, conditions, restrictions, and agreements applicable to the Development;

(D) To pay taxes, if any, on the Common Areas and Dedicated Areas and any other common and dedicated properties of the Association (as set forth in the Declaration);

(E) To 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;

(F) To borrow money, and to mortgage pledge deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred, provided that such borrowing shall have the assent of eighty percent (80%) of the Members (as hereinafter defined entities to vote);

(G) To dedicate, sell or transfer all or any part of the Common Areas and the Dedicated Areas and any other common area or assets owned by the Association 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 signed by eighty percent (80%) of each class of members has been recorded.

(H) To participate in mergers and consolidations with other nonprofit corporations organized for the same purpose or annex additional Common Areas or Dedicated Areas, provided further that no such assent shall be required as a condition to accepting conveyance of Common Areas pursuant to the Declaration or to accepting conveyance of Dedicated Areas pursuant to the Declaration;

(I) Subject always to the Declaration, to have and to exercise any and all powers, rights, and privileges which a corporation organized under the Florida Nonprofit Corporation Law.

ARTICLE IV

MEMBERSHIP

Every person or entity who is a record owner of a fee or undivided fee interest in any Unit which is subject by covenants of record to assessment by 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 separated from ownership of any Unit which is subject to assessment by the Association.

ARTICLE V

QUORUM

The Members holding a majority of the votes, with each unit owner entitled to one vote, shall constitute a quorum at a meeting of Members.

If less than such majority of votes are represented at a meeting, a majority of the votes so

represented may adjourn the meeting from time to time without further notice. At such adjourned meeting at which a quorum shall be present or represented, any business may be transacted which might have been transacted at the meeting as originally notified. The Members present at a duly constituted meeting may continue to transact business until adjournment, notwithstanding the withdrawal of enough Members to leave less than a quorum.

ARTICLE VI

BOARD OF DIRECTORS

The affairs of the Association shall be managed by a Board of Directors who need not Members of the Association. The number of directors may be changed by amendment of the Bylaws of the Association, but shall never be less than three (3) directors or more than nine (9). The names and residence addresses until the selection of their successors are:

NAME	ADDRESS
Julie Ann Jencks	613 Berkley Pointe Pass Auburndale, FL 33823
Aaron Murray	608 Berkley Pointe Pass, Auburndale, FL 33823
Terri Butler	620 Berkley Pointe Drive, Auburndale, FL 33823
Pam Wingate	624 Berkley Pointe Pass, Auburndale, FL 33823
Leslie Fuhrman	556 Berkley Pointe Drive, Auburndale, FL 33823
Jamie Acres	644 Berkley Pointe Drive, Auburndale, FL 33823
Amy Schmidt	676 Berkley Pointe Drive, Auburndale, FL 33823

The directors may, by bylaw, fix the term of office for all directors. However, unless contrary provisions are made by bylaw, each director's term of office shall be for one (1) year, but all directors shall continue in office until their successors are duly elected and installed. There shall be held at each annual meeting of the Association an election of directors. Directors may receive successive annual terms without limitations.

ARTICLE VII

OFFICERS

The affairs of the Association shall be administered by a president, vice president, a secretary and a treasurer and such other officers as may be designated in the Bylaws. The officers shall be elected by the Board of Directors at its first meeting following the annual meeting of the members of the Association and shall serve at the pleasure of the Board of Directors. The names and residence addresses of the officers who shall serve the first election of the Board of Directors are as follows:

<u>OFFICE</u>	<u>NAME AND ADDRESS</u>
President	Julie Ann Jencks
Vice President	Aaron Murray
Secretary	Terri Butler
Treasurer	Pam Wingate

REC'D
JUL 12 2016

ARTICLE VIII

DISSOLUTION

To Association may be dissolved with the consent given in writing and signed by either the Developer or by eighty percent (80%) of the membership. Upon dissolution of the Association, other than incident to a merger or consolidation, its assets, both real and personal, shall be dedicated to an appropriate public agency to be used for purposes similar to those for which this Association was formed. In the event there is a refusal to accept such dedication, then such assets shall be granted, conveyed, and assigned to any nonprofit corporation, association, trust, or other organization which is devoted to purposes similar to those of this Association.

ARTICLE IX

INDEMNIFICATION

The Association shall, and does hereby indemnify any persons ("Indemnities") for any and all liability arising from their official capacities or from any acts committed or failure to act by them in their official capacities as officers or directors of the Association, including acts which are adjudged by a court of law to have constituted negligence or misconduct in the performance of their duty to the Association, and resulting from judgments, fines, or amounts paid in settlement which are incurred in any action, suit, or proceeding, whether civil, criminal, administrative or investigative, and whether such action, suit or proceeding is brought by or in the right of the Association, or other parties, and whether such action, suit or proceedings commenced during or subsequent to their tenure as officers or directors of the Association ("Actions").

The Association will reimburse indemnitees for any and all actual and reasonable expenses, including without limitation, attorneys' fees and court cost in trial and appellate tribunals ("Expenses") as incurred by indemnitees in any actions. Notwithstanding anything to the contrary herein, the Association will not indemnify indemnitees for any liability or expenses incurred for actions which constitute gross negligence or willful misconduct, as such terms are used in Section 607.014(6) of the Florida Statutes. The indemnification provided in this Article shall be in addition to and shall not limit or modify any other rights to indemnify to which indemnitees are entitled including, without limitation, those rights conferred by the Florida Statutes of the Bylaws, Articles of Incorporation or any agreement executed by the Association. The Indemnification provided for herein shall be subject to the provisions of Section 607.014(2) of the Florida Statutes.

ARTICLE X

BYLAWS

The first Bylaws of the Association shall be adopted by the Board of Directors and may be altered, amended or rescinded by a vote of a majority of a quorum of members present in person or by proxy.

DURATION

ARTICLE XII

The Articles may be amended by resolution adopted by the Developer and a eighty percent (80%) vote of the members at a meeting called for the purpose of considering the amendment of these Articles, or by resolution unanimously adopted by the Board of Directors; provided, however, that no amendment shall be effective to impair or dilute any rights or obligations of Members that are governed by the Declaration (as, for example, membership and voting rights) which are part of the property interests created thereby.

SUBSCRIBER/INCORPORATOR

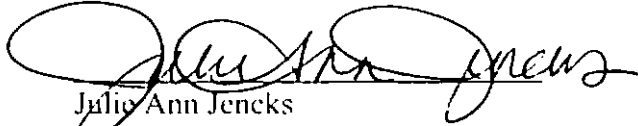
<u>NAME</u>	<u>ADDRESS</u>
Julie Ann Jencks	613 Berkley Pointe Pass, Auburndale, FL 33823

REGISTERED AGENT - REGISTERED OFFICE

ARTICLE XV DISSOLUTION

Upon dissolution of the Association, all of its assets shall be conveyed to another non-profit corporation, unincorporated association or public agency.

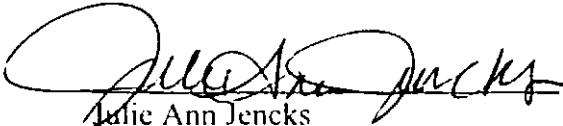
Having been named as registered agent to accept service of process for the above stated corporation at the place designated in this certificate, I am familiar with and accept the appointment as registered agent and agree to act in this capacity.



Julie Ann Jencks
Registered Agent

08/05/2021
Date

I submit this document and affirm that the facts stated herein are true. I am aware that any false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s. 817.155, F.S.



Julie Ann Jencks
Incorporator

08/05/2021
Date

2021 08

08/05/2021