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COVER LETTER

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

SUBJECT: WILSKY ESTATES HOMEOWNER'S 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: GREGORY A. SANOKA, ESQ.

Name (Printed or typed)

422 SOUTH FLORIDA AVENUE

Address

LAKELAND, FL 33801

City, State & Zip

863-683-5353

Daytime Telephone number

GREG@SANOKA.COM

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

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

FILED
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TALLAHASSEE
FLORIDA
STATE
DIVISION OF
CORPORATIONS

**ARTICLES OF INCORPORATION OF
WILSKY ESTATES HOMEOWNER'S
ASSOCIATION, INC.**

THE UNDERSIGNED, acting as the incorporator of **Wilsky Estates Homeowner's Association, Inc.**, under Chapter 617, Florida Statutes, submits the following Articles of Incorporation (the "Articles"):

ARTICLE I: NAME

The name of the corporation is "**Wilsky Estates Homeowner's Association, Inc.**" (the "Association").

ARTICLE II: PRINCIPAL ADDRESS

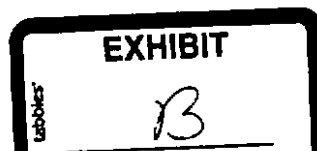
The initial mailing address of the Association is at 8909 Shady Tree Court, Tampa, Florida 33634. The initial principal office of the Association is at 8909 Shady Tree Court, Tampa, Florida 33634, or at such other place as may be subsequently designated by the Board of Directors (the "Board") of the Association.

ARTICLE III: DURATION AND COMMENCEMENT

The association will exist perpetually commencing with the filing of these Articles with the Florida Department of State; however, should the association be dissolved, 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 facility and that if not accepted, then the surface water management system facilities shall be conveyed to a non-profit corporation similar to the association.

ARTICLE IV: PURPOSE

The Association is intended to qualify as a "Homeowner Association" as such term is defined in Section 528(c) of the Internal Revenue Code of 1986, as amended. The Association is organized solely for the purpose of carrying on the following functions and duties: (a) the acquisition, construction, management, operation, maintenance, care, repair and replacement of the Stormwater Management System which consists of the sanitary lift station, lift station easement, drainage access easement (private), drainage easement (private) and retention pond, as designated on the "**Plat of Wilsky Estates**" and approved by the Southwest Florida Water Management District; (b) operate, maintain, and manage the Stormwater Management System in a manner consistent with the requirements of Agency Permit No. 756874 / 43043330.000 and applicable Agency rules, and shall assist in the enforcement of the restrictions and covenants contained herein; (c) the maintenance and repair of alleasements, drainage areas and wetland conservation area as shown on the "**Plat of Wilsky Estates**"; and (d) all other obligations of the Association as set forth in the **Declaration of Covenants**,



Conditions, Restrictions and Easements of Wilsky Estates (the "Declaration") recorded along with a plat, in the Public Records of Hillsborough County, Florida, and as amended from time to time. No part of the net earnings of the Association shall inure to the benefit of any member or other private individual; however, the benefit received by the members as a result of the Association's acquisition, construction, management, operation, maintenance, care, repair and replacement of Association property shall not constitute improper inurements.

ARTICLE V: POWERS

The Association shall have all of the common law and statutory powers of a not-for-profit corporation under the laws of the State of Florida that do not contravene the Association's purpose as stated in Article IV of these Articles or Section 528(c) of the Internal Revenue Code of 1986, as amended. In addition, the Association shall have the following powers:

a. Exercise all of the powers and privileges and perform all of the duties and obligations of the Association as set forth in the Declaration, applicable to the property as recorded, amended by this Association as prescribed in the Declaration, 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 by reference herein as if set forth at length; and to establish rules and regulations.

b. Fix, levy, collect and enforce payment by any lawful means, all charges or assessments pursuant to the terms of the Declaration; to pay all expenses in connection therewith and all office and other expenses incident to the conduct of the business of the Association, including all licenses, taxes, or governmental charges levied or imposed against the property of the Association; and to sue or be sued.

c. Levy and collect adequate assessments against members of the Association for the costs and maintenance of the Stormwater Management System, to be used for the maintenance and repair of the Stormwater Management System and mitigation or preservation areas, including but not limited to work within retention areas, drainage structures and drainage easements.

d. Operate and maintain the Stormwater Management System consisting of the sanitary lift station, lift station easement, drainage access easement (private), drainage easement (private) and retention pond, as designated on the "**Plat of Wilsky Estates**" with full access by and control of the Association over, across, under and through the lift station easement, drainage access easement (private), and drainage easement (private) as the Association deems necessary in its sole determination to effectuate the provisions of this paragraph, these Articles of Incorporation and the **Declaration of Covenants, Conditions, Restrictions and Easements of Wilsky Estates**.

e. Contract for services to provide for the operation and maintenance of the Stormwater Management System consisting of the sanitary lift station, lift station easement, drainage access

easement (private), drainage easement (private) and retention pond, as designated on the "Plat of Wilsky Estates" if the association contemplates employing a maintenance company.

f. 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.

g. Require all lot owners, parcel owners or unit owners to be members of the Association.

h. Borrow money, with the assent of two-thirds (2/3) of the entire membership, mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred.

i. Participate in mergers and consolidations with other non-profit corporations, organized for the same purposes or annex additional residential property and Common Area, provided that any such merger, consolidation or annexation shall have the assent of two-thirds (2/3) of the entire membership.

j. Have and exercise any and all powers, rights and privileges which a corporation organized under the non-profit corporation law of the State of Florida by law may now or hereafter have or exercise.

ARTICLE VI: MEMBERSHIP, AND VOTING RIGHTS

The Association is organized on a non-stock basis. Membership quorum and voting requirements shall be as regulated by the Bylaws of the Association (the "Bylaws").

Every person, firm, association, corporation or other legal entity who is a record owner or co-owner of the fee simple title to any lot that is subject by the Declaration to assessment by the Association (the "Lot") shall be a member of the Association, provided that any person, firm, association, corporation or other legal entity who holds such title or interest merely as security for the performance of an obligation (including, but not limited to mortgagees or trustees under deeds of trusts) shall not be a member of the Association, all as set forth in the Bylaws. Membership shall be limited to owners of Lots. Each member of the Association shall be entitled to one vote for each Lot held by such member in fee simple, as more particularly set forth in the Bylaws.

Change of membership in the Association shall be established by the recording in the Public Records of Hillsborough County, Florida, of a deed or other instrument establishing a record title to a Lot and the delivery to the Association of a certified copy of such instrument. The owner designated by such instrument shall thereby become a member of the Association, and the membership of the prior owner, as to the Lot conveyed, shall be terminated.

ARTICLE VII: DIRECTORS

The Board shall initially consist of three directors. The number of directors may be increased or diminished from time to time, as provided in the Bylaws, but shall never be less than three. The names and addresses of the initial directors of the Association are:

- a. Yansy B. Guichardo, 8909 Shady Tree Court, Tampa, Florida 33634
- b. Mabel E. Pena, 8909 Shady Tree Court, Tampa, Florida 33634
- c. Daniel Echevarria, 8370 W. Hillsborough Ave., Suite 202, Tampa, FL 33615

With the exception of the above-referenced individuals, only those individuals who own real property within and who are permanent residents of Wilsky Estates may serve as officers.

ARTICLE VIII: OFFICERS

The officers of the Association shall be a president, vice-president, secretary, and treasurer, and may include such other officers as may be authorized by the Bylaws and elected by the Board from time to time. Only those individuals who own real property within and who are permanent residents of Wilsky Estates may serve as officers.

ARTICLE IX: COMMITTEES

The Board may establish such committees as it deems necessary in accordance with the Declaration and the Bylaws.

ARTICLE X: AMENDMENTS TO ARTICLES

The Association reserves the right to amend, alter, change or repeal any provision in these Articles in the manner prescribed by law. No amendment shall be made that is in conflict with the Declaration.

ARTICLE XI: BYLAWS

The Bylaws of the Association are to be made and adopted by the Board, and may be altered, amended or rescinded by the Board. No amendment to the Bylaws shall be made that is in conflict with the Declaration or these Articles.

ARTICLE XII: INITIAL REGISTERED OFFICE AND AGENT

The street address of the initial registered office of the Association is 8909 Shady Tree Court, Tampa, Florida 33634, and the Association's initial registered agent at that address is Mabel E. Pena.

ARTICLE XIII: INCORPORATOR

The name of the incorporator is Polimetales and Associates USA Corporation, a Florida corporation, whose address is 8909 Shady Tree Court, Tampa, Florida 33634. The incorporator assigns to the corporation its rights under Section 617.013, Florida Statutes, to constitute a corporation.

ARTICLE XIV: DISSOLUTION

In the event of termination, dissolution or final liquidation of the Association, the responsibility for the operation and maintenance of the Stormwater Management System must be transferred to and accepted by an entity which complies with Rule 62-330.310, F.A.C., and Applicant's Handbook Volume I, Section 12.3, and be approved by the Agency prior to such termination, dissolution or liquidation.

In witness thereof, the undersigned incorporator has executed these Articles of Incorporation this 25th day of ~~September~~ October, 2021.

Polimetales and Associates USA Corporation
a Florida corporation



Mabel E. Pena
As President

ACCEPTANCE BY REGISTERED AGENT AND REGISTERED OFFICE

Having been named Registered Agent and designated to accept service of process for "Wilsky Estates Homeowner's Association, Inc.", at 8909 Shady Tree Court, Tampa, Florida 33634, I hereby agree to act in this capacity. I further agree to comply with all the provisions of all the statutes relative to the proper and complete performance of my duties. I am familiar with and accept the obligations provided for in Section 617, Florida Statutes.



Mabel E. Pena
Registered Agent