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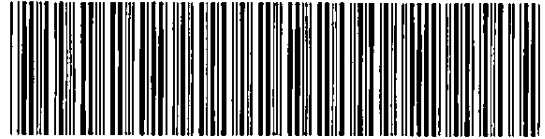
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JUL 11 2023

## COVER LETTER

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

**SUBJECT:** Pollard Pointe Property Owner'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:** Robert F. Nunez  
\_\_\_\_\_  
Name (Printed or typed)

140 Fitzgerald Road, Suite 1  
\_\_\_\_\_  
Address

Lakeland, FL 33813  
\_\_\_\_\_  
City, State & Zip

863-644-0635  
\_\_\_\_\_  
Daytime Telephone number

corp@rmunehomes.com

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

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

2003 SEP -8 PM 3:35  
FILED  
SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT

ARTICLES OF INCORPORATION  
OF  
POLLARD POINTE PROPERTY OWNERS' ASSOCIATION, INC.

A Corporation Not For Profit

The undersigned Subscriber to these Articles of Incorporation hereby acknowledges the execution hereof for the purpose of forming a Property Owners' Association under the laws of the State of Florida in accordance herewith.

ARTICLE I

NAME

The name of this Association shall be Pollard Pointe Property Owners' Association, Inc. (the "Association"), and it shall be located in Polk County, Florida.

ARTICLE II

INITIAL PRINCIPAL & REGISTERED OFFICE & AGENT

The street address of the initial principal and registered office and agent of the Association, until changed by the Board of Directors, shall be 140 Fitzgerald Road #1, Lakeland, FL 33813, and the name of the initial registered agent of the Association at that address is Robert F. Nunez.

ARTICLE III

PURPOSES AND POWERS

1. The General Purposes and Powers for which the Association is formed are as follows:

A. To enforce those Restrictive Covenants and Conditions pertaining to Pollard Pointe Subdivision containing Lots 1 - 14, inclusive, according to the Plat thereof recorded in Plat Book 201, Pages 25 & 26, Public Records of Polk County, Florida.

B. To modify those Restrictive Covenants and Conditions on a reasonable basis to prevent undue hardship in the placement of any structures upon any lot in regard to lot-line setback requirements and/or the placement of garages in conjunction therewith.

C. To manage, construct, repair, maintain and/or improve all drainage easements and/or all drainage retention/detention easements for the use and benefit of all property owners of the Pollard Pointe Subdivision as shown upon and contained within the Plat of Pollard Pointe Subdivision, as contained within the Public Records of Polk County, Florida. Maintenance and/or improvements shall also include any fences and/or walls, hedges and landscaping areas with or without irrigation attributable thereto and within and/or adjacent to said drainage retention/detention easements. In this regard, the Association shall perpetually operate and maintain the storm water management system of the subdivision which shall include but not be limited to drainage easements and/or drainage retention/detention easements as common property in accordance with the storm water management system of the Subdivision as permitted by the Southwest Florida Water Management District being Permit No. 43045340.000 which shall include and not be limited to culverts and related appurtenances. It shall have a perpetual easement and/or license of entry over any lot within the Subdivision for these purposes.

D. To manage, construct, maintain, repair and/or improve for the use of its members and their guests and/or invitees all improvements now upon or to be placed on common areas of use including but not limited to walls, fencing, and/or hedging within and along the perimeter of the Subdivision; Subdivision signage; all landscaping and irrigation pertaining thereto now upon or to be placed on common areas of use and/or along any boundary of the Subdivision, and at the Subdivision entrance; as well as storm water drainage and retention/detention easements within the Subdivision; and all utilities used by the Association and its members in common areas of use. In this regard, it shall have a perpetual easement and/or a license of entry over any lot for the purposes of maintenance, construction and/or repair for these uses herein set forth.

E. To manage the affairs of the Association in all respects, including but not limited to the hiring and/or retaining of necessary employees, secretarial services and/or management services.

F. To place easements of record, if necessary, for utility and/or drainage along any lot line in the Pollard Pointe Subdivision and to construct and/or maintain same. In this regard, it shall have the right to construct and/or maintain a water well(s) within the common areas of the Subdivision together with distribution lines therefrom for the purpose of providing landscaping irrigation.

G. To maintain security within the Subdivision. It shall have the right, but not the duty, to enunciate a Neighborhood Crime Watch Security Program or other similar program for the Subdivision as a whole.

H. To obtain insurance at its discretion for loss purposes, whether for casualty or liability, covering all real properties, easements and/or improvements thereupon in the Subdivision and used in conjunction

with and/or for the purpose of this Association and its members in common including, but not limited to, walls and/or fencing within the Subdivision or at the Subdivision entrance, drainage easements and drainage retention/detention easements as shown upon the Plat of the Subdivision, and/or all property of the Association, as well as Officers, Directors, and Committee members and Employees of the Association. Further, it may bond, if desired, Officers, Directors and Employees of the Association.

I. To pay utilities together with real estate taxes and assessments, if any, attributable to the improvements within the Subdivision which are owned and/or being maintained by the Association. In this regard, the Association shall pay those utility costs attributable to street and security lighting and poles within the Subdivision until such time that the lot owners of the Subdivision shall be assessed those utility costs via a special lighting assessment ordinance enacted by Polk County, Florida.

J. It shall have the right, but not the duty, to maintain improved or unimproved lots within the Subdivision wherein the lot owner has failed to maintain same in keeping said lot free and clear of debris, litter, trash and/or unsightly weeds and to assess the costs thereof against said lot owner. It shall have an easement and/or license of entry over any lot within the Subdivision for the purposes of this maintenance.

K. To convey for cash, terms and/or exchange Association property; to rent Association property; to acquire property for the ownership, use and benefit of the Association and/or its members either by purchase or otherwise, ownership or control of which shall include but not be limited to that real property on which the storm water management system of the Subdivision as permitted by the Southwest Florida Water Management District is located and to that extent necessary to meet said permit requirements; to sue and be sued; to contract for services to provide for the operation and/or maintenance of any property which the Association is so empowered to operate and/or maintain; to require all lot owners within the Subdivision to become and continually be members of the Association; and to transact any and all lawful business.

L. To determine, prepare, deliver notice of and collect assessments from the Association members for the purposes of the foregoing and to enforce liens for such assessments uncollected against a lot owner's lot within the Subdivision, with interest, costs and attorney's fees, by legal action, if necessary.

M. To accept from the present Owner and/or its assigns those grants, conveyances, dedications and/or assignments of that real property and/or easements as are noted in the Plat of Pollard Pointe Subdivision and are so reserved by the present Owner and/or its assigns as enumerated in those Restrictive Covenants and Conditions for its use and benefit. In this regard, the foregoing shall include acceptance in all respects as the operational entity the transfer of the surface water management system of the Subdivision as permitted by the Southwest Florida Water Management District including but not limited to all land and/or easements upon which the system is located or controlled by the Association to that extent necessary for its operation as permitted.

N. To do every other act as may be reasonably necessary in carrying out that which has been empowered to it under those Restrictive Covenants and Conditions; the Articles of Incorporation; its By-Laws, Rules and Regulations.

O. To determine, prepare, deliver notice of and collect assessments from the Association members for the purposes of the foregoing and to enforce liens for such assessments uncollected against a lot owner's lot within the Subdivision, with interest, costs and attorney's fees, by legal action, if necessary.

P. To accept from the present Owner and/or its assigns those grants, conveyances and/or dedications so reserved by the present Owner and/or its assigns for its use and benefit as enumerated and set forth in those Restrictive Covenants and Conditions of and pertaining to Pollard Pointe Subdivision.

Q. To do every other act as may be reasonably necessary in carrying out that which has been empowered to it under those Restrictive Covenants and Conditions of and pertaining to Pollard Pointe Subdivision; these Articles of Incorporation; its By-Laws, Rules and Regulations.

2. The Membership and Assessments, Annual Meetings of Membership and Board of Directors:

A. Each owner of Lots 1 through 14, inclusive, Pollard Pointe Subdivision, as contained within the Public Records of Polk County, Florida, shall be initial members of the Association in accordance with Article IV. As a member, each lot owner shall be liable and obligated for payment for maintaining the Association and the cost of maintenance, improvement and operation of the various common areas under control of the Association, including those operational costs that may be attributable to a special lighting district for the Subdivision, and any sums that the membership in accordance with these Articles of Association may vote to spend for those purposes as outlined in Article III (1) (A-Q), inclusive. Each lot membership shall bear equal proportion of each assessment regardless of a lot's location, dimension or size. Any unpaid assessment due at anytime, shall be and become the obligation of a subsequent owner of the lot upon purchase of said lot.

B. During the month of December each year, the Board of Directors shall determine the amount of the Association's maintenance, improvement and operation assessment of the ensuing calendar year commencing January 1, 2025. Annual assessments shall be payable in advance on or before January 31<sup>st</sup> of each succeeding year with the initial annual assessment payable on or before January 31, 2025, if prorated. The amount of an annual assessment will depend upon the financial requirements for maintenance, improvements and operation of the common areas desired by the Association members. During the month

of December of each year, commencing in 2026, or sooner, the Board of Directors of the Association shall call an initial meeting of the membership of the Association for the purpose of electing members of the Board of Directors; fixing the amount of the Association's maintenance, improvement and operation assessment; and conducting old and new Association business for the ensuing calendar year commencing January 1<sup>st</sup>. Special Assessments for these purposes may, from time to time, be made by the Board of Directors of the Association.

C. A call for a meeting shall be in writing, shall state the meeting's purpose; shall designate the date (which shall be no less than ten (10) days from the date the call is mailed), time and place of said meeting; and shall be mailed to all lot owners at the last addresses for said owners shown on the books and records of the Association or to the lot owner's addresses as shown on the Polk County Tax Rolls. The annual election of the Board of Directors, the calendar year's annual assessments and charges, and other business of the Association shall be determined at the annual meeting by the affirmative written vote of a majority of those lot owners present, in person or represented by proxy, at said meeting who, in voting, either affirmatively or negatively in writing, shall be a member of the Association in accordance with Article IV.

D. Following the Association annual meeting, written annual assessments voted for by the membership for any of those purposes enumerated in Article III (I) (A-Q, inclusive) shall be mailed by the Association to all lot owners who are members in accordance with Article IV. Annual assessments and charges shall apply to the calendar year, shall be deemed to be due on or before the last day of January of each year, and shall be payable in one annual installment, unless directed otherwise. Sums thus collected by the Association shall be held and expended by it for the sole purposes that said assessments were made.

#### ARTICLE IV

##### MEMBERS

Each owner of Lots 1 through 14, inclusive, Pollard Pointe Subdivision, as platted in the Public Records of Polk County, Florida, as provided in Article III (2)(A), shall be a mandatory member of the Association and shall pay the normal annual and any special assessments which may from time to time be fixed by the Board of Directors of the Association. There shall be an \$800 initial membership fee per lot payable by an owner upon lot acquisition from the present Owner, MODE Investments, Inc., a Florida corporation. Membership shall be on the terms and conditions set forth herein as regulated by the Board of Directors of the Association, and it shall be appurtenant to and may not be separated from the ownership of any lot as outlined in Article III (2)(A). Membership shall not include persons or entities who hold an interest merely as security for the performance of an obligation. Membership shall be on a calendar year basis and shall automatically be transferred during a calendar year with the transfer of lot ownership as to be continuous with lot ownership. Membership unpaid assessments due at the time of membership transfer and not prorated shall be due at that time and become the obligation of a new lot owner upon the purchase of said lot.

Excluded from the payment of said initial membership fee and annual and/or special assessments as set forth herein are lots owned by the present Owner/Developer, MODE Investments, Inc., until title thereof is transferred to a third party (not being a related entity and other than to a licensed building contractor).

A member not in good standing with the Association shall include a member that has failed to pay any assessments, charges and/or costs of the Association during the time-period allowed for the payment of same. A member not in good standing with the Association may be denied the right to vote at the Association meetings or to hold office within the Association.

A lot owner of two or more contiguous lots upon building a single-family private residence upon either of said lots or upon said lots where the placement of said residence prohibits construction of an additional residence thereupon may choose to limit membership as a multiple lot owner to one membership. The choice shall be in writing, shall be directed to the Association and may be made at the time of obtaining a certificate of occupancy therefore from the appropriate governmental entity. Said choice shall not entitle the multiple lot owner a rebate of the initial membership fee per lot and/or a proration refund of any assessments per lot paid in advance; however, thereafter all contiguous lots so electing shall be treated as one lot for the purpose of assessment and membership in the Association hereunder. Nevertheless, should after said election a contiguous lot upon which a single-family private residence has not been constructed shall be conveyed to a third-party, then and in that event, said subsequent lot owner from the date of said conveyance shall be deemed a member of the Property Owners' Association and subject as other lot owner members to all annual and special assessments of the Association for the purposes herein stated; current fiscal year assessments being prorated as of the date of said conveyance.

#### ARTICLE V

##### VOTING

The Association shall have one class of voting membership made up of all lot owners as outlined in Article III (2)(A), and Article IV. Each member shall be entitled to one vote for each lot owned; provided, however, that said lot shall not be delinquent at the time that a vote shall be taken as to any assessments attributable to the lot as provided herein. When more than one person or entity holds an ownership interest in any lot, all such persons shall be members; however, the vote for such lot shall be exercised as such members may determine among themselves by only one member designated in writing to the Association. In no event shall more than one vote be cast with respect to any one lot.

## ARTICLE VI

### MANAGEMENT

The affairs and business of the Association shall be managed by a Board of Directors and the President of the Association and such other officers as the Board of Directors shall appoint. The officers shall be elected by the Board of Directors at the meeting of the Board of Directors immediately following the initial membership meeting of the Association in January 2026, or sooner, and likewise annually thereafter. The President shall be a member of the Board of Directors, but no other officers need be a member of the Board of Directors. The same person may hold two offices, the duties of which are not incompatible.

## ARTICLE VII

### LIENS

The Association shall be empowered through its officers and/or Board of Directors to place a charging lien against a lot owner's lot within the Subdivision for nonpayment of such assessments, charges and/or costs that have been properly made hereunder and in accordance with this Articles of Incorporation, the By-Laws, Rules and Regulations of the Association, and to prosecute said lien through civil action for foreclosure against the lot owner's lot in accordance with the Laws of the State of Florida. Removal of said lien shall require the lot owner to pay said lien amount in full, including interest at the lawful rate allowed by law, recording costs and attorney fees. A lien shall be subordinate to a mortgage lien of any financial institution having a mortgage on said lot whether originating before or after said lien shall have been placed thereupon. In addition, any financial institution holding a mortgage on any lot and taking title therein after default through foreclosure or otherwise, shall have no obligation toward the payment of accrued and uncollected assessments, charges and/or costs on the part of the Association that have accrued to the date that it has taken title to said lot; however, said lien shall not be discharged as to a subsequent third party purchaser of said lot until it shall have been paid in full in accordance herewith.

## ARTICLE VIII

### OFFICERS

The name of the initial Officer who is also the incorporator of this Association and the Subscriber to these Articles of Incorporation and who is to serve until the first election of Officers by the Board of Directors are:

Robert F. Nunez - President

## ARTICLE IX

### DIRECTORS

1. The Association shall have three (3) Directors initially. Thereafter, at the initial membership meeting of the Association in January 2026, or sooner, the number of Directors may be either increased or diminished from time to time (but shall never be less than three (3) and elected by a majority of the membership present at any authorized meeting..

2. The names and addresses of the persons of are to serve on the initial Board of Directors are:

Robert F. Nunez - 140 Fitzgerald Road #1  
Lakeland, Florida 33813

Michele C. Nunez - 140 Fitzgerald Road #1  
Lakeland, Florida 33813

Nicolas C. Nunez - 140 Fitzgerald Road #1  
Lakeland, Florida 33813

3. The initial Directors shall serve until the first annual meeting of the Association and thereafter as provided for herein.

4. At each annual meeting of the members of the Association shall elect the members of the Board of Directors by plurality of the votes cast at such election, and such members shall serve until the next annual meeting of the Association.

5. In the event of the removal, resignation, death or other vacancy of a member of the Board of Directors, the vacancy shall be filled by the remaining Board of Directors. The replacement member of the Board of Directors shall serve the remainder of the term of his or her predecessor.

6. No member of the Board of Directors or any committee of the Association or any officers of the Association shall be personally liable to any member of the Association, or to any other party, including the Association, for any damage, loss or prejudice suffered or claimed on account of any act, omission, error or

negligence of such person or group; provided that such person or group has, upon the basis of such information as may be possessed by them, acted in good faith, without willful or intentional misconduct.

7. The Board of Directors shall see that all assessments shall be assessed equally against all lot owners as outlined in Article III (2) (A) and Article IV. Where there are multiple owners of any lots, such owners shall be jointly and severally liable for the payment of all Assessments.

8. The Board of Directors, from time to time, may adopt By-Laws of the Association which may be amended or rescinded by them. In addition, any By-Laws so adopted may be amended, modified or rescinded at any Association meeting by a majority vote of the members present.

#### ARTICLE X

##### AMENDMENTS

The Association through its membership shall have the right to amend, modify and/or rescind any or all of the Restrictive Covenants and Conditions pertaining to Pollard Pointe Subdivision as recorded in the Public Records of Polk County, Florida, by amendment, modification and/or rescission thereof upon the written direction of 75% or more of the membership in the Association.

Other than the foregoing right of the membership to amend, modify and/or rescind said Restrictive Covenants and Conditions pertaining to Pollard Pointe Subdivision hereinabove referenced, other amendments to these Articles of Association may be approved by the Board of Directors, proposed by them to the members and approved at any meeting by a two-thirds (2/3) vote of the members present, provided that no less than ten (10) days notice by mail shall have been given to all members, setting forth the proposed amendment(s), modification(s) and/or rescission(s) to these Articles of Association.

However, notwithstanding the foregoing, no amendment, modification, and/or rescission to those Restrictive Covenants and Conditions as pertaining to Pollard Pointe Subdivision as plotted and as recorded in the Public Records of Polk County, Florida or these Articles of Incorporation may be made that would in any way exclude mandatory membership of each lot owner of the Subdivision or affect the storm water management system of Pollard Pointe Subdivision, including the water management portions of the common areas contained therein unless prior approval thereof is obtained from the Southwest Florida Water Management District.

#### ARTICLE XI

##### TERM

This Association shall have perpetual existence; however, if the Association shall become dissolved by law, or otherwise, and not reinstated in accordance with the Laws of the State of Florida, then and in that event, the drainage easements and/or drainage retention/detention easements and all pertinent property related to the operation and/or maintenance of that storm water management system of Pollard Pointe Subdivision as plotted in the Public Records of Polk County, Florida as permitted by the Southwest Florida Water Management District shall be conveyed by the last surviving member(s) of the Board of Directors of the Association or their successors or to an appropriate local governmental agency, or if not accepted, they shall be dedicated to a similar non-profit corporation chartered under the Laws of the State of Florida by the members hereof for the purposes herein set forth.

IN WITNESS WHEREOF, the undersigned, as incorporator and subscriber to these Articles of Incorporation, has executed the foregoing Articles of Incorporation for the purposes therein intended this 5<sup>th</sup> day of September, 2023. Additionally, in the submission of this document, I hereby affirm that the facts stated herein are true. Further, 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.

SUBSCRIBER

Robert F. Nance

ADDRESS

140 Fitzgerald Road #1  
Lakeland, Florida 33813

FILED  
2023 SEP -8 PM 3:35  
TALLAHASSEE, FL

ACKNOWLEDGMENT

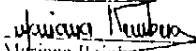
STATE OF FLORIDA  
COUNTY OF POLK

The foregoing, Articles of Incorporation of Pollard Pointe Property Owners' Association, Inc., was acknowledged before me by Robert F. Nunez who is personally known to me and known to be the person who executed the foregoing Articles of Association as an Incorporator and Subscriber thereof of Pollard Pointe Property Owners' Association, Inc. and who acknowledged before me that he has executed them for the purposes herein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal of the State and County aforesaid this 5<sup>th</sup> day of September, 2023

(NOTARY SEAL)



  
Mariana Reinberg  
Notary Public - State of Florida  
My Commission Expires: 6/13/2027

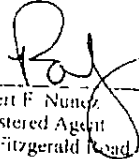
CERTIFICATE DESIGNATING PLACE OF BUSINESS  
OR DOMICILE FOR THE SERVICE OF PROCESS WITHIN THIS  
STATE, NAMING AGENT UPON WHOM PROCESS MAY BE SERVED

In pursuance of Chapter 48.091 and Chapter 617.0202, Florida Statutes, the following is submitted in compliance with said Act:

That Pollard Pointe Property Owners' Association, Inc. desiring to organize a corporation not-for-profit under the Laws of the State of Florida with its principal office, as indicated in the Articles of Incorporation, 140 Fitzgerald Road #1, Lakeland, Polk County, Florida 33813, has named Robert F. Nunez, whose address is 140 Fitzgerald Road #1, Lakeland, Polk County, Florida 33813, as its Agent to accept Service of Process within the State.

ACKNOWLEDGEMENT

Having been named 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, this 5<sup>th</sup> day of September, 2023.

  
Robert F. Nunez  
Registered Agent  
140 Fitzgerald Road #1  
Lakeland, Florida 33813