

N95000000547

SHEPPARD, BRETT & STEWART, P.A.

ATTORNEYS AT LAW

JAY ANDREW BRETT
JOHN F. STEWART
CHARLES HUGHES
D. HUGH KINSEY, JR.

FORMERLY SHEPPARD & WOOLSELEY
INCORPORATED 1924

221 WEST FIRST STREET
P. O. BOX 400
FORT MYERS, FLORIDA 33902

W. A. SHEPPARD (1908-1971)
JOHN K. WOOLSELEY (1908-1968)

JOHN WOOLSELEY SHEPPARD
OF COUNSEL

TELEPHONE (813) 334-1141
TELEX CODE (813) 334-3065

November 30, 1994

Corporate Records Bureau
Division of Corporations
Department of State
409 E. Gaines Street
P. O. Box 6327
Tallahassee, Florida 32301

RECEIVED
11/30/94
11:00 AM

Re: PATE CREST VILLAS I HOMEOWNERS
ASSOCIATION, INC.

Dear Sirs:

Enclosed herewith are proposed Articles of Incorporation, in reference to the captioned corporation. Also enclosed is our check in the amount of \$122.50 to cover the following:

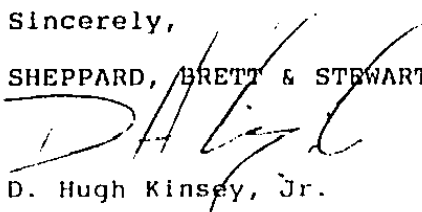
Filing Fee	\$ 35.00
Certified Copy of Charter	\$ 52.50
Resident Agent Fee	\$ 35.00
	\$ 122.50

FILED
NOV 30 1994
2:48

If the Articles of Incorporation meet with your approval, we will appreciate your executing and sending to the undersigned a Certificate of Incorporation.

Sincerely,

SHEPPARD, BRETT & STEWART, P.A.


D. Hugh Kinsey, Jr.

DHK:dlb
Enclosures
cc: Mr. J. Foster Pate

2/03/95
Per Mr. Kinsey.
correct # of documents

4-DB

2/10/95
11:44 AM
N95000000547



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

December 6, 1994

D. HUGH KINSEY, JR.
SHEPPARD BRETT & STEWART, P.A.
P.O. DRAWER 400
FT. MYERS, FL 33902

SUBJECT: PATE CREST VILLAS I HOMEOWNERS ASSOCIATION, INC.
Ref. Number: W94000025949

We have received your document for PATE CREST VILLAS I HOMEOWNERS ASSOCIATION, INC. and your check(s) totaling \$122.50. However, the enclosed document has not been filed and is being returned for the following correction(s):

Section 617.0803, Florida Statutes, requires that the board of directors never have fewer than three directors.

Section 617.0202(d), Florida Statutes, requires the manner in which directors are elected or appointed be contained in the articles of incorporation. A statement making reference to the bylaws is acceptable.

Please return your document, along with a copy of this letter, within 60 days or your filing will be considered abandoned.

If you have any questions concerning the filing of your document, please call (904) 487-6929.

Brendolyn Bruton
Corporate Specialist

Letter Number: 394A00051955

SHEPPARD, BRETT & STEWART, P.A.

ATTORNEYS AT LAW

ONE EIGHT EIGHT
NINE
CHANCELLER
TO THE CHIEF OF POLICE

THIRTY EIGHT SHEPPARD STREET & WOODHURST
THIRTY EIGHT SHEPPARD STREET

THIRTY EIGHT SHEPPARD STREET
THIRTY EIGHT SHEPPARD STREET

CORPORATE RECORDS, TALLAHASSEE, FLORIDA

W. A. SHEPPARD (1908-1971)
J. B. STEWART (1908-1968)

TELEPHONE (904) 334-1141
TELETYPE (904) 334-1141

W. A. SHEPPARD & J. B. STEWART
ATTORNEYS AT LAW

February 2, 1995

Corporate Records Bureau
Division of Corporations
Department of State
Attn: Brendolyn Bruton
409 E. Gaines Street
P. O. Box 6327
Tallahassee, Florida 32301

Re: PATE CREST VILLAS I HOMEOWNERS ASSOCIATION, INC.
REF. NUMBER: W94000025949

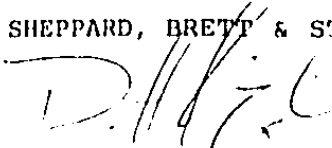
Dear Ms. Bruton:

Pursuant to your letter dated December 6, 1994, (a copy enclosed for your reference) we enclose herewith revised Articles of Incorporation in reference to the captioned corporation.

If the Articles of Incorporation meet with your approval, we will appreciate your executing and sending to the undersigned a Certificate of Incorporation.

Sincerely,

SHEPPARD, BRETT & STEWART, P.A.


D. HUGH KINSEY, JR.

DHK/kkb
Enclosure

ARTICLES OF INCORPORATION

OF

PATE CREST VILLAS I HOMEOWNERS ASSOCIATION, INC.

FILED
2008
JAN 13

THE UNDERSIGNED, J. FOSTER PATE, SR., does hereby associate himself, his successors and assigns, together for the purpose of becoming incorporated under the laws of the State of Florida, and forming a corporation not for profit under the following proposed Certificate of Incorporation:

ARTICLE I

The name of this Corporation is: PATE CREST VILLAS I HOMEOWNERS ASSOCIATION, INC. The principal and registered office of the corporation is located at: 13380 Ponderosa Way, Fort Myers, Florida 33907.

ARTICLE II

The purpose for which the corporation is organized is to perform all duties necessary for the operation, management, maintenance, care, protection, preservation and improvement of PATE CREST VILLAS I. In furtherance of these duties, the Corporation shall have the power to:

- A. Own and convey property;
- B. Establish Rules and Regulations for PATE CREST VILLAS I;
- C. Assess members of the Association and enforce said assessment;
- D. Sue and be sued;
- E. Contract for services to provide for the operation and maintenance of PATE CREST VILLAS I, in the event the Association elects to employ a maintenance company or other service company;
- F. Operate and maintain the Storm Water Management System as provided by the South Florida Water Management District, including, but not limited to, all lakes, retention areas, culverts and related appurtenances; and
- G. Undertake any necessary act to effectuate the purposes for which the Association is organized.

ARTICLE III

The qualification of members for the Association shall be the ownership of a unit parcel in PATE CREST VILLAS I and membership shall be evidenced and established by a recordation in the Public Records of Lee County, Florida, of a deed conveying said unit parcel fee title to the owner thereof and each member shall be entitled to one (1) vote. Upon recordation of such deed to a new owner, the membership of the prior owner of such unit shall be terminated. The manner of admission of members, the voting rights of members, and the obligations and responsibilities of members shall be as established by the Declaration of PATE CREST VILLAS I, as the same is recorded in the Public Records of Lee County, Florida, and as the same may have been heretofore or as may be hereafter amended. The Association membership shall be comprised of all unit owners. Membership is appurtenant to, and inseparable from, ownership of the Unit.

ARTICLE IV

The term for which the corporation shall exist shall be perpetual. In the event the corporation is dissolved, the assets of the corporation shall be conveyed to a non-profit organization with similar purposes.

ARTICLE V

The Association shall be the entity responsible for the maintenance of the Storm Water Management System as permitted by the South Florida Water Management District. In the event that the Association is dissolved, the property consisting of the Storm Water Management system and the duty of maintaining same shall be conveyed and/or dedicated to a similar non profit organization so as to assure the continued maintenance of the Storm Water Management System in perpetuity.

ARTICLE VI

Annexation of additional properties, mergers or consolidations, and mortgaging of the Common Area owned by the Association requires the prior approval of HUD/VA as long as there is a Class B member.

ARTICLE VII

The names and addresses of the subscribers to the Articles of Incorporation are as follows:

<u>Name of Subscribers</u>	<u>Address</u>
J. Foster Pate, Sr.	13380 Ponderosa Way Fort Myers, Florida 33907

ARTICLE VIII

The affairs of the corporation are to be managed by the President, Vice President, Secretary and Treasurer of the Association and such officers shall be elected by the members of the Association annually.

ARTICLE IX

The names of the officers and Directors who are to serve until the first election or appointment under the Articles of Incorporation shall be:

<u>NAME</u>	<u>TITLE</u>	<u>ADDRESS</u>
J. Foster Pate, Sr.	President/ Secretary/ Director	13380 Ponderosa Way Fort Myers, Florida 33907
Cherrie Galvin	Director	13380 Ponderosa Way Fort Myers, Florida 33907
Maureen Smitt	Director	13380 Ponderosa Way Fort Myers, Florida 33907

ARTICLE X

The number of persons constituting the first Board of Directors shall be ~~one~~^{three (3)}, and the number may be increased to any number not exceeding seven (7), as may be established by the By-Laws of the Association. The manner of election of the members of the Board of Directors shall be provided for in the By Laws of the Corporation.

ARTICLE XI

The By Laws of the Association may be made, altered or amended by the members of the Association. No amendment shall be made to the By-Laws of the Association without the approval of the Developer, its successors or assigns, prior to the relinquishment of control of the Association by the Developer, its successors, nominees or assigns, to the members of the Association or as otherwise may be provided for in the Declaration of Pate Crest Villas I.

ARTICLE XII

Amendments to or dissolution of these Articles may be proposed and adopted at any regular or specially called meeting of the members of the Association or any annual meeting of the Association by the affirmative vote of at least 2/3's of the members. No amendment shall be made to these Articles without the approval of the Class B members, its successors or assigns, prior to the relinquishment of control of the Association by the Class B members, its successors, nominees and assigns, to the Class A members of the Association, or as otherwise may be provided for in the Declaration of Pate Crest Villas I. However, such amendment to or dissolution of these Articles requires the prior approval of HUD/VA as long as there is a Class B member.

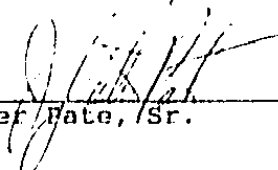
ARTICLE XIII

No amendment to these Articles or the By-Laws of the Association shall be valid unless recorded with identification on the page thereof of the Book and page of the Public Records where the Declaration of Covenants and Restrictions Pate Crest Villas I is recorded.

ARTICLE XIV

The name and place of residence of the resident agent for service of process shall be: J. FOSTER PATE, SR., 13380 Ponderosa Way, Fort Myers, Florida 33907.

IN WITNESS WHEREOF, the subscriber has hereunto set his hand and seal this 1st day of February, 1995.

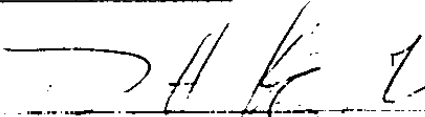


J. Foster Pate, Sr.

STATE OF FLORIDA

COUNTY OF LEE

THE FOREGOING INSTRUMENT was acknowledged before me this 1st day of February, 1995, by J. FOSTER PATE, SR., (☒) who is personally known to me or (☐) who has produced N/A as identification.



Notary Public

(SEAL)

Printed Name of Notary: D. Hugh Kelsey Jr.

Comm. Exp. Date:
Comm. Number:



D. HUGH KELSEY JR.
My Commission No. 9320
Expires Mar. 19, 1997
Bonded by 100A
800 422 1555

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

IN COMPLIANCE WITH SECTION 48.091, FLORIDA STATUTES, THE
FOLLOWING IS SUBMITTED:

FIRST THAT PATE CREST VILLAS I HOMEOWNERS ASSOCIATION, INC.,
DESIRING TO ORGANIZE OR QUALIFY UNDER THE LAWS OF THE STATE OF
FLORIDA, WITH ITS PRINCIPAL PLACE OF BUSINESS IN THE CITY OF Fort
Myers, COUNTY OF Lee, STATE OF Florida, HAS NAMED J. FOSTER PATE, SR.,
LOCATED AT 13380 Ponderosa Way, CITY OF Fort Myers, COUNTY OF Lee,
STATE OF Florida, AS ITS AGENT TO ACCEPT SERVICE OF PROCESS WITHIN
FLORIDA.

PATE CREST VILLAS I HOMEOWNERS ASSOCIATION, INC.

(JFP)

Signature:

(Corporate Officer)

Title:

President/Secretary

Date:

2/1/95

1995 FEB - 3 PM 2:48

FILED

HAVING BEEN NAMED TO ACCEPT SERVICE OF PROCESS FOR THE ABOVE-
STATED CORPORATION, AT THE PLACE DESIGNATED IN THIS CERTIFICATE, I
HEREBY AGREE TO ACT IN THIS CAPACITY, AND I FURTHER AGREE TO COMPLY
WITH THE PROVISIONS OF ALL STATUTES RELATIVE TO THE PROPER AND
COMPLETE PERFORMANCE OF MY DUTIES.

(JFP)

Signature:

Resident Agent

Date:

2/1/95