

**CAPITAL CONNECTION, INC.**

417 E. Virginia Ave., Suite 100, Tallahassee, Florida 32302  
(850) 221-8750 • Fax (850) 221-4300 • Telex (50) 22-1233

**N99000007316**

Hickory Nut Lane  
Homeowner's Association,  
Inc

600003058876-12  
-12/02/99-01038-016  
\*\*\*\*\*78.75 \*\*\*\*\*78.75

- Art of Inc. File \_\_\_\_\_
- LTD Partnership File \_\_\_\_\_
- Foreign Corp. File \_\_\_\_\_
- L.C. File \_\_\_\_\_
- Fictitious Name File \_\_\_\_\_
- Trade/Service Mark \_\_\_\_\_
- Merger File \_\_\_\_\_
- Art. of Amend. File \_\_\_\_\_
- RA Resignation \_\_\_\_\_
- Dissolution / Withdrawal \_\_\_\_\_
- Annual Report / Reinstatement \_\_\_\_\_
- Cert. Copy \_\_\_\_\_
- Photo Copy \_\_\_\_\_
- Certificate of Good Standing \_\_\_\_\_
- Certificate of Status \_\_\_\_\_
- Certificate of Fictitious Name \_\_\_\_\_
- Corp Record Search \_\_\_\_\_
- Officer Search \_\_\_\_\_
- Fictitious Search \_\_\_\_\_
- Fictitious Owner Search \_\_\_\_\_
- Vehicle Search \_\_\_\_\_
- Driving Record \_\_\_\_\_
- UCC 1 or 3 File \_\_\_\_\_
- UCC 11 Search \_\_\_\_\_
- UCC 11 Retrieval \_\_\_\_\_
- Courier \_\_\_\_\_

**FILED**  
99 DEC 13 AM 11:48  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

**RECEIVED**  
99 DEC -2 PM 12:15  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

*OB*  
*12-3-99*  
*10*

Signature \_\_\_\_\_

Requested by: *[Signature]* 12/2 11:39

Name \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Walk-In \_\_\_\_\_ Will Pick Up \_\_\_\_\_



FLORIDA DEPARTMENT OF STATE

Katherine Harris  
Secretary of State

December 2, 1999

CAPITAL CONNECTION, INC.  
417 E. VIRGINIA STREET, STE. 1  
TALLAHASSEE, FL 32302

SUBJECT: HICKORY NUT LANE HOMEOWNERS' ASSOCIATION, INC.  
Ref. Number: W99000027538

We have received your document for HICKORY NUT LANE HOMEOWNERS' ASSOCIATION, INC.. However, the document has not been filed and is being returned for the following:

The purpose contained in your articles of incorporation should be more specific. Please correct your articles to reflect the specific purpose for which the corporation is being organized.

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

The person designated as registered agent in the document and the person signing as registered agent must be the same.

In Article 14 Charles Early is used and on the Acceptance it is Charles L. Early, Jr.

Please return the original and one copy of 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 (850) 487-6930.

Carolyn Batten  
Document Specialist

Letter Number: 099A00057001

ARTICLES OF INCORPORATION  
HICKORY NUT LANE  
HOMEOWNERS' ASSOCIATION, INC.

FILED  
99 DEC 13 AM 11:48  
SECRETARY OF STATE  
TALLAHASSEE FLORIDA

The undersigned subscribers by these Articles associate themselves for the purpose of forming a not for profit corporation pursuant to the laws of the State of Florida (Chapter 617, Florida Statutes, 1983), and hereby adopt the following Articles of Incorporation:

ARTICLE 1

NAME AND PRINCIPAL OFFICE

The name of the corporation is HICKORY NUT LANE HOMEOWNERS ASSOCIATION, INC., and its initial principal office and mailing address is 1014 North Clara Avenue, DeLand, Florida 32720. For convenience, the corporation shall be referred to in this instrument as the "Association", or the "Corporation", these Articles of Incorporation as the "Articles", and the Bylaws of the Association as the "Bylaws".

ARTICLE 2

PURPOSE

The purpose for which the Association is organized is to provide an entity pursuant to the Florida Not-For-Profit Corporation Act (the "Act") to act as the Homeowners' Association for Hickory Nut Lane (the "Project") pursuant to that certain Declaration of Covenants and Restrictions (the "Declaration") to provide for the orderly development of the subdivision lots in accordance with the Declaration of Covenants and Restrictions; to fix, levy, collect and enforce payment of all Association dues and assessments; to pay expenses incident to the business of the Association; to maintain common areas; and to have and to exercise all powers, rights and privileges of a notfor-profit corporation in accordance with Article 4 and Florida law. The developers of the Project are JOSEPH B. de PEYSTER and DONNA J. de PEYSTER hereinafter referred to as the "Developers".

ARTICLE 3

DEFINITIONS

The terms used in these Articles shall have the same definitions and meaning as those set forth in the Declaration and the Bylaws of the Association, unless herein provided to the contrary, and unless the context otherwise requires.

ARTICLE 4

POWERS

The powers of the Association shall include and be governed by the following:

4.1 General. The Association shall have all of the common law and statutory powers of a corporation not for profit under the laws of the State of Florida that are not in conflict with the provisions of these Articles, the Bylaws or of the Act.

4.2 Enumeration. The Association shall have all the powers and duties set forth in the Act except as limited by these Articles and the Declaration, and all of the powers and duties reasonably necessary to operate the Development pursuant to the Declaration, and as they may be amended from time to time, including, but not limited to, the following:

(a) To make and collect assessments, fines, and other charges against Lot Owners, and to use the proceeds thereof in the exercise of its powers and duties.

(b) To buy, own, operate, lease, sell and trade both real and personal property as may be necessary or convenient in the administration of the Association.

(c) To maintain, repair, replace, reconstruct, add to, and operate the Association and other property, if any, acquired or leased by the Association, or required to be maintained and repaired by the Association for use by Lot Owners.

(d) To purchase insurance for the protection of the Association, its officers, directors, and members as Lot Owners, and such other parties as the Association may determine in the best interest of the Association.

(e) To make and amend reasonable rules and regulations for the maintenance, conservation and use of the Project and for the health, comfort, safety and welfare of the Lot Owners.

(f) To enforce by legal means the provisions of the Act, the Declaration, these Articles, the Bylaws, and the rules and regulations for the use of the Project.

(g) To employ personnel to perform the services required for proper operation of the Project.

4.3 Assets of the Association. All funds and the titles of all properties acquired by the Association and their proceeds shall be held for the benefit and use of the members in accordance with the provisions of the Declaration, these Articles, and the Bylaws.

4.4 Limitation. The powers of the Association shall be subject to and shall be exercised in accordance with the provisions of the Declaration and the Bylaws.

## ARTICLE 5

### LIMITATIONS ON ACTIVITIES

No part of the net earnings of the Association shall be paid as dividends to, or inure to the benefit of, or be distributable to any member, director or officer of the Association. The Association may, however, pay compensation to these individuals in a reasonable amount for services rendered. Also, it may confer benefits on its members in conformity with its purposes, and may make rebates of excess membership dues, fees, or assessments. The amount of earnings, if any, is not to be taken into account in any manner for the purpose of determining whether there shall be a rebate or the amount of any rebate. No substantial part of the corporation's activities shall consist of carrying on propaganda or otherwise attempting to influence legislation or participating in or intervening in any political campaign on behalf of any candidate. Upon dissolution or final liquidation of the corporation, the corporation may, after paying or making provision for payment for all liabilities of the corporation, make distributions to its members as provided by the Florida Not for Profit Corporation Act.

## ARTICLE 6

### MEMBERS

6.1 Membership. The members of the Association shall consist of all of the record owners of Lots in the Project, as they may from time to time exist. Membership shall be established by the acquisition of fee title to, or fee interest in, a Lot in the Project, whether by conveyance, devise, judicial decree, or otherwise, subject to the provisions of the Declaration, and by the recordation amongst the Public Records of Volusia County, Florida, of the deed or other instrument establishing the acquisition and designating the parcel affected thereby, and by the delivery to the Association of a true copy of such deed or other instrument. The new owner designated in such deed or other instrument shall thereupon become a member of the Association and the membership of the prior owner as to the parcel designated shall be terminated. Prior to the recording of the Declaration in the Public Records of Volusia County, Florida, the subscribers hereto shall remain members of the Association and shall each be entitled to one vote.

6.2 Assignment. The share of a member in the funds and assets of the Association, in its Common Elements and its Common Surplus, and membership in this Association, cannot be assigned, hypothecated, or transferred in any manner whatsoever except as an appurtenance to the Lot for which that share is held.

6.3 Voting. On all matters upon which the membership shall be entitled to vote, there shall be only one (1) vote for each Lot, which vote shall be exercised or cast in the manner provided by the Declaration

and Bylaws. Any person or entity owning more than one (1) Lot shall be entitled to one (1) vote for each Lot owned.

6.4 Meetings. The Bylaws shall provide for an annual meeting of members, and may make provision for regular and special meetings of members other than the annual meeting.

#### ARTICLE 7

##### TERM OF EXISTENCE

The Association shall have perpetual existence.

#### ARTICLE 8

##### INCORPORATORS

The names and addresses of the incorporators to these Articles is as follows:

<u>NAME</u>	<u>ADDRESS</u>
JOSEPH B. de PEYSTER	1014 North Clara Ave., DeLand FL 32720
DONNA J. de PEYSTER	1014 North Clara Ave., DeLand FL 32720

#### ARTICLE 9

##### OFFICERS

The affairs of the Association shall be administered by the officers designated in the Bylaws. The officers shall be elected by the Board of Directors of the Association 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 Bylaws may provide for the removal from office of officers, for filling vacancies, and for the duties of the officers.

The officers who shall serve until their successors are designated by the Board of Directors need not be Lot Owners in the Project.

#### ARTICLE 10

##### DIRECTORS

10.1 Number and Qualification. The property, business and affairs of the Association shall be managed by a Board consisting of the number of directors determined by the Bylaws, but which shall consist of not less than three (3) nor more than five (5) directors. Except for directors initially appointed by the Developer, all directors must be members of the Association.

10.2 Duties and Powers. All of the duties and powers of the Association existing under the Act, the Declarations, these Articles and the Bylaws shall be exercised exclusively by the Board of Directors, its agents, contractors or employees, subject only to approval by Lot Owners when that is specifically required.

10.3 Election and Removal. Directors of the Association shall be elected at the annual meeting of the members in the manner determined by the Bylaws. Directors may be removed and vacancies on the Board of Directors shall be filled in the manner provided by the Bylaws and the Act.

10.4 Term of Developers' Directors. Notwithstanding subparagraph 10.3 above, the Developer of the Project shall appoint the members of the first Board of Directors who shall hold office for the periods described in the Bylaws.

10.5 First Directors. The names and addresses of the members of the first Board of Directors, who shall hold office until their successors are elected and have qualified, are as follows:

<u>NAMES</u>	<u>ADDRESSES</u>
JOSEPH B. de PEYSTER	1014 North Clara Ave., DeLand FL 32720
DONNA J. de PEYSTER	1014 North Clara Ave., DeLand FL 32720
MERIDITH LEE BRITTON	2425 Hickory Nut Lane, DeLand, FL 32720

#### ARTICLE 11

##### BYLAWS

The first Bylaws of the Association shall be adopted by the Board of Directors at the organizational meeting of the Association after the approval of these Articles of Incorporation by the Secretary of State. The power to adopt, amend, alter, repeal or rescind the Bylaws of the Association shall be vested in the Board of Directors or the membership as provided in the Bylaws.

#### ARTICLE 12

##### AMENDMENTS

Amendments to these Articles shall be proposed and adopted in the following manner:

12.1 Notice. Notice of the subject matter of a proposed amendment 's all be included in the notice of any meeting at which a proposed amendment is to be considered.

12.2 Adoption. A resolution for the adoption of a proposed amendment may be proposed either by a majority of the Board of Directors or by not less than twenty-five percent (25%) of the members of the Association. Directors and members not present in person or by proxy at the meeting considering the amendment may express their approval in writing, provided that approval is delivered to the secretary at or prior to the meeting. All amendments shall be approved by not less than seventy-five percent (75%) of the votes of the entire membership of the Association.

12.3 Limitation. No amendment shall make any changes in the qualifications for membership nor in the voting rights or property rights of members, nor any changes in Sections 4.3 and 4.4 of Article 4, entitled "Powers", without approval in writing by all members and the joinder of all record owners of mortgages upon Lots. No amendment shall be made that is in conflict with the Act or the Declaration, nor shall any amendment make any changes which would in any way affect any of the rights, privileges, powers or options herein provided in favor of or reserved to the Developer unless the Developer shall join in the execution of the amendment.

12.4 Recording. A copy of each amendment shall be filed with the Secretary of State pursuant to the provisions of the applicable Florida Statutes.

#### ARTICLE 13

##### ADDRESS

The principal place of business of the corporation shall be located at 1014 North Clara Avenue, DeLand, Florida, 32720 but the corporation may maintain offices and transact business in such other places within or without the State of Florida as may from time to time be designated by the Board of Directors.

#### ARTICLE 14

##### INITIAL REGISTERED OFFICE ADDRESS AND NAME OF REGISTERED AGENT

The initial registered office of this corporation shall be located at 112 North Florida Avenue, DeLand, Florida 32720 and the initial registered agent of the corporation at that address is Charles Early.

IN WITNESS WHEREOF, then subscribers have affixed their signatures this tenth day of December, 1999.

Joseph B. de Peyster m  
JOSEPH B. de PEYSTER

Donna J. de Peyster  
DONNA J. de PEYSTER



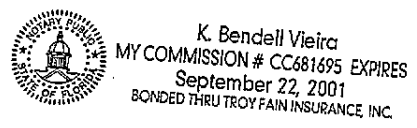
State of Florida  
County of Volusia

Before me this day personally appeared Joseph B. de Peyster and Donna J. de Peyster, () to me known to be the persons described in and who executed the foregoing Articles of Incorporation, or () who have produced their current driver's licenses as identification, and they acknowledged before me that they executed the same.

WITNESS my hand and official seal this 10th day of December, 1999.

K. Bendell Vieira

(print notary name)  
Notary Public  
State of Florida  
Commission No.: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



ACCEPTANCE OF REGISTERED AGENT

Charles Early, being first duly sworn, deposes and says:

He accepts the designation as registered agent of Hickory Nut Lane Homeowners' Association, Inc., as set forth in Article 14 of the Articles of Incorporation, and the street address of the initial registered agent is 112 North Florida Avenue, DeLand, Florida 32720.

Charles L. Early Jr.  
Charles Early

FILED  
99 DEC 13 AM 11:48  
SECRETARY OF STATE  
TALLAHASSEE FLORIDA

STATE OF FLORIDA  
COUNTY OF VOLUSIA

BEFORE ME this day personally appeared Charles Early, to me known to be the person described in and who executed the foregoing instrument, () who has produced driver's license for identification, and he acknowledged before me that he executed the same and () did () did not take an oath.

WITNESS my hand and official seal this 10<sup>th</sup> day of December, 1999.

R. W. Taylor  
(printed name)  
Notary Public, State of Florida  
My Commission Expires:

