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FILED

July 1, 2001

01 JUN 15 AM 10: 53

SECRETARY OF STATE  
TALLAHASSEE FLORIDA

Divisions of corporations  
D.W. McKinnon, Division Director  
P.O. Box 6327  
Tallahassee, FL 32399

RE: Incorporation of New Business

Dear Sirs:

900004424089--4  
-06/18/01--01037--002  
\*\*\*\*\*87.50 \*\*\*\*\*87.50

Enclosed are (1) articles of incorporation, (2) Certificate designating place of business,  
and (3) check in payment of incorporation fees as follows:

\$ 35.00	Filing Fee - Profit Corporation
<u>52.50</u>	Charter Tax (Minimum)
87.50	Total Check

Please return the certified copy of these articles of incorporation to our office.

Sincerely,

*Martin Yahl*

Martin Yahl  
Ross & Yahl Excavating

D. WHITE JUN 19 2001 5✓

**ARTICLES OF INCORPORATION  
OF  
ROSS & YAHL EXCAVATING, INC.**

The undersigned subscriber to these Articles of Incorporation, Martin Yahl, being a natural person competent to contract, hereby acknowledges and files these ARTICLES OF INCORPORATION in the Office of the Secretary of State of the State of Florida in order to form a Corporation for profit under the laws of the State of Florida.

**ARTICLE I**

**CORPORATE NAME**

The name of this Corporation is ROSS & YAHL EXCAVATING, INC. The principal office and mailing address of the corporation is 5255 12th Avenue SW, Naples, Florida 34116.

**ARTICLE II**

**DURATION**

The Corporation shall have perpetual existence, commencing upon the filing of these articles with the Florida Secretary of State.

**ARTICLE III**

**PURPOSE**

The Corporation is organized for the purpose of transacting any or all lawful business.

**ARTICLE IV**

**CAPITAL STOCK**

The Corporation is authorized to issue 1000 shares of \$1.00 par value stock, which shall be designated "common shares." The stock of the Corporation is intended to qualify under the requirements of Section 1244 of the Internal Revenue Code and all regulations issued thereunder. Such actions as are necessary will be taken by the officers of this Corporation in order to qualify under Section 1244. This Corporation is being capitalized and its stock is being issued to comply with the aforementioned section of the Internal Revenue Code.

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## **ARTICLE V**

### **INITIAL REGISTERED OFFICE AND AGENT**

The street address of the initial registered office of the Corporation is 5255 12th Avenue SW, Naples, Florida 34116, and the name of the initial registered agent of the Corporation at that address is Martin Yahl. The Director(s) of this Corporation may from time to time change the registered office or registered agent, or both, by appropriate notice to the Secretary of State.

## **ARTICLE VI**

### **DIRECTORS**

The Corporation shall have not less than one Director, as provided by the By-Laws. Director(s) shall hold office for the term provided in the By-Laws or until their successor(s) have been duly elected and qualified.

## **ARTICLE VII**

### **INITIAL BOARD OF DIRECTORS**

The following shall constitute the initial Board of Directors of this Corporation:

**David A. Ross**  
**1720 Rock Road**  
**Naples, Florida 34120**

**Martin Yahl**  
**5255 12th Avenue SW**  
**Naples, Florida 34116**

## **ARTICLE VIII**

### **INCORPORATORS**

The name and address of the person signing these Articles is:

**Martin Yahl**  
**5255 12th Avenue SW**  
**Naples, Florida 34116**

ARTICLE IX

BY-LAWS

The power to adopt, alter, amend or repeal By-Laws shall be vested in the Board of Directors and the Shareholders in the manner provided by the laws of the State of Florida.

ARTICLE X

AMENDMENT

This Corporation reserves the right to amend or repeal any provision contained in these Articles of Incorporation, or any amendment hereto, in the manner provided by the laws of the State of Florida.

IN WITNESS WHEREOF, the undersigned Subscriber(s) executed these Articles of Incorporation this 12 day of June, 2001.

Martin Yahl  
Martin Yahl

STATE OF FLORIDA  
COUNTY OF COLLIER

BEFORE ME, a notary public authorized to take acknowledgments in the State and County set forth above, personally appeared Martin Yahl, known to me and known by me to the person who executed the foregoing Articles of Incorporation, and he acknowledged before me that he executed those Articles of Incorporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, in the State and County aforesaid, this 12<sup>th</sup> day of June, 2001.

Capricia Turner  
NOTARY PUBLIC  
State of Florida at Large

(SEAL)



Capricia Lee Turner  
Commission # CG 860341  
Expires Sep. 21, 2003  
Bonded Thru  
Atlantic Bonding Co., Inc

My commission expires:

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

Pursuant to Chapter 48.091, Florida Statutes, the following is submitted, in compliance with said Act:

That ROSS & YAHL EXCAVATING, INC., desiring to organize under the laws of the State of Florida with its principal office, as indicated in the Articles of Incorporation in the County of Collier, State of Florida, has named Martin Yahl located at 5255 12th Avenue SW, Naples, Florida 34116, as its agent to accept service of process within this State.

**ACKNOWLEDGMENT**

Having been named to accept service of process of the above stated Corporation, at place designated in this Certificate, I hereby accept to act in this capacity, and agree to comply with the provision of said Act relative to keeping open said office.

  
Martin Yahl

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