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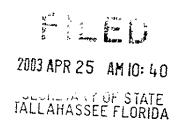
2003 APR 25 AH IO: 40



# LONNIE L. SIMMONS, P. A.

Attorney at Law
Suite 302, 3000 Langley Avenue
Pensacola, Florida 32504

(850) 474-0886



February 21, 2003

Corporate Records Bureau Division of Corporations Department of State Post Office Box 6327 Tallahassee, Florida 32314

RE: Articles of Incorporation of Excalibur Excavating, Inc.

Dear Sir/Madam:

I have enclosed for filing the original and one copy of the Articles of Incorporation of Excalibur Excavating, Inc. I have also enclosed a check payable to the Secretary of State in the amount of \$70.00 to cover the costs of filing the Articles of Incorporation.

Please file the Articles of Incorporation and return a copy to me at the above address. If there are any problems, please do not hesitate to call. Your assistance and cooperation is appreciated.

Sincerely,

Lonnie L. Simmons

LLS\kbb

Enclosures

EFFECTIVE DATE

#### ARTICLES OF INCORPORATION

<u>OF</u>

2003 APR 25 AM 10: 40

**EXCALIBUR EXCAVATING, INC.** 

TALLAHASSEE FLORIDA

We, the undersigned incorporators, hereby associate ourselves together and make, subscribe, acknowledge and file with the Secretary of State of Florida these Articles of Incorporation for the purpose of forming a Corporation for profit in accordance with the laws of the State of Florida.

#### **ARTICLE I - NAME**

The name of this Corporation is EXCALIBUR EXCAVATING, INC.

## **ARTICLE II - DURATION**

This Corporation shall have perpetual existence commencing on the 20th day of April, 2003.

#### ARTICLE III - PURPOSE

The purpose of this Corporation is to transact any or all lawful business for which Corporations may be incorporated under Chapter 607, Florida Statutes, as now exists or may after be amended.

#### ARTICLE IV - CAPITAL STOCK

This Corporation is authorized to issue 2,000 shares of One Dollar (\$1.00) par value common stock which shall be designated as "Common Shares".

#### ARTICLE V - PRE-EMPTIVE RIGHTS

Every shareholder, upon the sale for cash of any new stock of this Corporation, shall have the right to purchase his pro-rata share thereof (as nearly as may be done without issuance of fractional shares) at the price at which it is offered to others.

#### ARTICLE VI - INITIAL REGISTERED OFFICE AND AGENT

The street address of the initial registered office is 3000 Langley Avenue, Suite 302, Pensacola, Florida and the principal place of business of this Corporation is 7151 Pine Blossom Road, Milton, Florida 32570 and the name of the initial registered agent of this Corporation is Lonnie L. Simmons.

#### ARTICLE VII - INITIAL BOARD OF DIRECTORS

This Corporation shall have one (1) director constituting the initial Board of Directors. The number of directors may be either increased or decreased from time to time by the bylaws; however, there shall never be less than one Director nor more than five. The name and address of the initial Board of Directors of the Corporation is:

Richard Leslie Diamond Post Office Box 281 Jay, Florida 32535

#### ARTICLE VIII - INCORPORATORS

The name and address of the Incorporator signing these articles is Richard Leslie Diamond, whose address is 7151 Pine Blossom Road, Milton, Florida 32570.

## **ARTICLE IX - INDEMNIFICATION**

The Corporation shall indemnify any Officer or Director or any former officer or director, to the full extent permitted by law.

#### ARTICLE X - AMENDMENT

This Corporation reserves the right to amend or repeal any provision contained in these Articles of Incorporation, or any amendment hereto, by a majority vote of the Board of Directors, and any right conferred upon the Shareholders is subject to this reservation.

IN WITNESS WHEREOF, the undersigned Incorporator has executed these Articles of

Incorporation on this the A day of April, 2003.

RICHARD LESLIE DIAMOND - Incorporator

STATE OF FLORIDA

COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged to before me this A day of April, 2003, by RICHARD LESLIE DIAMOND, who is personally known to me, or who has produced ADA LOSSANDO as identification.

KATHERINE B. BELCHER COTARY PUBLIC - STATE OF FLORIDA

Notary Public, State of Florida My Commission Expires: 9

COMMISSION NO. DD 150418

# CERTIFICATE DESIGNATING REGISTERED AGENT AND PLACE OF BUSINESS OR DOMICILE FOR THE SERVICE OF PROCESS WITHIN FLORIDA AND ACCEPTANCE OF AGENT UPON WHOM PROCESS MAY BE SERVED

In compliance with Section 48.091 and 607.0501, Florida Statutes, the following is submitted:

FIRST, that EXCALIBUR EXCAVATING, INC. desiring to organize or qualify under the laws of the State of Florida, with its principal place of business at 7151 Pine Blossom Road, Milton, Florida 32570 has named Lonnie L. Simmons, as its agent to accept service of process within Florida.

DATED: April 10, 2003.

RICHARD LESLIE DIAMOND - Incorporator

Having been named to accept service of process for the above named 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 performance of my duties.

LONNIE L. SIMMONS - Registered Agent

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