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P98000076 759

August 28, 1998

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

Re: Roberto's Gourmet Coffee and Yogurt, Inc.

500002628915--2  
-08/31/98-01104-009  
\*\*\*\*122.50 \*\*\*\*122.50

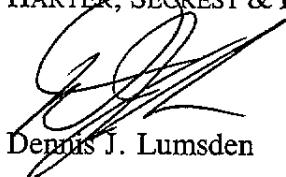
Gentlemen:

Enclosed please find the original and one copy of Articles of Incorporation for the above, along with our check in the amount of \$122.50, to cover the appropriate fees.

When filed, please return the certified copy to the undersigned.

Thank you for your assistance.

Very truly yours,  
HARTER, SECREST & EMERY LLP

  
Dennis J. Lumsden

FILED  
98 AUG 31 AM 10:58  
DIVISION OF CORPORATIONS  
TALLAHASSEE, FLORIDA

9-4-98  
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## **ARTICLES OF INCORPORATION**

**OF**

### **ROBERTO'S GOURMET COFFEE AND YOGURT, INC.**

The undersigned, for the purpose of forming a corporation under the Florida Business Corporation Act, Florida Statutes, Section 607.0101 et seq., hereby adopts the following Articles of Incorporation:

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

The name of this Corporation is **Roberto's Gourmet Coffee and Yogurt, Inc.**

#### **ARTICLE II - PRINCIPAL OFFICE**

The principal office of this Corporation is located at:

1031 North Collier Blvd.  
Marco Island, Florida 34145

#### **ARTICLE III - COMMENCEMENT AND DURATION**

This Corporation shall commence to exist on the date these Articles are filed by the Department of State, in accordance with Section 607.0123(1), Florida Statutes, and shall have perpetual existence.

#### **ARTICLE IV - PURPOSE**

The purpose of this Corporation is to engage in any and all lawful business for which corporations may be incorporated.

#### **ARTICLE V - CAPITAL STOCK**

This Corporation is authorized to issue Ten Thousand (10,000) common shares, all of one class, each having a par value of One Dollar (\$1.00) per share.

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

The name and address of the initial registered agent and registered office of this Corporation are as follows:

Dennis J. Lumsden

800 Laurel Oak Drive, Suite 400  
Naples, Florida 34108

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## ARTICLE VII - INITIAL BOARD OF DIRECTORS

This Corporation shall initially have two (2) Directors. The number of Directors may be either increased or decreased, from time to time, by or under the Bylaws of the Corporation, but shall never be less than one (1).

The names and addresses of the initial Directors of this Corporation are:

Stephen B. Katz	16530 Timberlakes Drive Fort Myers, Florida 33908
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Francine M. Katz	16530 Timberlakes Drive Fort Myers, Florida 34108
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## ARTICLE VIII - INCORPORATOR

The name and address of the person signing these Articles of Incorporation are:

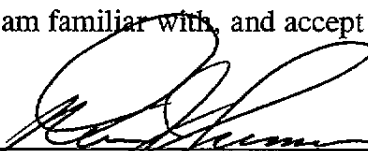
Dennis J. Lumsden	800 Laurel Oak Drive, Suite 400 Naples, Florida 34108
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IN WITNESS WHEREOF, I have subscribed my name August 28, 1998.

  
Dennis J. Lumsden, Incorporator

## ACCEPTANCE BY REGISTERED AGENT

I hereby accept the appointment of Registered Agent. I am familiar with, and accept the obligations of Section 607.0505 Florida Statutes.

  
Dennis J. Lumsden

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