

McLin Burnsed Morrison  
Johnson & Robuck

Susan A. Balmer  
R. Dewey Burnsed  
Stephen W. Johnson  
David G. Larkin  
Walter S. McLin, III  
G. Michael Mahoney  
Fred A. Morrison  
Richard P. Newman  
John R. Reid, Jr.  
H.D. Robuck, Jr.  
Steven M. Roy  
Kevin A. Sentner  
Phillip S. Smith

N9500002535  
May 3, 1995

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

200001479262  
-05/08/95--01037--005  
\*\*\*\*122.50 \*\*\*\*122.50

Re: Banana Point Homeowners Association, Inc.

Dear Sirs:

Enclosed are the Articles of Incorporation for the referenced corporation, along with a check in the amount of \$122.50. Please file the Articles of Incorporation and return a certified copy to us.

Thank you for your cooperation.

Sincerely,

*R. Dewey Burnsed for*

R. DEWEY BURNSED

RDB:amr  
Enclosures

~~1015 995~~

FILED  
95 MAY 30 PM 1:15  
SECRETARY OF STATE  
TALLAHASSEE, FL 32304

~~1015 995~~

T. BROWN MAY 30 1995



FLORIDA DEPARTMENT OF STATE  
Sandra B. Mortham  
Secretary of State

May 10, 1995

R. DEWEY BURNESED  
MCLIN BURNESED MORRISON JOHNSON & ROBUCK  
1100 MAIN STREET, SUITE 211  
LADY LAKE, FL 32159

SUBJECT: BANANA POINT HOMEOWNERS ASSOCIATION, INC.  
Ref. Number: W95000009851

We have received your document for BANANA POINT 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):

According to section 607.0202(1)(b) or 617.0202(1)(b), Florida Statutes, you must list the corporation's principal office, and if different, a mailing address in the document. If the principal address and the registered office address are the same, please indicate so in your document.

The designation of the registered office and the registered agent, both at the same Florida street address, must be contained within the document pursuant to Florida Statutes. The registered agent must sign accepting the designation as required by Florida Statutes.

You must list at least one incorporator with a complete business street address.

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) 487-6932.

Teresa Brown  
Corporate Specialist

Letter Number: 395A00023631

ARTICLES OF INCORPORATION  
OF  
BANANA POINT HOMEOWNERS ASSOCIATION, INC.

FILED  
95 MAY 30 PM 1:15  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

The undersigned, acting as incorporator of a nonprofit corporation under the Florida Statutes, does hereby adopt the following Articles of Incorporation for such corporation:

ARTICLE I

The name of this corporation (hereinafter called the association) is BANANA POINT HOMEOWNERS ASSOCIATION, INC., with its principal office address and mailing address at 1100 Main Street, Lady Lake, Florida, 32159.

ARTICLE II

The specific primary purposes for which the association is formed are to provide for the performance of duties delegated to the association pursuant to the Declaration of Restrictions of Banana Point Subdivision; and to promote the health, safety, and welfare of the residents within the above-described subdivision.

In furtherance of such purposes, the association shall have power to:

(a) Perform all of the duties and obligations of the association set forth in the Declaration of Restrictions (the Declaration) applicable to the subdivision and to be recorded in the public records of Lake County, Florida;

(b) Operate, maintain and manage the surface water or stormwater management system in a manner consistent with the St. Johns River Management District permit no. 42-069-0777N requirements and applicable District rules, and shall assist in the enforcement of the restrictions and covenants contained herein;

(c) Affix, levy, and collect, and enforce payment by any lawful means of, an adequate assessment against members of the Association for the costs of maintenance and operation of the surface water or stormwater management system;

(d) Use of the aforesaid assessment shall be for the maintenance and repair of the surface water or stormwater management systems, including but not limited to work within retention areas, drainage structures and drainage easements;

(e) Affix, levy, and collect, and enforce payment by any lawful means of, all charges and assessments pursuant to the terms of the Declaration; and pay all expenses in connection therewith, and all office and other expenses incidental to the conduct of the business of the association, including all licenses, taxes, or governmental charges levied on or imposed against the property of the association;

(f) Acquire (by gift, purchase, or otherwise), own, hold, and improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate to public use, or otherwise dispose of real and personal property in connection with the affairs of the association;

(g) Borrow money and, subject to the consent by vote or written instrument of two-thirds of each class of members, mortgage, pledge, convey by deed of trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred;

(h) Dedicate, sell, or transfer all or any part of any common areas to any municipality, public agency, authority, or utility for such purposes and subject to such conditions as may be agreed upon by the members. No such dedication or transfer shall be effective unless an instrument has been signed by two-thirds of each class of members, agreeing to such dedication, sale or transfer;

(i) Participate in mergers and consolidations with other nonprofit corporations organized for the same purposes, or annex additional residential property or common areas, provided that any merger, consolidation, or annexation shall have the assent by vote or written instrument of two-thirds of each class of members;

(j) Have and exercise any and all powers, rights and privileges that a nonprofit corporation organized under the Florida Statutes by law may now or hereafter have or exercise.

The association is organized and shall be operated exclusively for the purposes set forth above. The activities of the association will be financed by assessments against members as provided in the Declaration, and no part of any net earnings of the association will inure to the benefit of any member.

### ARTICLE III

Every person or entity who is a record owner of a fee or undivided fee interest in any lot which is subject by covenants of record to assessment by the association, including contract sellers, but excluding persons or entities holding title merely as security for performance of an obligation, shall be a member of the association. Membership shall be appurtenant to and may not be separated from ownership of a lot which is subject to assessment by the association. Each lot shall have one vote.

### ARTICLE IV

Existence of the Association shall commence with the filing of these Articles of Incorporation with the Secretary of State, Tallahassee, Florida. The Association shall exist in perpetuity.

### ARTICLE V

The affairs of the association shall be managed by a board of directors, and a president and secretary, who shall at all times be members of the board of directors. Such officers shall be elected at the first meeting of the board of directors following each annual meeting of members. The method by which directors are elected shall be as set forth in the Bylaws.

The names of the officers who are to serve until the first election are:

<u>NAME</u>	<u>OFFICE</u>
R. Dewey Burnsed	President
Walter S. McLin, III	Secretary

## ARTICLE VI

The number of persons constituting the first board of directors of the association shall be three and the names and addresses of the persons who shall serve as directors until the first election are:

NAME	ADDRESS
R. Dewey Burnsed	5540 Banana Point Dr. Okahumpka, FL 34702
Walter S. McLin, III	5415 Banana Point Dr. Okahumpka, FL 34702
Lynn Burnsed	5540 Banana Point Dr. Okahumpka, FL 34702

## ARTICLE VII

The Bylaws of the association may be made, altered, or rescinded at any annual meeting of the association, or at any special meeting duly called for such purpose, on the affirmative vote of two-thirds of each class of members existing at the time of and present at such meeting, except that the initial Bylaws of the association shall be made and adopted by the Board of Directors.

## ARTICLE VIII

Amendments to these Articles of Incorporation may be proposed by any member of the association. These Articles of Incorporation may be amended at any annual meeting of the association, or at any special meeting duly called and held for such purpose, on the affirmative vote of a majority of members existing at the time of and present at such meeting.

## ARTICLE IX

On dissolution, the assets of the association shall be distributed to an appropriate public agency to be used for purposes similar to those for which the association was created. In the event such distribution is refused acceptance, such assets shall be granted, conveyed and assigned to any nonprofit corporation, association, trust or other organization organized and operated for such similar purposes.

In the event of termination, dissolution or final liquidation of the Association, the responsibility for the operation and maintenance of the surface water or stormwater management system must be transferred to and accepted by an entity which would comply with Section 40C-2.027, F.A.C., and be approved by the St. Johns River Water Management District prior to such termination, dissolution or liquidation.

## ARTICLE X

The incorporator of the corporation shall be R. Dewey Burnsed, with his address at 1100 Main Street, Lady Lake, Florida 32159.

ARTICLE XI

The initial registered agent of the corporation shall be R. Dowey Burnsed, and the initial registered office of the corporation shall be 1100 Main Street, Lady Lake, Florida, 32150.

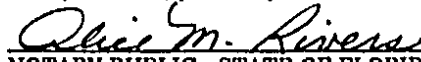
IN WITNESS WHEREOF, we, the undersigned, being all of the officers, directors and members of the corporation, have hereunto set our hands and seals this 22<sup>nd</sup> day of May, 1995.

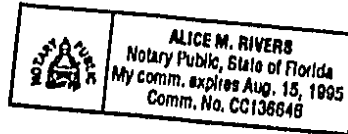
Incorporator:

  
R. Dowey Burnsed

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of May, 1995, by R. Dowey Burnsed, personally known to me.

  
NOTARY PUBLIC - STATE OF FLORIDA  
(Signature of Notary Public)  
Alice M. Rivers  
(Print Name of Notary Public)  
My Commission Expires: 8-15-95  
Serial/Commission No: CC136646



AMR:BANANA:ARTS.INC:051895

FILED  
95 MAY 30 PM 1:15  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

ACCEPTANCE OF DESIGNATION AS REGISTERED AGENT  
FOR BANANA POINT HOMEOWNERS ASSOCIATION, INC.  
A NOT FOR PROFIT CORPORATION

HAVING BEEN NAMED A REGISTERED AGENT AND TO ACCEPT SERVICE OF  
PROCESS FOR BANANA POINT HOMEOWNERS ASSOCIATION, INC. AT 1100 MAIN  
STREET, LADY LAKE, FLORIDA 32159, I HEREBY ACCEPT THE APPOINTMENT  
AS REGISTERED AGENT AND AGREE TO ACT IN THIS CAPACITY. I FURTHER  
AGREE TO COMPLY WITH THE PROVISIONS OF ALL STATUTES RELATING TO THE  
PROPER AND COMPLETE PERFORMANCE OF MY DUTIES, AND I AM FAMILIAR  
WITH AND ACCEPT THE OBLIGATIONS OF MY POSITION AS REGISTERED AGENT.

  
R. Deedy Burns

Date: May 22, 1995