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FORM 7  
PAGE 1 OF 2

ORIGINAL  
FILE COPY

APPLICATION FOR NONPROFIT ASSOCIATION EXEMPTION  
SECTION 367.022(7), FLORIDA STATUTES  
RULE 25-30.060(3)(g), FLORIDA ADMINISTRATIVE CODE

NAME OF SYSTEM: Pelican Harbor Mobil Home.

PHYSICAL ADDRESS OF SYSTEM: .3317 Bayside PK WY

Punta Gorda, FL. 33982

MAILING ADDRESS (IF DIFFERENT): 6720 Riverside Dr. Punta Gorda, FL. 33982

COUNTY: Charlotte

PRIMARY CONTACT PERSON:

NAME: John Burger or Paul Ditto

ADDRESS: 3203 Bayside PK. WY.

Punta Gorda, FL. 33982

PHONE #: John (813) 639 3142 Paul (813) 639-8143

ACK  
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NATURE OF APPLICANT'S BUSINESS ORGANIZATION: (CORPORATION OR PARTNERSHIP, SOLE PROPRIETOR, ETC.) Pelican Harbor Mobil Home Park (ORGANIZATION)

I believe this system to be exempt from the regulation of the Florida Public Service Commission pursuant to Section 367.022(7), Florida Statutes, for the following reasons:

1. The corporation, association, or cooperative is Edmonds nonprofit.
2. Service will be provided solely to members who own and control it.
3. The system provides (CHOOSE THE ONE THAT IS APPLICABLE):  
Water only \_\_\_\_\_  
Wastewater only X  
Both \_\_\_\_\_

4. 6720 Riverside Dr. Punta Gorda, FL. 33982 will do the billing for such service.

5. The service area is located at: Pelican Harbor Mobil Home Park.  
3317 Bayside PK. WY. Punta Gorda, FL. 33982

DOCUMENT NUMBER - DATE

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EXECUTIVE BOARD

TABLE OF ORGANIZATION

PELICAN HARBOR CIVIC ASSOCIATION INC.

1994

7

Executive Board ( 7 members )

Officers: President  
Vice President  
Secretary  
Treasurer

Directors: Chairman  
2 Members

APPLICATION FOR NONPROFIT ASSOCIATION EXEMPTION

6. Attached are the articles of incorporation as filed with the Secretary of State and bylaws which clearly show the requirements for membership, that the members' voting rights are one vote per unit of ownership and the circumstances under which control of the corporation passes to the non-developer members. Control of the corporation must pass: 1) at 51 percent ownership by the non-developer members or 2) at some greater percentage delimited by a time period not to exceed 5 years from the date of incorporation.
7. Attached is proof of ownership of the utility facilities and the land upon which the facilities will be located or other proof of the applicant's right to continued use of the land, such as a 99-year lease. The Commission may consider a written easement or other cost effective alternative.

I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082, S. 775.083, or S. 775.084.

Pelican Harbor Mobil Home Park

(Applicant please print or type)

November 14, 1994

(Date)

John R. Binger  
(Signature)

Director

(Title)

When you finish filling out the application, the original and two copies of the application, Articles of Incorporation, Bylaws and proof of ownership should be mailed to: Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399-0850.

BYLAWS OF PELICAN HARBOR CIVIC ASSOCIATION INC.

PREAMBLE

Part 1

WE, the mobile home owners and owners of unoccupied lots of Pelican Harbor Mobile Home Estates in Charlotte County in the State of Florida are desirous of forming a Nonprofit Civic Association, incorporated under the provisions of Chapter 617, Florida Statute 1941, as amended. The objective of this organization, known as the Pelican Harbor Civic Association, Inc., is to promote, organize, conduct and manage an Association to advance the interests of its members in all the properties contained in Pelican Harbor Mobile Home Estates. In order to carry out this objective of serving the general well being and welfare of all its members and to protect their rights, the Association, as a whole and as individuals, will endeavor to co-operate and function within the rules and regulations, insofar as they are legal and consistently applied, which are published in the Offering Plan of Viking Mobile Homes, Inc., a subsidiary of Viking General Corporation.

Pursuant to a management change effective October 1, 1977, the Association has accepted responsibility for the maintenance services of the common areas for all its members.

The Executive Board is responsible for supervision of all matters pertaining to said management.

ARTICLE 1 - DEFINITION OF TERMS:

Pelican Harbor Civic Association, Inc., shall hereafter be referred to as the Association.

Pronouns of any gender may be deemed synonymous as may Singular plural pronouns.

ARTICLE 2 - MEMBERSHIP:

Section 1 - Eligibility:

Home owners as recorded with the Registrar of Deeds in the County of Charlotte, in the State of Florida, in the subdivision of Pelican Harbor Mobile Home Estates, shall be a member of Pelican Harbor Civic Association, Inc.

Section 2 - Members in good standing:

Members in good standing are those homeowners of record who abide by the Bylaws of the Association as presented herein, and are up to date in the payment of maintenance fees. Such members are referred to herein as paid members.

Section 3 - Privileges of paid members:

(A) There shall be one person with respect to each home ownership, who shall be known as a "Voting Member". If a home is owned by more than one person, the owners of said unit shall designate one of them as the Voting Member. Members shall, at each meeting, sign an attendance sheet. At such meetings, where ballots will be cast, the Voting Member will further identify himself on the attendance sheet by including the number of the lot on which his home is situated. All lot owners are entitled to just one vote, regardless of the number of lots owned.

(B) In the event of dissolution, all members shall share in the assets, liabilities, investments and liquidation of all of the holdings of the Association in proportion to the number of homes owned.

(C) Homeowners who are in arrears in the payment of maintenance fees may not hold office, and will lose their voting privileges.

(D) Members will receive:

1. A copy of the Bylaws.
2. A list of the names of the officers and directors.

(E) Members may attend annual, special and regular monthly meetings for the conducting of Association business.

Section 4 - Funds

Special purpose funds.

A levy to obtain funds for special purposes may be made by the Association as the needs arise. The amount of this levy shall be in proportion to the number of lots owned, and be instituted by a majority vote of the members present.

Section 5 - Termination of membership:

Termination will be automatic with the sale of the member's home.

Section 6 - Reinstatement of membership rights and privileges:

Reinstatement is automatic with the payment of all delinquent funds, and assessments to Pelican Harbor Civic Association, Inc.

ARTICLE 3 - EXECUTIVE BOARD:

Section 1 - Composition:

The Executive Board shall be composed of seven (7) of the paid members.

Section 2 - Qualifications, election and term of office:

(A) Any paid member may be duly nominated, seconded, and elected to the Executive Board.

(B) At each annual meeting, the officers, when a term of office has expired shall be elected to serve a term of two years. Officers may be reelected as many times as they are willing to serve.

(C) Directors shall serve a term of three (3) years with one Director being elected each year. Chairperson shall be chosen by the three (3) members of the board.

Section 3 - Responsibilities:

(A) The Executive Board shall manage the affairs of the Association and have authority to engage legal aid required for such management.

(B) The Executive Board shall, with the consent of the members, from time to time make such rules and regulations, not provided for in the bylaws, that it deems necessary to manage the Association.

Section 4 - Duties:

(A) For the execution of its powers and duties, the Executive Board shall by appointment be assisted by the following committees:

1. Hospitality committee.
2. Grounds and beautification committee.
3. Sports committee.

(B) Appoint a parliamentarian and/or sargeant-at-arms as deemed necessary to conduct an orderly meeting.

Section 5 - Vacancies:

When a vacancy occurs in the Executive Board, that vacancy shall be filled by a duly qualified member nominated by the Executive Board, and shall be voted upon by the members at a special election.

Section 6 - Meetings:

A meeting of the Executive Board shall be held whenever called by the President, in his absence the Vice President, or by not less than three (3) available Board members. The Secretary shall give notice of each meeting by mail or otherwise at least twenty-four (24) hours in advance of the meeting stating its purpose.

Section 7 - Quorum:

A quorum of the Executive Board shall be four (4) If at any meeting a quorum is lacking, a majority of the Board present may adjourn the meeting.

Section 8 - Powers as to negotiable papers:

The Executive Board, from time to time shall prescribe the manner of making signature or endorsement of bills of exchange, drafts, notes and other negotiable instruments for the payment of money and designate the Board members or member who shall be authorized to make, sign or endorse on behalf of the Association.

ARTICLE 4 - DUTIES OF THE EXECUTIVE BOARD:

Section 1 - Officers and Directors

(A) The Executive Board of the Association shall consist of a President, Vice President, Secretary, Treasurer and three (3) Directors who shall be elected at the annual meeting and shall hold office for terms as provided herein.

(B) When meetings are held by members of the Executive Board with persons outside of the Association on administrative or financial matters, at least two Board members must be present and no decision may be made without the concurrence of at least four of the Board members. The matters discussed and decisions made at such a meeting shall be presented to the members of the Association at the next meeting.

(C) Prior to the meeting with the members of the Association, those members of the Executive Board who attended such meetings as referred to in (B), shall subsequently acquaint all of the other Board members with the discussions and the decisions made.

(D) In the event of absenteeism on the part of any member of the Executive Board, the business of the Board at its regular meetings or meetings described in (B) shall be conducted by the available members in the manner specified in (B) and (E).

(E) In the event of absenteeism the order of responsibility for heading the meeting shall be as follows:

1. In the absence of the President, the Vice President will be empowered to chair the duties of the President.

2. In the absence of the President and Vice-President the chairperson of the board of directors will be empowered to chair the duties of the President and Vice-President.

3. In the absence of the Secretary the President or acting President shall appoint an acting Secretary to take or read the minutes.

Par. (F)

1. The Secretary and Treasurer are the only executive officers to be paid. At present that sum is one hundred and fifty dollars (\$ 150.00) per-month. Any changes will be recommended by the executive board and presented for approval by the Association members at the annual presentation of the budget.

(C) The President is empowered to appoint any temporary committees as deemed necessary after advising the other available members of the Executive Board.

Section 3 - Duties of the Vice President:

) The Vice President shall assist the President in the discharge of his/her duties and in his/her absence, transact all business that would devolve upon the President.

Section 4 - Duties of the Secretary:

(A) Keep a permanent minute book of all proceedings of the Association in a book provided for that purpose. Previous minutes of the executive board and regular meeting will be read at the next regular Association meeting.

(B) Notify each member of each annual or special meeting of the Association and all other notices, that may be required.

(C) Keep a correct list of the members with their roster information. (Name, address, telephone number, and the number assigned to the Voting Member. The voting number of the member will consist of the lot number).

(D) Notify the members of the nominations of candidates for office in the Association by posting the names on the bulletin board in the Resident's Lounge.

(E) Maintain original documents in a safe deposit box in the name of the Association in such a bank as shall be approved by the Board. Certification of the location of these documents shall be appended to the minutes of the Annual Meeting of the Association.

(F) Keep on file copies of all Association documents including:

1. Articles of incorporation.
2. Constitution, bylaws, rules and regulations.
3. Inventory of all real and physical property of the Association (to include purchases, date, cost and location).
4. Any other legal documents relative to the Association.

(G) Notify members of the Executive Board of any board meeting together with the agenda of the meeting at least 24 hours before the meeting.

(H) Assist the Treasurer in preparation of tally cards for voting. Tally cards shall include the Voting Member's assigned number as specified under Article 2, Section 3 (A).

(I) To issue any other correspondence deemed necessary by the Board.



Section 5 - Duties of the Treasurer:

- (A) The Treasurer shall be bonded in an amount as determined by the Executive Board.
- (B) Monies received by the Association or an authorized agent (at present LoRicco, Williams, Wunder and Grosland) shall be deposited in such bank or trusts as shall be approved by the executive board, and under the direction of the board, shall disburse the funds for normal bills (water, electric etc..). All other disbursements will be voted on and approved by the Association. (Emergency funds excluded)
- (C) The Treasurer or an authorized agent shall send out statements to the membership for any indebtedness to the Association.
- (D) The Treasurers annual report shall be audited by three (3) members appointed by the President.
- (E) The Treasurer shall maintain together with the Secretary the tally cards.
- (F) The Treasurer shall distribute the tally cards to members upon their admission to the meeting, prior to the call to order. Record total votes to ascertain a roll call and a quorum.
- (G) The Treasurer shall report delinquent members to the Executive Board.
- (H) The Treasurer shall maintain an annual estimated value of the assets of the Association.
- (I) The Treasurer shall be responsible for the Corporate Seal.
- (J) The Treasurer shall have a complete report of all maintenance moneys received and spent, furnished by Accountants hired by the Association. The Treasurer shall notify all delinquents, and bill Communities Financial Corp. for all charges to them. The Treasurer shall write all checks for services rendered and co-signed by another officer.

Section 6 - Duties of the Directors

- (A) The Chairman of the Directors shall be as designated in Article 3, Section 2(C).
- (B) The Directors shall investigate, review, prepare, and recommend to the Executive Board, as a whole, for appropriate action:
  - 1. The names, qualifications and fees of firms to manage the maintenance of the common areas, structures and equipment.
  - 2. The names, qualifications, and fees for legal services, as needed.

# STATE OF FLORIDA

DEPARTMENT OF STATE



I, RICHARD (DICK) STONE, Secretary of State of the State of Florida, do hereby certify that the following is a true and correct copy of

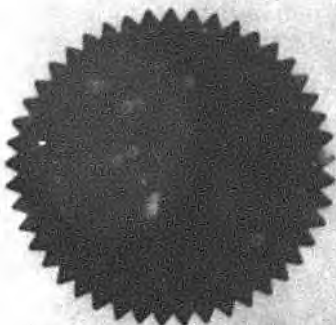
## CERTIFICATE OF INCORPORATION

OF

PELICAN HARBOR CIVIC ASSOCIATION, INC.

a corporation not for profit organized and existing under the Laws of the State of Florida, filed on the 4th day of June, A.D., 1974, as shown by the records of this office.

GIVEN under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the 4th day of June, A.D., 1974.



*Richard (Dick) Stone*  
SECRETARY OF STATE

3. The qualifications and fees of firms or individuals whom the management firm wishes to engage to service, repair or rehabilitate equipment or structures.
4. Prepare contracts, or review contracts and agreements prepared by others.
5. Review all matters concerned with the sale or purchase of items that are necessary to the improvements, repair or maintenance of the common area properties in Pelican Harbor Mobile Home Estates.

ARTICLE 5 - COMMITTEES:

Section 1 - Permanent committees:

(A) Permanent committees will be appointed by the President after approval by the Executive Board. The President is empowered to appoint any temporary committee as necessary.

(B) All permanent committees chairpersons shall keep a minute book for recording of the work of the committees.

(C) All permanent committee expenditures shall be subjected to the budgetary control of the Board.

(D) Chairpersons of permanent committees who fail to discharge their duties, as herein prescribed, shall be removed from office and be replaced by another member selected by the President after approval by the Executive Board.

Section 2 - Hospitality committee:

(A) The Hospitality committee shall consist of the Chairperson and no less than two (2) additional members.

(B) The committee shall acquaint the members with the bylaws, rules and regulations of Pelican Harbor Civic Association, Inc. as provided herein, apprising them of the enforcing of said bylaws, rules and regulations, and the rules and regulations in the Offering Plan of Viking Mobile Homes, Inc..

(C) The committee shall contribute to the well being of the membership.

1. To welcome new residents.
2. Visiting the sick or sending cards to the sick in the name of the Association, to the member hospitalized or in the event of the death of a member.
3. To perform any other duties the Executive Board deems propitious in the extension of goodwill to residents.

A Check for fifty dollars (\$ 50.00), the amount at present, will be sent to the surviving spouse. ? .....8

3. To perform any other duties the Executive Board deems propitious in the extension of goodwill to residents.

Section 3 - Grounds and Beautification committee:

(A) The grounds and beautification committee shall be composed of a Chairman and no less than two (2) members in good standing.

(B) The grounds and beautification committee shall observe the upkeep and maintenance of the resident's lounge, swimming pool and surrounding common grounds, streets, medians, utilities and all other common property of Pelican Harbor Mobile Home Estates. The committee shall report to the President items of upkeep and maintenance of the common grounds area that require correction and repairs to be effected by the Associations's management agent.

(C) The committee shall consult with any property owner or any other person who misuses common property or equipment or who contributes to the detracting of the beauty of common grounds area and insist that the, refrain from the offense.

(D) The committee shall work in accordance with the bylaws of the County of Charlotte with regard to speed limits, parking, violence, loud noises or any other detraction from the peace of the community.

Section 4 - Sports committee:

(A) The sports committee shall be composed of a Chairperson and no less than two (2) members in good standing

(B) The committee shall organize all sports and recreation.

Section 5 - Special Committees:

(A) A committee may be appointed by Association members to investigate and/or negotiate special problems. This committee should be comprised of resident members not on the executive board or any of the committees being investigated. If any of the members of above are not acting in the best interest of all Association affairs this committee may make all attempts to solve the problem. If an amiable solution is not reached, this committee will report it's findings to the Association membership. The committee will recommend appropriate action. This could result in immediate replacement of his/her duties on the board or committees. Any action as above must have approval of a majority of the Association membership at a regular or special meeting comprising a quorum of the voting membership.

(B) Members may be reimbursed for legitimate expenses upon submission of costs and reimbursed for use of a personal vehicle at the rate of Twenty two cents per Mile (22)

ARTICLE 6 - MEETINGS AND ELECTIONS:

Section 1 - Meetings - Roberts Rules of Order shall prevail:

(A) Under these bylaws, voice or untallied votes are not allowed, unless agreed upon by the membership who are present. Each Voting Member shall be assigned a tally card which shall be displayed by the member when called upon to exercise his vote in writing. These tally cards shall be kept by the Treasurer and distributed to the Voting Member when he attends a special or annual meeting.

(B) Secret ballots may be held at the discretion of the chair, or upon petition of a simple majority of votes present (51%).

(C) If a Voting Member is unable to attend an annual or special meeting, he is entitled to receive a ballot from the Secretary upon written request made at least twenty (20) days before the meeting. With said ballot shall be two envelopes, one of which should be marked "Ballot Only". The completed ballot should be placed in the envelope marked "Ballot Only" so that it may be received by the Secretary, enclosed in a separate envelope, no later than the day of the meeting. The Secretary shall then deliver the unopened envelope to the tally tellers of the election at the time the meeting is called to order.

Section 2 - Annual Meetings:

The annual meeting of the membership shall be held on the 4th Wednesday of January of each year at 7:30 P.M. in the Resident's Lounge. The Secretary shall notify all members by means of a notice posted at the entrance door to the Resident's Lounge. Members are responsible for notifying the Association of their correct address.

Section 3 - Special meetings:

The President may call special meetings at his discretion or shall do so at the request of four (4) board members or the written request of fifteen (15) members, specifying the purpose of the meeting. The Secretary shall notify all members by means of a notice posted at the entrance door to the Resident's lounge. If the special meeting involves expenditure of money in excess of Two Thousand Dollars (\$2000.00), or changes in the Bylaws affecting the organization of the Association, then members who are not in resident shall be notified by mail twenty (20) days in advance of such meeting and the purpose thereof. Simple advisory meetings, or where emergency action is required, the time of notice may be shortened in accordance with the time available. When emergency action is required for matters pertaining to the sewage system, the foregoing stipulations do not apply.

Section 4 - Quorum:

Thirty of the total Voting Members of record shall constitute a quorum for the transaction of business at any annual or special meeting of the membership. All parts of Article 6 Section 5 should be prepared and finalized prior to the annual meeting.

Section 5 - Order of business for annual meeting:

1. Call to order and announcements from the chair.

2. Election of Executive Board members.
3. Entertain motion for destruction of ballots.
4. Tellers directed to collect "tally cards" and return them to the Treasurer.
5. Reading of minutes, and correction of same, if necessary.
6. Reading of the Treasurer's report and annual audit report.
7. Report of permanent committees.
8. Report of special committees.
  - (a) Special orders from the chair.
  - (b) Announcements from the floor.
9. Unfinished business.
10. New Business.
  - (a) Items of business requiring extensive discussion or consideration shall be held over for a special meeting.
11. Motion for adjournment.

Newly elected members of the Executive Board shall assume their duties at the next meeting.

Section 6 - Nominations:

The President shall appoint a Nomination Committee at the November meeting each year. The committee shall report back a slate of proposed candidates for officers and directors to serve on the Executive Board for the ensuing year or years to be elected at the annual meeting. No member shall be nominated by the nominating committee before being consulted and agreeing to serve if elected. Nominations may be made and seconded from the floor at the December regular meeting. The Secretary shall post the list of nominees on the Resident's Lounge bulletin board twenty (20) days prior to annual meeting.

Section 7 - Election of officers and directors:

Prepared ballots shall be used for the election of these Executive Board members. The candidates receiving a plurality shall be elected. In the event of a tie, the situation may be resolved by:

1. Voluntary withdrawal of one candidate.
2. By lot.

Section 8 - Tally teller:

(A) A tally teller shall not be a member of the Executive Board, nominating committee, or a candidate for election.

(B) Prior to the start of the annual meeting, the President shall appoint three (3) tally tellers from the members. They shall receive and count the votes cast for election or for a decision of any issue, and shall determine the results. Their certification of any vote shall be prima-facie evidence thereof and upon direction of the chair be responsible for the destruction of ballots.

Section 9 - Regular meetings:

Regular meetings shall be held on the 4th Wednesday of the month at 7:30 P.M., in the Resident's Lounge. Meetings other than the Annual Meeting may be changed or suspended by vote of the Executive Board.

ARTICLE 7 - FISCAL YEAR:

The Association's fiscal year shall end on the thirty-first (31) day of December and the Treasurer's report for the period so ending shall be submitted at the annual meeting.

ARTICLE 8 - RULES AND REGULATIONS:

The rules and regulations of the Association shall be formulated as a separate instrument for the detailed management of the Association. Said instrument may be altered or amended by the Executive Board with the advice and consent of the members, so long as such rules and regulations do not infringe upon, or conflict with, the ordinances of the County of Charlotte or rules and regulations on the Offering Plan of Viking Mobile Homes, Inc. insofar as they are legal and consistently applied.

ARTICLE 9 - AMENDMENTS:

Section 1 - Required votes:

These bylaws may be amended, altered or repealed by members representing two thirds (2/3) votes of the Voting Members present (providing there is a quorum) at any annual or special meeting of the Association. Notice of the proposed amendment or alteration or repeal shall be contained in the notice of such meeting.

Section 2 - Method for presenting amendments:

Members desiring to present any amendment or other action with respect to the bylaws shall furnish to the Secretary in writing, at least twenty (20) days prior to the meeting, a copy of such proposed action and request its inclusion in the call of the next meeting of the members.

ARTICLE 10 - AUTHORITY FOR MAINTENANCE MANAGEMENT:

Section 1 - Estimate and monthly fees:

Prior to the end of the fiscal year, an estimate shall be made of the expenditures which will be necessary in the ensuing year to cover all costs of management, legal aid, utilities, services, repairs materials and such other items as may be found necessary for proper maintenance of Pelican Harbor Mobile Home Estates. On the basis of this estimate, prepared by the Association's Executive Board, and reviewed and approved by the membership at the regular December meeting.

(A) A fixed monthly sum to be paid by each home owner identified by the lot on which his home is situated. Such home owner will not pay an additional fee for a contiguous partial or whole lot, unless it is available for sale. In the event that the unoccupied lot is offered for sale, it will be billed in accordance with (B), hereafter.

(B) A fixed monthly sum to be paid by each unoccupied lot owner, other than that covered under (A) above.

Section 2 - Nonprofit:

No profit shall be made on any funds paid to the Pelican Harbor Civic Association.

Article 11-Responsibilities to the By-Laws as to Association officers, committees and Association Members.

It is expected of all the above to adhere to the By-Laws and work together in the best interest of the Association.

**PELICAN HARBOR CIVIC ASSOCIATION, INC.**

6720 RIVERSIDE DRIVE  
PUNTA GORDA, FLORIDA 33982