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FORM 7
PAGE 1 OF 2

FREE COPY

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

NAME OF SYSTEM: LANDINGS ON LEMON BAY POA (24 UNITS)

PHYSICAL ADDRESS OF SYSTEM: 2424 PLACIDA RD
ENGLEWOOD FL. 34224-5488

MAILING ADDRESS (IF DIFFERENT): UNIT C 202

COUNTY: CHARLOTTE

PRIMARY CONTACT PERSON:

NAME: JACK HANDLEE

ADDRESS: 2424 PLACIDA RD C 202
ENGLEWOOD FL 34224

PHONE #: 813-475-6047

NATURE OF APPLICANT'S BUSINESS ORGANIZATION: (CORPORATION, PARTNERSHIP, SOLE PROPRIETOR, ETC.) CORPORATION NON PROFIT

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 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. PART OF ASSOC. FEES will do the billing for such service.
5. The service area is located at: SEE ABOVE

DOCUMENT NUMBER-DATE

11787 NOV 21 88

FPSC-RECORDS/REPORTING

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.

LANDINGS ON LEMON Bay POB
(Applicant please print or type)

11-14-94
(Date)

Mary Markham
William B. Cottinham
(Signature)

President
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.

ARTICLES OF INCORPORATION

OF

LANDINGS ON LEMON BAY PROPERTY OWNERS ASSOCIATION, INC.
(A NON-PROFIT FLORIDA CORPORATION)

FILED
SEP 21 9 57 AM '84
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

OR 809 PG 684

ARTICLE I

The name of this corporation is LANDINGS ON LEMON BAY PROPERTY OWNERS ASSOCIATION, INC.

ARTICLE II

The purpose for which this corporation is organized is to act as the governing association of the proposed LANDINGS ON LEMON BAY located in Charlotte County, Florida.

ARTICLE III

The qualification of members and the manner of their admission shall be as follows: Any person or persons who hold title in fee simple to a condominium unit in LANDINGS ON LEMON BAY shall by virtue of such ownership be a member of this corporation.

ARTICLE IV

This corporation shall exist perpetually.

ARTICLE V

The names and residences of the subscribers to these Articles of Incorporation are as follows:

WILLIAM P. MCGINNESS	5710 Clark Road Sarasota, Florida 33583
PHILLIP TARGEE	800 South Osprey Avenue Sarasota, Florida 33577
C. GUY BATSEL	1861 Placida Road Englewood, Florida 33533

ARTICLE VI

The affairs of the corporation are to be managed initially by a Board of three (3) Directors. The Board may be increased to any number not to exceed nine (9). The Directors will be elected each year at the annual meeting of the Condominium Association as provided for in the Bylaws.

ARTICLE VII

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

election or appointment under the Articles of Incorporation are:

WILLIAM F. MCGINNESS	President
PHILLIP TARGEE	Vice President
C. GUY BATSEL	Secretary/Treasurer

ARTICLE VIII

The number of persons constituting the first Board of Directors shall be three (3) and their names and addresses are as follows:

WILLIAM F. MCGINNESS ⁹	5710 Clark Road Sarasota, Florida 33583
PHILLIP TARGEE ¹	800 South Osprey Avenue Sarasota, Florida 33577
C. GUY BATSEL ⁵	1861 Placida Road Englewood, Florida 33533

ARTICLE IX

The Bylaws of the corporation are to be made, altered or rescinded by the members of the corporation as provided for in the Bylaws or by majority vote of the Board of Directors at a special or regular meeting duly called pursuant to the Bylaws.

ARTICLE X

Amendments to these Articles of Incorporation may be proposed and adopted at any regular or specially called meeting of the members of the Association by a majority vote of all the members. Due notice of the meeting must have been given as provided for in the Bylaws.

ARTICLE XI

Each apartment in the condominium shall have one (1) full vote, which shall be cast by a designated owner as provided for in the Declaration of Condominium.

ARTICLE XII

No part of the net earnings of this corporation shall inure to the benefit of any member or individual, except through the acquisition, construction, management, maintenance, or care of association property or through the rebate of the excess membership dues, fees or assessments.

ARTICLE XIII

The purposes and objects for which this corporation is

organized are any and all purposes to be performed by a corporation not for profit under Chapter 617, Florida Statutes, as same may from time to time be amended. As used herein, the term "corporation not for profit" means a corporation of which no part of the income is distributable to its members, directors and officers. Without limiting the generality of the foregoing, the purposes for which the corporation is organized shall include maintenance, preservation, administration, operation and management of LANDINGS ON LEMON BAY, A Condominium formed pursuant to the Florida Condominium Act, and a Declaration of Condominium to be executed and filed in the office of the Clerk of the Circuit Court of Charlotte County, Florida.

IN WITNESS WHEREOF, the undersigned subscribers have executed these Articles of Incorporation this 28th day of August, 1984.

Witnesses:

<u>Etzel B. Freeman</u>	<u>William P. McGinness</u> (SEAL) WILLIAM P. MCGINNESS
<u>Linda R. Page</u>	<u>Phillip S. Targee</u> (SEAL) PHILLIP TARGEE
<u>Etzel B. Freeman</u>	<u>C. Guy Batsel</u> (SEAL) C. GUY BATSEL
<u>Linda R. Page</u>	
<u>Needy Morris</u>	
<u>Bonnie E. Harper</u>	

STATE OF FLORIDA :
COUNTY OF Sarasota :

BEFORE ME, the undersigned Notary Public authorized in the State and County aforesaid, personally appeared WILLIAM P. MCGINNESS known to me and known to be the person who executed the foregoing Articles of Incorporation, and he acknowledged before me that he executed those Articles of Incorporation.

WITNESS my hand and official seal in the State and County aforesaid this 28th day of August, 1984.

Jane H. Robinson
Notary Public
My Commission expires:

UN 007 P 0 000

STATE OF FLORIDA :
COUNTY OF Alachua :

BEFORE ME, the undersigned Notary Public authorized in the State and County aforesaid, personally appeared PHILLIP TARGEE known to me and known to be the person who executed the foregoing Articles of Incorporation, and he acknowledged before me that he executed those Articles of Incorporation.

WITNESS my hand and official seal in the State and County aforesaid this 21st day of August, 1984.

Harold H. Robinson
Notary Public

My Commission expires:

NOTARY PUBLIC, STATE OF FLORIDA AT LAW.
MY COMMISSION EXPIRES 10-23-84

STATE OF FLORIDA :
COUNTY OF Charlotte :

BEFORE ME, the undersigned Notary Public authorized in the State and County aforesaid, personally appeared C. GUY BATSEL known to me and known to be the person who executed the foregoing Articles of Incorporation, and he acknowledged before me that he executed those Articles of Incorporation.

WITNESS my hand and official seal in the State and County aforesaid this 7 day of Sept., 1984.

Melody Paris
Notary Public

My Commission expires:

Notary Public, State of Florida
My Commission Expires May 15, 1986
Bonded Since 1977 by the State of Florida

BYLAWS

OF

LANDINGS ON LEMON BAY PROPERTY OWNERS ASSOCIATION, INC.

"A corporation not for profit under the laws of the State of Florida."

ARTICLE I

IDENTIFICATION

1.1) Identify. These are the Bylaws of LANDINGS ON LEMON BAY PROPERTY OWNERS ASSOCIATION, INC., hereinafter called Association in these Bylaws, a corporation not for profit under the Laws of the State of Florida, the Articles of Incorporation of which were filed in the office of the Secretary of State on September 21, 1984. The Association has been organized for the purpose of administering a Condominium pursuant to Chapter 718, Florida Statutes, called the Condominium Act in these Bylaws, which condominium is identified by the name LANDINGS ON LEMON BAY and is located upon lands as more particularly described in the Declaration of Condominium in Port-Charlotte; Charlotte County, Florida.

1.2) Office. The office of the Association will be located at the corner of State Road No. 775 and Oregon Boulevard, Grove City, Charlotte County, Florida 33533.

1.3) Fiscal Year. The fiscal year of the Association shall be the calendar year.

1.4) Seal. The seal of the corporation shall bear the name of the Corporation, the word "Florida", the words "Corporation not for profit" and the year of incorporation, and the impression of which is as follows:

ARTICLE II

MEMBERS' MEETINGS

2.1) Annual Meeting. The annual meeting of the members shall be held at the condominium during the period from January 1 up to and including May 1 in each calendar year provided there shall be no less than fifteen (15) days' written notice given to each unit owner, for the purpose of electing directors and transacting any other business authorized to be transacted by the members; provided, however, if that day is a legal holiday, the meeting shall be held at the same hour on the next day that is not a holiday.

2.2) Special Meetings. Special meetings of the members shall be held whenever called by the President or Vice President, or by a majority of the Board of Directors, and must be called by such officers upon receipt of a written request from members entitled to cast one-half of the votes of the entire membership. Special meetings shall be held for the purposes of enacting a budget exceeding 115% of the assessments for the previous year or recalling and removing a member of the board of administration upon written application of 10% of the unit owners to the board, subject to the requirements of Florida Statutes Chapter 718.112.

2.3) Notice of Meetings. Notice of meetings of the members stating the time and place and objects for which the meeting is

called shall be given by the President or Vice President or Secretary, unless waived in writing. Such notice shall be in writing to each member at his address as it appears on the books of the Association and shall be mailed not less than 14 days nor more than 60 days prior to the date of the meeting. Proof of such mailing shall be given by the affidavit of the person giving the notice. Notice of meeting may be waived before or after the meetings. Notice will also be given by posting a copy of such notice at a conspicuous place on the condominium property at least 14 days prior to the date of the meeting.

2.4) Quorum. A quorum at meetings of the members shall consist of persons entitled to cast a majority of the votes of the entire membership. The acts approved by a majority of the votes present at a meeting at which a quorum is present shall constitute the acts of the members except when approval by a greater number of members is required by the Declaration of Condominium, the Articles of Incorporation, or these Bylaws. If due notice shall be given for a special or regular meeting of the members, but a quorum shall not be present at the scheduled time and place of the meeting, the Board of Directors is expressly authorized to conduct the business of the meeting until such time as a meeting attended by a quorum can be held, provided that the Board of Directors shall use due diligence in renoticing such meeting.

2.5) Voting. In any meeting of members the owners of Units shall be entitled to cast one vote for each unit owned by the member, unless the decision to be made is elsewhere required to be determined in another manner. If a unit is owned by one person, his right to vote shall be established by the record title to his unit. If a unit is owned by more than one person, or is under lease, the person to cast the vote for the unit shall be designated by a certificate signed by all of the record owners of the unit and filed with the Secretary of the Association. If a unit is owned by a corporation, the person entitled to cast the vote for the unit shall be designated by a certificate signed by the President or Vice President and attested by the Secretary or Assistant Secretary of the corporation and filed with the Secretary of the Association. Such certificate shall be valid until revoked or until superseded by a subsequent certificate or until a change in the ownership of the unit concerned. A certificate designating the person entitled to cast the vote of a unit may be revoked by any owner of a unit. If such a certificate is not on file, the vote of such owners shall not be considered in determining the requirement for a quorum or for any other purpose.

2.6) Proxies. Votes may be cast in person or by proxy. A proxy only for the particular meeting designated in the proxy, and must be filed with the secretary of the Association before the appointed time of the meeting, or any adjournment of the meeting.

A proxy may be voted by the individual holding same on any matter which may lawfully come before the meeting.

2.7) Adjourned Meeting. If any meeting of the members cannot be organized because a quorum has not attended, the members who are present, either in person or by proxy, may adjourn the meeting from time to time until a quorum is present.

2.8) Order of Business. The order of business at annual meetings of the members, and as far as practical at other meetings of the members, shall be:

- a. Election of Chairman of the meeting.
- b. Calling of the roll and certifying or proxies.

- c. Proof of notice of meeting, or waiver of notice.
- d. Reading and disposal of any unapproved minutes.
- e. Reports of committees.
- f. Reports of Officers. OR 809 PG 691
- g. Election of inspectors of election.
- h. Election of Directors.
- i. Unfinished business.
- j. New business.
- k. Adjournment.

ARTICLE III

DIRECTORS

3.1 Number. The affairs of the Association shall be managed by the Board of not less than three nor more than nine Directors, the exact number to be determined at the time of the election.

3.2 Election of Directors. The election of Directors shall be conducted in the following manner:

a. Election of Directors shall be held at the annual meeting of the members.

b. A nominating committee of two members shall be appointed by the Board of Directors not less than fifteen days prior to the annual meeting of members. The committee shall nominate one person for each Director then serving. Nominations for additional directorships created at the meeting shall be made from the floor, and other nominations may be made from the floor.

c. The election shall be by ballot (unless dispensed by unanimous consent) and by a plurality of the votes cast, each person voting being entitled to cast his votes for each of as many nominees as there are vacancies to be filled. There shall be no cumulative voting.

d. Except as to vacancies provided by removal of Directors by members, vacancies in the Board of Directors occurring between annual meetings of members shall be filled by the remaining Directors.

e. Any Director may be removed with or without cause by concurrence of a majority of the votes of the entire membership at a special meeting of the members called for that purpose. The vacancy in the Board of Directors so created shall be filled by the members of the Association at the same meeting.

f. Provided, however, that Developer shall be empowered to elect Directors of the Association pursuant to Paragraph 15B of the Declaration of Condominium.

3.3) Term. The term of each Director's service shall extend until the next annual meeting of the members and subsequently until his successor is duly elected and qualified, or until he is removed in the manner elsewhere provided.

3.4) Organization Meeting. The organization meeting of a newly elected Board of Directors shall be held within 10 days of their election, at such place and time as shall be fixed by the Directors at the meeting at which they were elected, and no

further notice of the organization meeting shall be necessary.

3.5) Regular Meetings. Regular meetings of the Board of Directors may be held at such time and place as shall be determined from time to time by a majority of the Directors. Notice of regular meetings shall be given to each Director, personally or by mail, telephone or telegraph, at least three days prior to the day named for such meeting. Meetings of the Board of Directors shall be open to all unit owners and notices of said meetings shall be posted conspicuously on the condominium property 48 hours in advance for the attention of the unit owners except in cases of emergency.

3.6) Special Meetings. Special meetings of the Directors may be called by the President and must be called by the Secretary at the written request of one-third of the Directors. Not less than 24 hours notice of the meeting shall be given personally or by mail, telephone or telegraph, which notice shall state the term, place and purpose of the meeting. Special meetings shall be held only in cases of emergency.

3.7) Waiver of Notice. Any Director may waive notice of a meeting before or after the meeting, and such waiver shall be deemed equivalent to the giving of notice.

3.8) Quorum. A quorum at Director's meetings shall consist of a majority of the entire Board of Directors. The acts approved by a majority of those present at a meeting at which a quorum is present shall constitute the acts of the Board of Directors, except when approval by a greater number of Directors is required by the Declaration of Condominium, the Articles of Incorporation or these Bylaws.

3.9) Adjourned Meetings. If at any meeting of the Board of Directors there be less than a quorum present, the majority of those present may adjourn the meeting from time to time until a quorum is present. At any adjourned meeting any business that might have been transacted at the meeting as originally called may be transacted without further notice.

3.10) Presiding Officer. The presiding officer of Directors' meetings shall be the Chairman of the Board, if such an officer has been elected; and if none, the President shall preside. In the absence of the presiding officer, the Directors present shall designate one of their number to preside.

3.11) Order of Business. The order of business at Directors' meetings shall be:

- a. Call of Roll.
- b. Proof of due notice of meetings.
- c. Reading and disposal of any unapproved minutes.
- d. Reports of officers and committees.
- e. Election of officers.
- f. Unfinished Business.
- g. New business.
- h. Adjournment.

3.12) Directors' Fees. Directors' fees, if any, shall be determined by the members. In addition, Directors may be reimbursed for travel expenses incurred in conducting association business in such amounts as may be determined by the members at a special or regular meeting.

ARTICLE IV

POWERS AND DUTIES OF THE BOARD OF DIRECTORS

4.1) All of the powers and duties of the Association existing under the Condominium Act, Declaration of Condominium, Articles of Incorporation and these Bylaws shall be exercised exclusively by the Board of Directors, or its duly authorized agents, contractors, or employees subject only to the approval by unit owners when such is specifically required. Such powers and duties of the Directors shall include but shall not be limited to the following:

a. To make and collect assessments against members to defray the costs, expenses and losses of the condominium and association property.

b. To use the proceeds of assessments in the exercise of its powers and duties.

c. The maintenance, repair, replacements and operation of the condominium property.

d. The reconstruction of improvements after casualty and the further improvements of the property.

e. To make and amend regulations respecting the use of the property in the condominium.

f. To approve or disapprove proposed transactions in the manner provided by the Condominium Declaration.

g. To enforce by legal means the provisions of applicable laws, the Condominium documents, Declaration of Condominium, the Bylaws of the Association, and the Regulations for the use of the property within the condominium.

h. To contract for management of the condominium and to delegate to such contractor such powers and duties of the Association except as are specifically required by the Condominium documents or applicable laws to have approval of the Board of Directors or the membership of the Association.

i. To pay taxes and assessments which are liens against any part of the condominium other than individual units and appurtenances thereto, and to assess the same against the unit subject to such liens.

j. To carry insurance for the protection of apartment owners and the Association against casualty and liabilities.

k. To pay the cost of all power, water, sewer and other utility services rendered to the condominium and not billed to owners of individual units.

l. To employ personnel for reasonable compensation to perform the services required for proper administration of the purposes of the Association.

m. To acquire and to enter into agreements whereby it acquires leaseholds, memberships and other possessory or use interest in lands or facilities whether or not contiguous to the lands of the Condominium intended to provide for the enjoyment, recreation or other use and benefit of the unit owners within the Condominium.

n. To contract for the management or operation of portions of the common elements susceptible to separate

OR 809 PG 693

management or operation and to lease such property.

o. To purchase units in the Condominium subject to any restrictions to set forth within the Declaration of Condominium and to acquire and hold, lease, mortgage and convey same.

p. To maintain a class action on behalf of the Association and to settle a cause of action on behalf of the unit owners with reference to matters of common interest.

ARTICLE V

OR 809 PG 694

OFFICERS

5.1) Executive Officers. The executive officers of the Association shall be a President who shall be a Director; a Treasurer; a Secretary and an Assistant Secretary, all of whom shall be elected annually by the Board of Directors and who may be preemptorily removed by vote of the Directors at any meeting. Any person may hold two or more offices, except that the President shall not also be the Secretary or an Assistant Secretary. The Board of Directors from time to time shall elect such other officers and designate their powers and duties as the Board shall find to be required to manage the affairs of the Association.

5.2) President. The President shall be the chief executive officer of the Association. He shall have all of the powers and duties usually vested in the office of president of an association, including but not limited to the power to appoint committee from among the members from time to time, as he in his discretion may determine appropriate, to assist in the conduct of the affairs of the Association.

5.3) Secretary. The Secretary shall keep the minutes of all proceedings of the Directors and the members. He shall attend to the giving and serving of all notices to the members and Directors, and other notices required by law. He shall have custody of the seal of the Association and affix it to instruments requiring a seal when duly signed. He shall keep the records of the Association except those of the Treasurer, and shall perform all other duties incident to the office of secretary of an association and as may be required by the Directors or the President. The Assistant Secretary shall perform the duties of the Secretary when the Secretary is absent.

5.4) Treasurer. The Treasurer shall have custody of all property of the Association, including funds, securities and evidence of indebtedness. He shall keep the books of the Association in accordance with good accounting practice and he shall perform all other duties incident to the office of Treasurer.

5.5) Compensation. The compensation of all officers and employees of the Association shall be fixed by the Directors. The provisions that Directors' fees shall be determined by members of the Association, nor preclude the contracting with a Director for the management of the condominium.

5.6) Indemnification of Directors and Officers. Every Director and officer of the Association shall be indemnified by the Association against all expenses and liabilities, including counsel fees, reasonably incurred by or imposed upon him in connection with any proceeding to which he may be a party, or in which he may become involved, by reason of his being or having been a director or officer of the Association, at the time such expenses were incurred, except in such cases wherein the Director or officer is adjudged guilty of willful misfeasance or malfeasance in the performance in the performance of his required

duties, provided that in the event of a settlement the indemnification herein shall apply only when the Board of Directors shall approve such settlement and reimbursement as being for the best interests of the Association. The foregoing rights of indemnification shall be in addition to and not exclusive of all other rights to which such director or officer may be entitled. At the expense of the Association, the directors are authorized upon majority vote to obtain director's and officer's liability insurance.

ARTICLE VI

OR 809 PG 695

FISCAL MANAGEMENT

The provisions for fiscal management of the Association set forth in the Declaration shall be supplemented by the following provisions:

6.1) Assessment Roll. The assessment roll shall be maintained in a set of accounting books in which there shall be an account for each unit. Such an account shall designate the name and address of the owner or owners, the amount of each assessment against the owners, the dates and amounts in which the assessments come due, the amounts paid upon the account, and the balance due upon assessment.

6.2) Budget. The Board of Directors shall adopt a budget for each calendar year which shall contain estimates of the cost of performing the functions of the Association. The budget shall include estimated common expenses and a reasonable allowance for contingencies and reserves less the unneeded fund balances on hand, if any. Copies of the budget and proposed assessments shall be transmitted to each unit owner not less than 30 days prior to the meeting at which the budget will be considered together with notice of that meeting. Such notice shall include the time and place at which the meeting of the Board of Directors to consider the budget shall be held, and such meeting shall be open to unit owners. If the budget is substantially amended before the assessments are made a copy of the amended budget shall be furnished. The budget shall contain a reserve for capital expenditures pursuant to Fla. Stat. 718.112 (2) (k) (1979).

6.3) The Depository. The depository of the Association shall be such bank or banks in Florida as shall be designated from time to time by the Directors and in which the moneys for the Association shall be deposited. Withdrawal of moneys from such accounts shall be only by checks signed by such persons as are authorized by the Directors.

6.4) Audit. An audit of the accounts of the Association shall be made annually by a certified public accountant, and a copy of the report shall be furnished to each member not later than April 15 of the year following the year for which the report is made.

6.5) Bonds. Fidelity bonds shall be required by the Board of Directors from all officers and employees of the Association and from any contractor handling or responsible for Association funds. The amount of such bonds shall be determined by the Board of Directors. However, the amount of such bonds shall not be less than one-half or one-third of the amount of the total annual assessments against members for common expenses. The premiums on such bonds shall be paid by the Association.

ARTICLE VII

PARLIAMENTARY RULES

7.1) Roberts' Rules of Order (latest edition) shall govern

the conduct of Association meetings, when not in conflict with the Declaration of Condominium, Articles of Incorporation or these Bylaws.

ARTICLE VIII

AMENDMENTS

8.1) Amendments. Amendments to the Bylaws shall be proposed in the following manner.

a. Notice of the subject matter of a proposed amendment shall be included in the notice of any meeting at which a proposed amendment is considered.

b. A resolution adopting a proposed amendment must receive approval of 66% of the votes of the membership of the Board of Directors and 51% of the votes of the entire membership of the Association. Directors and members not present at the meetings considering the amendments may express their approval in writing.

c. An amendment may be proposed by either the Board of Directors or by the membership of the Association, and after being proposed and approved by one of such bodies it must be approved by the other.

d. When an amendment has been so adopted, a copy of same shall be attached to a certificate certifying that the amendment was duly adopted as an amendment of the Declaration and Bylaws, which certificate shall be executed by the officers of the Association with the formalities of a deed when such certificate and copy of amendment are recorded in the Public Records of Charlotte County, Florida.

e. These Bylaws shall be amended, if necessary, so as to make the same consistent with the provisions of the Declaration of Condominium.

f. Weight of votes cost by members of the Association shall be one vote for each unit.

g. When a quorum is present at any meeting, the holders of a majority of the voting rights present in person or represented by written proxy shall decide any question brought before the meeting, unless the question is one upon which by expressed provision of applicable laws, the Condominium Declaration, the Articles of Incorporation, or by the Bylaws a different percentage is required, in which case such expressed provision shall govern and control the decision of such meeting.

h. In lieu of the foregoing requirements stated in subparagraphs a through g, the Board of Directors may amend the Bylaws at special or regular meeting called therefor.

THE FOREGOING were adopted as the Bylaws of a corporation not for profit, under the Laws of the State of Florida, at the first meeting of the Board of Directors on _____, 19__.

Secretary

APPROVED:

President

OR 809 PG 696

71
pic 217
b.t. copy
170
01/15

RECORDED IN
OFFICIAL RECORDS

1985 MAR 15 AM 8 42

CLERK OF DISTRICT COURT
CHARLOTTE COUNTY, FLA.

These instruments prepared by:
C. Guy Batsel of
BATSEL & MCKINLEY
Post Office Box 1398
Englewood, Florida 33533

DECLARATION OF CONDOMINIUM

OF

LANDINGS ON LEMON BAY, A CONDOMINIUM

GROVE CITY, FLORIDA

OR 809 PG 633

FILE 85-704616

WYNDWARD PINES, INC, a Florida corporation, herein called "Developer," on behalf of itself, its successors, grantees and assigns, to its grantees and assigns and their heirs, successors and assigns hereby makes this Declaration of Condominium.

1. **SUBMISSION TO CONDOMINIUM.** The lands located in Charlotte County, Florida, owned by Developer in fee simple and described hereafter in paragraph 2 are submitted to the condominium form of ownership pursuant to Chapter 718 of the Florida Statutes (1981).

2. **THE LAND.** A parcel of land situate in Charlotte County, Florida, being more particularly described on Exhibit "A" attached hereto as a part hereof, hereinafter called "the land," upon which Developer proposes to construct twelve (12) residential units and associated improvements designated as LANDINGS ON LEMON BAY, A CONDOMINIUM.

3. **NAME.** The name of the condominium is LANDINGS ON LEMON BAY, A CONDOMINIUM, and its address is the corner of State Road No. 775 and Oregon Trail, 2424 Placida Road, Grove City, Charlotte County, Florida 33533.

4. **TIMESHARE ESTATES WILL NOT BE CREATED WITH RESPECT TO UNITS IN THE CONDOMINIUM.**

5. **DEFINITIONS.** The terms used herein shall have the meanings stated in the Condominium Act (Florida Statutes, Chapter 718 1977) and as follows unless the context otherwise requires:

A. **Assessment** - a share of the funds required for the payment of common expenses, which from time to time is assessed against the unit owner as herein provided.

RECORD VERIFIED - Barbara T. Scott, Clerk
JEAN JONES
D.C.

B. Association - LANDINGS ON LEMON BAY PROPERTY OWNERS ASSOCIATION, INC., and its successors, through which all of the unit owners act as a group and which is responsible for the operation of this condominium.

C. Board of Directors - the representative body responsible for the administration of the Association.

D. Common Elements - the portions of the condominium property not included in the units as defined in Fla. Statute 718.108, including:

(.1) The land.

(.2) All improvements and portion of improvements not included within a unit as hereinafter bounded.

(.3) Easements.

(.4) Installations for the furnishing of services to more than one unit or to common elements, such as electricity, gas, water and sewer.

(.5) The tangible personal property required for the operation and maintenance of the condominium. Provided, however, that no reference to tangible personal property, contracts, leases or other things owned by the association as being condominium property or common elements shall be construed to give those terms the technical meanings set forth in the Condominium Act (Florida Statutes, Chapter 718). Such references mean that such items are owned by the Association, as an entity, on behalf of its members, and they may be purchased, sold, leased, replaced, contracted for and otherwise dealt with by the Association without the separate joinder of the unit owners or lienholders.

E. Common expenses - means and includes:

(.1) Expenses of administration and expenses of maintenance, operation, repair or replacement of the common elements.

(.2) Expenses agreed upon as common expenses by the Association.

(.3) Any valid charge against the condominium property

as a whole.

F. Common Surplus - means the excess of all receipts of the Association over the amount of the common expenses.

G. Condominium Documents - means the declaration and its exhibits, which set forth the nature of the property rights in the condominium and the covenants running with the land which govern these rights. All the condominium documents shall be subject to the provisions of the declaration. The exhibits annexed hereto as constituted and as the same may from time to time be amended are:

THE SURVEYORS PLANS which are recorded in Condominium Book 5, Page 37A-12, Public Records of Charlotte County, Florida, a copy of which is attached hereto as Exhibit "A".

Exhibit "B" THE ARTICLES OF INCORPORATION OF LANDINGS ON LEMON BAY PROPERTY OWNERS ASSOCIATION, INC.

Exhibit "C" THE BYLAWS OF LANDINGS ON LEMON BAY PROPERTY OWNERS ASSOCIATION, INC.

Exhibit "D" THE RULES AND REGULATIONS OF LANDINGS ON LEMON BAY PROPERTY OWNERS ASSOCIATION, INC.

H. Condominium Parcel - means a unit, together with the undivided share in the common elements which is appurtenant to the unit.

I. Developer - means WYNDWARD PINES, INC., a Florida corporation, as fee simple owner.

J. Limited Common Elements - means and includes those common elements which are reserved for the use of a particular unit or units to the exclusion of other units.

K. Majority - means 51% or more of the votes assigned in the condominium documents to the unit owners for voting purposes. Reference to other percentages of unit owners shall mean the stated percentage of such votes.

L. Person - means an individual, corporation, trustee, or other legal entity capable of holding title to real property.

M. Singular, Plural, Gender - whenever the context so permits the use of the plural shall include the singular, the singular the plural and use of any gender shall be deemed to include all genders.

N. Unit - a part of the condominium property which is

EXHIBIT A

A parcel of land lying and being in Section 8, Township 41S, Range 20E, Charlotte County, Florida, lying Northwesterly of Oregon Trail (Dakota Avenue per plat), lying Southwesterly of the new R/W line for State Road No. 775 and Southeasterly of the mean high water line for Oyster Creek and being that part of vacated blocks "T", "U" & "V" and vacated Fourth Street, vacated Fifth Street, vacated Sixth Street, vacated Gulf Esplanade & vacated alleys, Plat of Grove City on the Gulf recorded in Plat Book 1, page 4, public records of Charlotte County, Florida and other adjacent lands lying within the following described boundary:

Commence at the intersection of the Northerly R/W line of Dakota Avenue (per plat) and the previous Westerly R/W line of State Road 775 (previous R/W 100' wide); thence S67° 15' 00" W, along the platted Northerly R/W line of Dakota Avenue, 5.29' to its intersection with the new R/W line for State Road No. 775 for a POB; thence continue S67° 15' 00" W, along the Northerly R/W of Oregon Trail (Dakota Avenue per plat, 60' R/W) 1024.71' to a found concrete monument; thence continue S67° 15' 00" W, along the Northerly R/W line, 48' more or less to the waters of Oyster Creek; thence Northeasterly meandering the waters of Oyster Creek, 964' more or less to a point; thence Southeasterly continuing along the waters, 163' more or less to end of a seawall; thence along a seawall at the waters of Oyster Creek for the following four courses:

- (1) S22° 33' 57" E, 276.56';
- (2) N65° 13' 00" E, 145.11';
- (3) N24° 53' 26" W, 131.00';
- (4) N63° 23' 20" E, 178.46';

thence Northeasterly meandering along the waters, 9' more or less to the new Westerly R/W line of State Road No. 775; thence S23° 15' 00" E, along the Westerly R/W of State Road No. 775 (new R/W width varies at this location), 15.00' to a P.I. in the R/W; thence S32° 42' 44" E, along the Westerly R/W for State Road No. 775 (being a transition R/W line), 271.99' to the POB.

All lying and being in Section 8, Township 41 South, Range 20 East, Charlotte County, Florida.

Containing 5.91 acres more or less.

LANDINGS ON LEMON BAY, A CONDOMINIUM

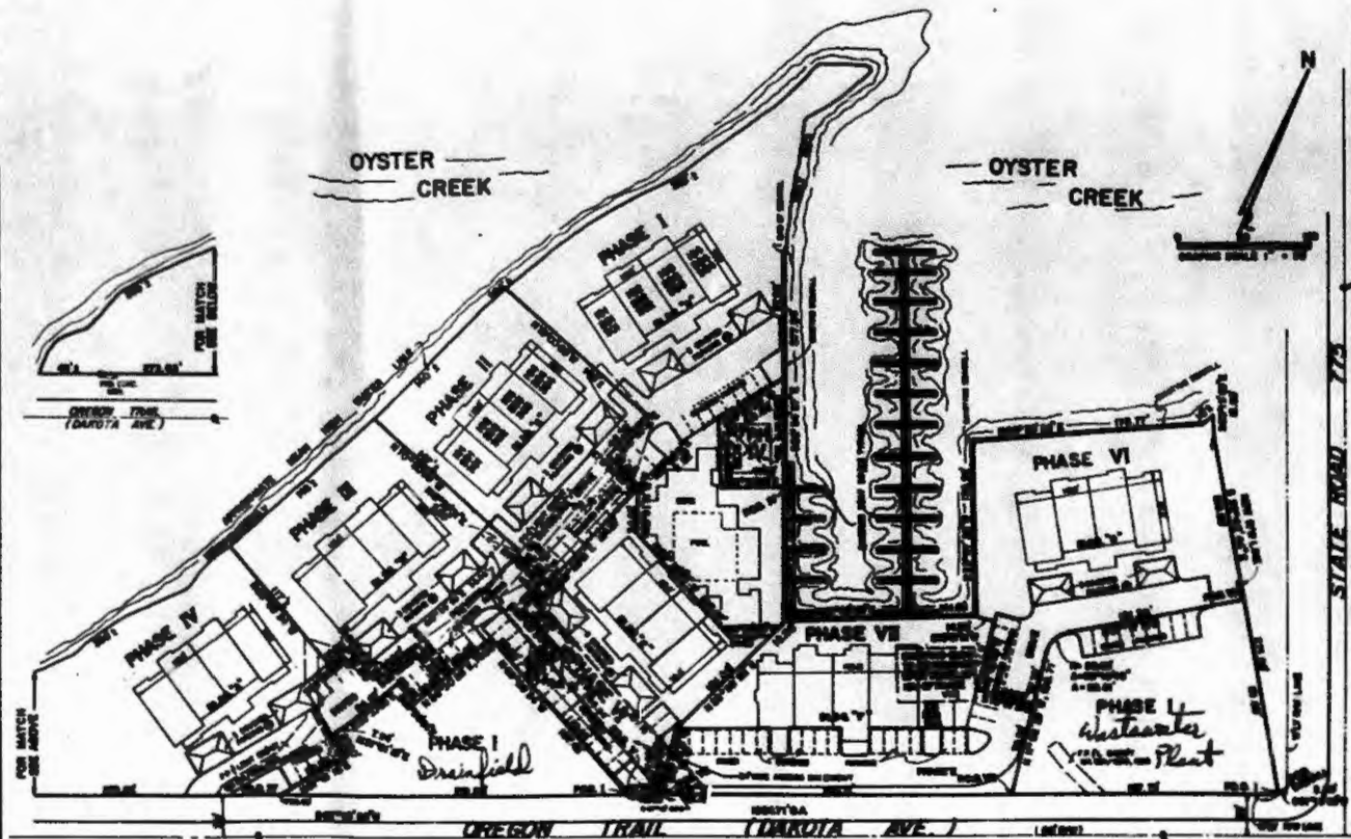
CONDOMINIUM BOOK PAGE 2 OF 2 SHEETS

PHASING PLAN

SEC. 8, TWP. 41 S, RGE. 20 E

CHARLOTTE COUNTY, FLORIDA

OR 809 PG 670



HOODY ENGINEERS ASSOCIATES, INC.
6001 SUPERIOR AVE., SPRINGFIELD, FLORIDA

LANDINGS ON LEMON BAY, A CONDOMINIUM

SEC. 8, TWP. 41 S, RGE. 20 E

CHARLOTTE COUNTY, FLORIDA

OR 809 PG 671

ALL THE FOLLOWING PHASE DESCRIPTIONS BEING A PART OF A VACATED PORTION OF THE PLAN OF LEMON CITY ON THE GULF RECORDED IN P.B. 1, PG. 4, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA (BEING CERTAIN PARTS OF VACATED BLOCKS, STREETS AND ALLEYS) AND OTHER ADJACENT LANDS AS BEING MORE PARTICULARLY DESCRIBED HEREIN.

PHASE I (INCLUDING POOL & BUILDING "B")

Commence at the intersection of the N¹/2 E/W line of Dakota Avenue (Per Plat) and the previous N¹/2 E/W line of State Road 775 (Previous R/W 100' wide); thence S. 67°15'00" W., along said platted N¹/2 E/W line of Dakota Avenue, 5.29' to its intersection with the new R/W line for State Road No. 775; thence continuing along said N¹/2 E/W line of Dakota Avenue, S. 67°15'00" W., 489.00'; thence N. 65°09'31" W., leaving said R/W, 119.45'; thence N. 26°36'26" E., 32.00'; thence N. 65°09'34" W., 37.77'; thence N. 19°59'51" E., 127.09' for a P.O.B.; thence N. 70°00'09" W., 32.00'; thence N. 19°59'51" E., 42.50'; thence N. 70°00'09" W., 140' to the waters of Oyster Creek; thence N¹/2 E/W measuring said waters of Oyster Creek, 338' to a point; thence S¹/2 E/W continuing along said waters 163' to end of existing easement; thence along face of said easement at said waters of Oyster Creek, S. 22°36'27" E., 87.98'; thence leaving said easement, S. 36°50'25" W., 60.00'; thence S. 26°24'11" E., 52.76'; thence N. 67°25'33" E., 67.10' to face of said easement; thence S. 22°36'27" E. along face of said easement [water of Oyster Creek], 104.00'; thence leaving said easement, S. 23°39'22" W., 12.20'; thence S. 67°28'09" W., 34.45'; thence N. 69°16'45" E., 102.43'; thence N. 22°31'51" W., 34.95'; thence N. 19°59'51" E., 2.82' to the P.O.B.

All lying and being in Section 8, Twp. 41 S., Rge. 20 E., Charlotte County, Florida.

Containing 1.0152 Acres, more or less.

DESCRIPTION: 26' WIDE ACCESS EASEMENT

Commence at the intersection of the N¹/2 E/W line of Dakota Avenue (Per Plat) and the previous N¹/2 E/W line of State Road 775 (Previous R/W 100' wide); thence S. 67°15'00" W., along said platted N¹/2 E/W line of Dakota Avenue, 5.29' to its intersection with the new R/W line for State Road No. 775; thence continuing along said N¹/2 E/W line of Dakota Avenue, S. 67°15'00" W., 489.17' for a P.O.B.; thence continue S. 67°15'00" W., 31.29'; thence N. 65°09'34" W., 206.84'; thence N. 19°59'51" E., 33.46'; thence S. 70°00'09" W., 32.00'; thence S. 19°59'51" W., 13.20'; thence S. 69°09'34" E., 197.74' to the P.O.B.

All lying and being in Sec. 8, Twp. 41 S., Rge. 20 E., Charlotte County, Florida.

PHASE I

State Water Plat

COMMENCE AT THE INTERSECTION OF THE N¹/2 E/W LINE OF DAKOTA AVENUE (PER PLAT) AND THE PREVIOUS N¹/2 E/W LINE OF STATE ROAD 775 (PREVIOUS R/W 100' WIDE); THENCE S 67° 15' 00" W., ALONG SAID PLATTED N¹/2 E/W LINE OF DAKOTA AVENUE, 5.29' TO ITS INTERSECTION WITH THE NEW R/W LINE FOR STATE ROAD NO. 775; THENCE CONTINUING ALONG SAID N¹/2 E/W LINE OF DAKOTA AVENUE, S 67° 15' 00" W., 489.00' FOR A P.O.B.; THENCE CONTINUE S 67° 15' 00" W., ALONG SAID N¹/2 E/W LINE, 261.00'; THENCE N 37° 01' 18" E., LEAVING SAID R/W, 39.95'; THENCE N 52° 52' 42" W., 20.00'; THENCE N 37° 01' 18" E., 7.94'; THENCE N 28° 58' 26" E., 54.87'; THENCE S 63° 09' 34" E., 20.00'; THENCE N 24° 58' 26" E., 75.00'; THENCE S 63° 09' 34" E., 157.95' TO THE P.O.B.

ALL LYING AND BEING IN SECTION 8, TWP. 41 S., RGE. 20 E., CHARLOTTE COUNTY, FLORIDA.

CONTAINING 0.3712 ACRES, MORE OR LESS.

PHASE I

(DRAINFIELD AREA)

COMMENCE AT THE INTERSECTION OF THE N¹/2 E/W LINE OF DAKOTA AVENUE (PER PLAT) AND THE PREVIOUS N¹/2 E/W LINE OF STATE ROAD 775 (PREVIOUS R/W 100' WIDE); THENCE S 67° 15' 00" W., ALONG SAID PLATTED N¹/2 E/W LINE OF DAKOTA AVENUE, 5.29' TO ITS INTERSECTION WITH THE NEW R/W LINE FOR STATE ROAD NO. 775 FOR A P.O.B.; THENCE S 67° 15' 00" W., CONTINUING ALONG SAID N¹/2 E/W LINE OF DAKOTA AVENUE, 197.75'; THENCE N 11° 02' 29" W., LEAVING SAID R/W, 108.71' TO THE P.C. OF A CURVE CONCAVE TO THE S.E.; THENCE N¹/2 E/W ALONG ARC OF SAID CURVE HAVING A RADIUS OF 33.00', THROUGH A CENTRAL ANGLE OF 89° 19' 49", 36.81' TO THE P.T.; THENCE N 53° 17' 15" E., 131.39' TO THE NEW N¹/2 E/W LINE OF STATE ROAD NO. 775; THENCE S 32° 42' 44" E., ALONG SAID N¹/2 E/W LINE OF STATE ROAD NO. 775 (NEW R/W WIDTH VARIES AT THIS LOCATION), SAID N¹/2 E/W LINE BEING A TRANSITION R/W LINE, 151.00' TO THE P.O.B.

ALL LYING AND BEING IN SECTION 8, TWP. 41 S., RGE. 20 E., CHARLOTTE COUNTY, FLORIDA.

CONTAINING 0.5555 ACRES, MORE OR LESS.