

# State of Florida



## Department of State

I certify that the attached is a true and correct copy of the Articles of Incorporation of EAST BAY PLANTATION HOMEOWNERS ASSOCIATION, INC., a corporation organized under the Laws of the State of Florida, filed on December 3, 1990, as shown by the records of this office.

The document number of this corporation is N41249.

Given under my hand and the  
Great Seal of the State of Florida,  
at Tallahassee, the Capital, this the

14th day of December, 1990.



A handwritten signature in cursive script that reads "Jim Smith".

Jim Smith  
Secretary of State

**ARTICLES OF INCORPORATION  
OF  
EAST BAY PLANTATION HOMEOWNERS ASSOCIATION INC.**

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# ARTICLES OF INCORPORATION OF EAST BAY PLANTATION HOMEOWNERS ASSOCIATION INC.

(A corporation not for profit)

In compliance with the requirements of Chapter 617 (Part I) of the Florida Statutes, the undersigned, all of whom are residents.

## ARTICLE I - CORPORATION NAME

The name of the corporation is EAST BAY PLANTATION HOMEOWNERS ASSOCIATION, INC.

## ARTICLE II - PRINCIPAL OFFICE

The principal office of the Association is located at 1150 Pelican Bay Drive, Daytona Beach, Florida 32119.

## ARTICLE III - INITIAL REGISTERED AGENT

Morteza Hosseini-Kargar, whose address is 1150 Pelican Bay Drive, Daytona Beach, Fl. 32119, is hereby appointed the initial registered agent of this Association.

## ARTICLE IV - PURPOSES AND POWERS OF THE ASSOCIATION

This Association does not contemplate pecuniary gain or profit to the members thereof, and the specific purposes for which it is formed are to provide for maintenance, preservation and architectural control of the residential lots and Common Area, and to promote the health, safety and welfare of the residents within the EAST BAY PLANTATION SUBDIVISION and any additions thereto as may hereafter be brought within the jurisdiction of this Association. In furtherance of their purposes, the Association shall have the power to:

(a) exercise all of the powers and privileges and to perform all of the duties and obligations of the Association as set forth in the Declaration of Covenants and Restrictions, (hereinafter called the "Declaration"), applicable to the EAST BAY PLANTATION SUBDIVISION

and which are recorded in Official Public Records of Brevard County, Florida, and as the same may be amended from time to time as herein provided, said Declaration being incorporated herein as if set forth at length;

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

(c) acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Association;

(d) borrow money, mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred;

(e) dedicate, sell or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members.

(f) participate in mergers and consolidations with other non-profit corporations organized for the same purposes or annex additional residential property and Common Area;

(g) have and to exercise any and all powers, rights and privileges which a corporation organized under the Non-Profit Corporation Law of the State of Florida by law may now or hereafter have or exercise.

(h) no dedication or transfer merger or consolidation as provided for in paragraphs (f) and (g) above shall be effective unless an instrument has been signed by two-thirds (2/3) of each class of members, agreeing to such action, except that the Declarant may annex Phase II of EAST BAY PLANTATION without the consent of the members within five years of the date of this instrument, provided that FHA or VA determine that the annexation is in accord with the general plan heretofore approved by them.

## ARTICLE V - MEMBERSHIP

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 purchasers, shall automatically be a member of the Association.

The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant to and may not be separated from ownership of any lot which is subject to assessment by the Association.

## ARTICLE VI - VOTING RIGHTS

The Association shall have two classes of voting membership:

Class A. Class A member(s) shall consist of all of the Owners with the exception of the Declarant. The Class A member shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be members.-The vote for such Lot shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot.

Class B. Class B shall be the Declarant (as defined in the Declaration), and shall be entitled to three (3) votes for each Lot owned. The Class B membership shall cease and be converted to Class A membership on the happening of any of the following events, whichever occurs earlier:

- (a) when the total votes outstanding in the Class A membership equal the total votes outstanding in the Class B membership: or
- (b) the date the Declarant (or its successors or assigns) voluntarily relinquishes control of the Association to the Class A members.
- (c) on September 1, 1999

## ARTICLE VII - BOARD OF DIRECTORS

The affairs of this Association shall be managed by a Board of Directors composed of three (3) directors. Directors need not be members of the Association. The number of directors may be changed by amendment of the By-Laws of the Association. The names and addresses of the

persons who are to act in the capacity of directors until the selection of their successors are:

<u>Name</u>	<u>Address</u>
William H. McMunn	1150 Pelican Bay Drive Daytona Beach, FL 32119
Charlene B. Irland	1150 Pelican Bay Drive Daytona Beach, FL 32119
Moji Babazadeh	1150 Pelican Bay Drive Daytona Beach, FL 32119

At the first annual meeting, the members shall elect one (1) director for a term of one (1) year, one (1) director for a term of two (2) years and one (1) director for a term of three (3) years; and at each annual meeting thereafter the members shall elect a new director for a term of one (1) year.

## ARTICLE VIII - DISSOLUTION

The Association may be dissolved with the assent given in writing and signed by not less than three-fourths (3/4) of the members. Upon dissolution of the Association, other than incident to a merger or consolidation, the assets of the Association shall be dedicated to an appropriate public agency to be used for purposes similar to those for which this Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to any non-profit corporation, association, trust or other organization to be devoted to such similar purposes.

## ARTICLE IX - DURATION

The corporation shall exist perpetually.

## ARTICLE X - AMENDMENTS

Amendment of these Articles shall require the assent of two-thirds (2/3) of the membership entitled to vote (2/3 of each class of members if more than one class of members exist at the time of the Amendment).

IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of Florida, we, the undersigned, constituting the incorporator of this Association, have executed these Articles of Incorporation this 30<sup>th</sup> day of November, 1990.

  
MORTEZA HOSSEINI-KARGAR

STATE OF FLORIDA COUNTY OF VOLUSIA

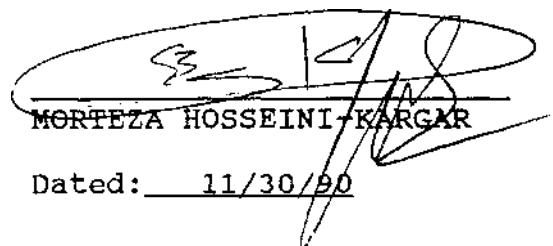
On this 30th day of November, 1990, before me personally appeared Morteza Hosseini-Kargar, to me known and known to me to be the person who executed the foregoing and he duly acknowledged to me that he executed same.

  
NOTARY PUBLIC

My commission expires:  
Notary Public, State of Florida At Large  
My Commission Expires Feb. 19, 1993  
Bonded thru Maynard Bonding Agency

DESIGNATION AND  
ACCEPTANCE OF REGISTERED AGENT

Having been named as Registered Agent for the above stated Association, the undersigned hereby agrees to act in this capacity, and the undersigned further agrees to comply with the provisions of all statutes relative to the proper and complete performance of the undersigned's duties.

  
MORTEZA HOSSEINI-KARGAR  
Dated: 11/30/90

ARTICLES OF AMENDMENT  
to  
ARTICLES OF INCORPORATION

Pursuant to the provision of Chapter 617, Florida Statutes, the undersigned corporation adopts the following Articles of Amendment to its Articles of Incorporation.

FIRST: The name of the corporation is EAST BAY PLANTATION HOMEOWNERS ASSOCIATION, INC.

SECOND: The following amendment to the Articles of Incorporation was adopted by the corporation:

1. Article IV shall be amended to include the following clause:


(i) As long as there is a Class B membership, annexation of additional properties, mergers and consolidations, mortgaging of common property, dissolution or amendment of the Articles of Incorporation shall require FHA/VA approval.

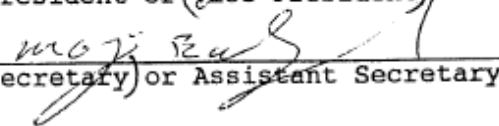
THIRD: The amendment was adopted by the Board of on May 16, 1991.

FOURTH: The above amendment was approved by a majority of the members of the corporation on the 16th day of May 1991.

DATED the 6 day of June 1991.

EAST BAY PLANTATION HOMEOWNERS  
ASSOCIATION, INC.

By:   
President or (Vice President)


By:   
(Secretary) or Assistant Secretary



STATE OF FLORIDA  
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared Charlene B. Irland, Vice President and Moji K. Babazadeh, Secretary, to me well known to be the persons-who executed the foregoing articles of amendment to articles of incorporation and acknowledged before me, according to law, that they made and subscribed the same for the purposes therein mentioned and set forth.

IN WITNESS, WHEREOF, I have hereunto set my hand and seal this 6th day of June 1991.



Notary Public  
State of Florida at Large

My Commission expires:  
Notary Public, State of Florida At Large  
My Commission Expires Feb. 19, 1993  
Bonded thru Maynard Bonding Agency