

ARTICLES OF INCORPORATION

OF

FAIRWAY OAKS HOMEOWNERS' ASSOCIATION, INC.  
A NOT-FOR-PROFIT FLORIDA CORPORATION

In compliance with the requirements of the Florida Statutes, the undersigned, all of whom are residents of Pasco County, Florida, and of full age, have this day voluntarily associated themselves together for the purpose of forming a corporation not-for-profit. The undersigned hereby certify:

ARTICLE I

The name of the corporation is FAIRWAY OAKS HOMEOWNERS' ASSOCIATION, INC., (hereinafter referred to as "Association").

ARTICLE II

The principal and initial registered office of the Association is located at: 6709 Ridge Road, Suite 200, Port Richey, Florida 34668.

The registered agent is: THOMAS NAGELKERR.

ARTICLE III

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 ownership, maintenance and preservation of the "Common Area" and other commonly enjoyed improvements and areas as defined hereinafter in the Declaration of Covenants, Conditions and Restrictions (hereinafter referred to as the "Declaration"), and to provide, according to the provisions of the Declaration, within that certain tract of property or so much thereof as has been made subject to the Declaration (hereinafter referred to as "Property") as shown and described in Exhibit "A", attached hereto and by reference incorporated herein, for the promotion of the health, safety and welfare of the residents within the Property and any additions thereto as may hereafter be brought within the jurisdiction of this Association, and in furtherance of these purposes, to:

MARTIN A PIORSKI  
ATTORNEY AT LAW  
P.O. BOX 704  
NEWPORT RICHEY, FLORIDA  
34668-0704  
(813) 941-8343

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, as same may be amended from time to time as therein provided.

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 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; provided, however, no such dedication or transfer shall be effective unless a resolution signed by the Board of Directors certifying that not less than fifty-one percent (51%) of each class agreed to such dedication or transfer has been recorded in the Public Records of Pasco County, Florida, with formalities necessary for the recordation of a deed.

D. Borrow money, and with the assent of not less than fifty-one percent (51%) of each class, 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 a public agency, authority, or utility for such purposes and subject to such conditions as may be provided in the Declaration, including but not limited to the Restrictions that has been recorded in the Public Records of Pasco County, Florida, with formalities necessary for the recordation of a deed.

F. Have and exercise any and all powers, rights and privileges which a corporation organized under Chapter 617, Corporations Not for Profit, Laws of the State of Florida, by law may 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 IV

The Developer, to the extent provided in the Declaration, and every person or entity who is a record Owner of a fee or undivided fee interest in any unit and/or residential lot which is subject by the Declaration to assessment by the Association shall be a member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for performance of an obligation. Membership shall be appurtenant to and may not be separated from ownership of any unit which is subject to assessment by the Association.

ARTICLE V

The period of duration of this Association shall be perpetual.

ARTICLE VI

The name and address of each subscriber is:

THOMAS NAGELKERK  
6709 Ridge Road, Suite 200  
Port Richey, Florida 34668

JOSEPH CINQUEMANO  
6709 Ridge Road, Suite 200  
Port Richey, Florida 34668

MARIANNE SPOZATE  
6709 Ridge Road, Suite 200  
Port Richey, Florida 34668

ARTICLE VII

The affairs and property of this corporation shall be managed and governed by a Board of Directors composed of not less than three (3) persons who need not be members of the Association. The first Board of Directors shall have three (3) members, and in the future that number will be determined from time to time in accordance with the provisions of the By-Laws.

The names and address of the persons who are to act initially in the capacity of directors until the selection of their successors are: THOMAS NAGELKERK, JOSEPH CINQUEMANO and MARIANNE SPOZATE.

ARTICLE VIII

The officers of this Association shall be a President, a Vice President, both of whom shall at all times be members of the Board of Directors, a Secretary and a Treasurer and such other officers as the Board may from time to time by resolution create. The election of officers shall take place at the first meeting of the Board of Directors.

ARTICLE IX

The By-Laws of the Association may be made, altered or rescinded at any annual meeting of the Association, or at any regular or special meeting duly called for such purpose, on the affirmative vote of not less than fifty-one percent (51%) of each class existing at the time of any such meeting and present at the meeting in person or by proxy except that the initial By-Laws of the Association shall be made and adopted by the Board of Directors.

ARTICLE X

The Association shall have two classes ("A" and "B") of voting membership which shall exist and possess such rights and be subject to such limitations as set forth in the Declaration.

ARTICLE XI

In the event of 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 the purposes similar to those for which this Association was created. In the event 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, or

distributed to the members as appurtenances (if real property or any interest therein) to the members' lots, subject to any and all applicable laws. This Article is subject to provisions of Florida Statutes 617.0105.

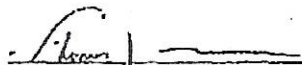
ARTICLE XII


Proposals for the alteration, amendment or rescission of these Articles of Incorporation may be made by not less than two-thirds (2/3rd) of the total number of votes of each class voting in person or by proxy at a special or regular meeting of the members.

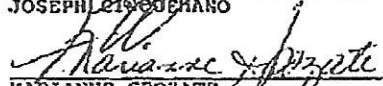
ARTICLE XIII

Anything herein to the contrary notwithstanding during the time that Developer, as defined in the By-Laws, is actively developing or selling the Subdivision or the remaining lands described in Exhibit "A", or any property hereafter annexed, Developer reserves the right to amend this Declaration, the Articles of Incorporation and the By-laws of the Association in any manner whatsoever; provided, however, that Developer may not alter the character of the development as residential, nor may Developer delete any Common Area designated, submitted or committed to common usage. Developer's rights hereunder may be assigned to any successor to all or any part of Developer's interest in the Subdivision or the land described in Exhibit "A".

IN WITNESS WHEREOF, for the purposes of forming this corporation under the laws of the State of Florida, the undersigned, the incorporator of this Association, has executed these Articles of Incorporation this 15<sup>th</sup> day of December, 1980.

  
THOMAS HABELKERK

  
JOSEPH C. SPOZATE

  
MARIANNE SPOZATE

MARTIN & FIGURSKI  
ATTORNEYS AT LAW  
P.O. BOX 144  
NEWPORT BEACH, FLORIDA  
32419-0144  
(312) 912-0499

STATE OF FLORIDA )  
COUNTY OF PASCO )

I HEREBY CERTIFY that on this day personally appeared before me, the undersigned authority, the following persons, to-wit: THOMAS HAGELKERK, JOSEPH CINQUEMANO and MARIANNE SPOZATE, to me well known and known to me to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the said instrument as their free and voluntary act and deed for the use and purposes therein set forth and expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on this 15<sup>th</sup> day of December, 1980.

*Shirley D. Kelly*  
\_\_\_\_\_  
Notary Public  
My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP. AUG 14, 1992  
UCR60 (REV) GENERAL (MS USG) R16/AA7

FILED  
DEC 15 1980  
COUNTY OF PASCO

MARTIN & PIORSKI  
ATTORNEYS AT LAW  
PO BOX 114  
NEW PINE HURST, FLORIDA  
33407  
335-1111

Lots 8, 12, and 14 and a portion of Lot 11 in Section 36, Township 14 South, Range 16 East, of the Fort Richey Land Company Subdivision, as recorded in Plat Book 1, Page 66, Public Records of Polk County, Florida, and a portion of the Northwest 1/4 of said Section 36, being more particularly described as follows:

From the Northwest corner of said Section 36 as a point of reference thence S 09° 12' 19" E, for 13.89 feet; thence S 69° 36' 50" W, for 183.30 feet; thence N 61° 10' 20" E, for 139.70 feet; thence N 65° 20' 00" E, for 195.80 feet; thence N 34° 33' 36" E, for 44.85 feet; thence S 81° 47' 33" E, for 195.80 feet to the POINT OF BEGINNING; thence S 00° 41' 39" E, for 118.70 feet to a point of curve; thence along the arc of a curve concave to the Northwest having for its elements a radius of 1,472.70 feet, a central angle of 34° 25' 00", an arc length of 434.16 feet, a chord bearing of N 10° 04' 23" E, and a chord length of 881.73 feet; thence N 63° 37' 04" E, for 654.83 feet to a point of curve; thence along the arc of a curve concave to the Southeast, having for its elements a radius of 1,063.83 feet, a central angle of 16° 49' 00", an arc length of 439.50 feet, a chord bearing of N 10° 14' 10" E, and a chord distance of 493.87 feet to the easterly line of the Northwest 1/4 of Section 36; thence S 00° 01' 17" W, along said easterly line, for 809.97 feet; thence S 89° 33' 09" E, along the northerly line of said Lot 8, for 1,310.00 feet to the Northeast corner of said Lot 8; thence S 00° 44' 00" W, along the easterly line of said Lots 8 and 12, for 600.73 feet to the Southeast corner of said Lot 12; thence N 89° 34' 12" W, for 370.00 feet to the Northeast corner of said Lot 14; thence S 00° 01' 17" W, for 770.00 feet to the Southeast corner of said Lot 14; thence N 00° 00' 33" W, along the southerly line of said Lot 14, for 470.00 feet to the easterly line of FIVE-A-RANCHES UNIT 2 as recorded in Plat Book 7, Page 33, Public Records of Polk County, Florida; thence N 00° 01' 37" E, along the easterly line of said FIVE-A-RANCHES UNIT 2, for 770.00 feet to the northeasterly corner of said FIVE-A-RANCHES UNIT 2; thence N 89° 33' 09" W, along the northerly line of said FIVE-A-RANCHES UNIT 2 and the northerly line of Lot 16, of said Fort Richey Land Company Subdivision, for 2,094.81 feet; thence N 00° 00' 00" E, for 66.00 feet; thence S 00° 37' 44" E, for 422.80 feet; thence N 00° 30' 00" E, for 4,979.83 feet to the POINT OF BEGINNING.

A portion of Lots 31, 32, 33, 34, 35, 37, and 38 in Section 25, Township 27 South, Range 10 East, of the Post Mickey Land Company Subdivision, as recorded in Final Book 1, Page 30, Public Records of Pasco County, Florida, together with a portion of the Southwest 1/4 of said Section 25, all being more particularly described as follows:

From the Southwest corner of said Section 25 as a point of reference; thence S 00° 11' 16" E, for 15.00 feet; thence N 00° 34' 18" E, along a line 73.00 feet East of and parallel with the westerly boundary of said Section 25, for 1,019.37 feet; thence S 09° 03' 45" E, for 30.00 feet to the POINT OF BEGINNING; thence S 77° 02' 41" E for 111.48 feet to a point of curve; thence curvilinear along the arc of said curve concave northerly, having for its elements a radius of 210.00 feet, a central angle of 37° 47' 18", an arc length of 122.01 feet and a chord bearing and distance of N 19° 04' 37" E for 221.03 feet to a point of tangency; thence N 61° 37' 53" E for 261.65 feet; thence N 39° 47' 01" W for 100.00 feet; thence N 11° 07' 43" W for 105.11 feet; thence N 34° 47' 31" E for 103.65 feet to a point on the arc of a non-tangent curve from which a radial line bears N 37° 35' 43" E, to the center of said curve; thence along the arc of said curve concave to the Northeast, having for its elements a radius of 271.17 feet, a central angle of 17° 38' 33", an arc length of 86.31 feet, a chord bearing of N 61° 38' 28" W, and a chord length of 89.47 feet; thence departing said curve on a radial line N 31° 42' 31" E, for 30.00 feet to a point on the arc of a curve from which a radial line bears N 34° 47' 31" E to the center of said curve; thence along the arc of said curve concave to the Northeast, having for its elements a radius of 271.17 feet, a central angle of 14° 35' 33", an arc length of 80.03 feet, a chord bearing of S 52° 39' 39" E, and a chord length of 80.51 feet; thence N 31° 01' 31" E, for 101.11 feet; thence N 01° 32' 18" E for 220.38 feet; thence S 26° 30' 33" E for 70.47 feet; thence S 39° 26' 06" W for 52.38 feet; thence S 60° 30' 36" E for 86.31 feet; thence continue S 60° 30' 36" E, for 40.58 feet to a point of curve; thence along the arc of said curve concave to the Northeast, having for its elements a radius of 1,260.75 feet, a central angle of 02° 22' 18", an arc length of 21.67 feet, a chord bearing of S 51° 17' 03" E, and a chord length of 51.07 feet; thence departing said curve on a non-tangent line S 29° 18' 06" W for 30.00 feet to a point on the arc of a curve from which a radial line bears N 37° 35' 43" E to the center of said curve; thence along the arc of said curve concave to the Northeast, having for its elements a radius of 1,260.75 feet, a central angle of 02° 16' 49", an arc length of 21.67 feet, a chord bearing of N 61° 38' 28" W, and a chord length of 51.67 feet; thence N 60° 30' 36" W, for 37.5' feet; thence S 31° 18' 44" W, for 105.11 feet; thence S 27° 32' 41" W for 122.01 feet; thence S 27° 32' 41" W for 221.03 feet; thence S 27° 32' 41" W for 200.38 feet; thence N 60° 17' 33" W for 205.00 feet; thence N 39° 47' 01" W for 111.48 feet; thence N 39° 47' 01" W for 100.00 feet; thence N 39° 47' 01" W for 105.11 feet; thence N 60° 17' 33" W for 205.00 feet; thence N 60° 00' 15" E, along a line 73.00 feet East of and parallel with the westerly boundary of said Section 25 for 221.03 feet to the POINT OF BEGINNING.



A portion of the Northwest 1/4 of Section 36, Township 20 South, Range 16 East, Pasco County, Florida, being more particularly described as follows:

From the Northwest corner of said Section 36 as a point of reference; thence S 89°17'18" E, a distance of 15.00 feet; thence S 00°26'09" W, a distance of 985.84 feet to the POINT OF BEGINNING; thence N 01°10'26" E, a distance of 230.26 feet; thence N 00°26'09" E, a distance of 195.00 feet; thence N 34°27'54" E, a distance of 44.46 feet; thence S 89°42'55" E, a distance of 395.00 feet; thence S 00°26'09" W, a distance of 1,076.83 feet; thence N 89°27'44" W, a distance of 642.00 feet; thence N 00°26'09" E, a distance of 617.00 feet to the POINT OF BEGINNING.

TOGETHER WITH:

A portion of the Northwest 1/4 of Section 36, Township 24 South, Range 16 East, Pasco County, Florida, being more particularly described as follows:

From the Northwest corner of said Section 36 as a point of reference; thence S 89°17'18" E, a distance of 15.00 feet; thence S 00°26'09" W, a distance of 164.07 feet to the POINT OF BEGINNING; thence S 89°42'55" E, a distance of 300.00 feet; thence S 00°26'09" W, a distance of 250.00 feet; thence N 89°42'55" W, a distance of 264.00 feet; thence N 83°49'13" W, a distance of 44.33 feet; thence N 00°26'09" E, a distance of 224.00 feet to the POINT OF BEGINNING.