

FILED

Nov 8 8 22 AM '79

SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

ARTICLES OF INCORPORATION

OF

SUMMERSIDE ASSOCIATION, INC.

RE 1435 to 1560.

We, the undersigned, all being of full age, do hereby associate ourselves together for the purpose of forming and organizing a corporation not-for-profit under the provisions of Chapter 617, Florida Statutes, and we hereby adopt and declare the following Articles of Incorporation covering the existence and organization of this not-for-profit.

ARTICLE I

The name of this corporation shall be SUMMERSIDE ASSOCIATION, INC.

ARTICLE II

The general nature of the business to be conducted and transacted by this corporation shall be to serve as the association and to operate and manage the affairs and property of the condominium to be organized and be known as SUMMERSIDE, a condominium. In furtherance and expansion thereof, this corporation is authorized to conduct any additional activity or business permitted under the laws of the United States or of the State of Florida, which in the opinion of the Board of Directors is capable of being carried on in connection with, furtherance of, addition to and/or lieu of that business described in the first sentence of this Article II and permitted by Section 617, Florida Statutes concerning non-profit organizations and Chapter 718, Florida Statutes, concerning condominium associations.

ARTICLE III

The members of this corporation shall consist of all record owners of condominium units in SUMMERSIDE, a condominium, and after the termination of the condominium shall consist of those who are members of said condominium at the time of such termination and their successors and assigns. Membership in the association shall not be separated from the ownership of the condominium unit and accordingly, memberships cannot be assigned, hypothecated or transferred in any manner except as an appurtenance to the condominium unit and membership shall automatically and immediately terminate as a member's vested interest in the fee title terminates.

FILE 1435 PG 1561

ARTICLE IV

This corporation shall have perpetual existence unless sooner dissolved according to law.

ARTICLE V

This corporation shall have a Board of Directors consisting of not less than three (3) directors, as designated and established in the By-Laws. The Board of Directors shall be elected at the annual meeting of members to be held at the time and place provided for in the By-Laws by a plurality of the votes cast at such election. The initial Board of Directors of this corporation shall consist of three (3) members who shall serve for the first year of the existence of this corporation or until their successors are duly elected and qualified. The names and

addresses of the initial Board of Directors are as follows:

<u>Names</u>	<u>Addresses</u>
Frank Malatesta, Jr.	6118 South Tamiami Trail Sarasota, Florida
Samuel S. Duffey	8003 Midnight Pass Road Sarasota, Florida
Logan Smith	6118 South Tamiami Trail Sarasota, Florida

ARTICLE VI

The officers of the corporation shall be governed by the corporate officers pursuant to the terms of the corporation's By-Laws.

The officers of the corporation shall consist of a President, a Secretary, a Treasurer and such assistant officers as may be deemed necessary, each of whom shall be elected by the Board of Directors at the Annual Meeting of Directors. Any vacancy in an office shall be filled at such time and in such manner as may be prescribed in the By-Laws of the corporation. Any two or more offices may be held by the same person. The names and addresses of the officers who shall serve until their successors are designated by the Board of Directors are as follows: The affairs of the corporation will be managed by the officers.

<u>Office</u>	<u>Name</u>	<u>Address</u>
President	Frank Malatesta, Jr.	6118 South Tamiami Tr. Sarasota, Florida
Sec./Treas.	Samuel S. Duffey	8003 Midnight Pass Road Sarasota, Florida

REF 1435 re 1502

Vice Pres. Logan Smith

6118 South Tamiami Tr.  
Sarasota, Florida

ARTICLE VII

The original By-Laws of this corporation shall be made, prepared and adopted by a majority vote of the initial Board of Directors as named herein. Thereafter, the Board of Directors, by a majority vote, shall have authority to adopt, amend, change, repeal or enlarge the By-Laws not inconsistent with any By-Laws that have been adopted by the members.

1435 to 1563

ARTICLE VIII

Subject to the laws of the State of Florida, this corporation shall indemnify and save harmless its officers and directors of and from any suit, actions or judgments both civil and criminal arising out of any act alleged to have been committed by such person in his capacity as an officer or director, if such officer or director acted in good faith and in the reasonable belief that such action was in the best interest of the corporation, and in the event of criminal allegations without reasonable ground for belief that such action was unlawful. The corporation further shall pay all costs, legal expenses, and any other charges that said officers and directors may incur in the defense of any claim, suit or action that may be instituted against said officers in their individual capacity. It is the express purpose and intent that the corporation shall save its officers and directors harmless from any action taken by them in its behalf to the full extent and limit permitted by law.

ARTICLE IX

The names and addresses of the subscribers to these Articles of Incorporation are:

<u>Names</u>	<u>Addresses</u>
Frank Malatesta, Jr.	6118 South Tamiami Trail Sarasota, Florida
Samuel S. Duffey	8003 Midnight Pass Road Sarasota, Florida
Logan Smith	6118 South Tamiami Trail Sarasota, Florida

ARTICLE X

Amendments to these Articles of Incorporation shall be proposed and adopted in the following manner:

- a. The Board of Directors shall adopt a resolution setting forth the proposed amendment and directing that same be submitted for a vote at a meeting of the members which may be either an annual or a special meeting. If there are no members of the corporation, the amendment shall be adopted by a vote of the majority of Directors and the provisions for adoption by members shall not apply.
- b. Written notice setting forth the proposed amendment or summary of the changes to be affected thereby shall be given to each member of record entitled to vote thereon within the time and in the manner provided in the By-Laws for notice of meetings of members. If the meeting is an annual

meeting of members, the proposed amendment or such summary may be included in the notice of such annual meeting.

ARTICLE XI

No part of the income of this corporation shall be distributed to its members, except as compensation for services rendered.

ARTICLE XII

Suncoast Land Investments, Ltd., a Florida limited partnership existing under the laws of the State of Florida, which is the developer of SUMMERSIDE, a condominium, shall have full right and authority to manage the affairs and exclusive right to elect the directors of the corporation (who need not be unit owners) until the following shall occur:

- a. When fifteen percent (15%) or more of the units that will be operated ultimately by the corporation are conveyed to owners other than developer, such unit owners shall be entitled to elect not less than one-third (1/3) of the Board of Directors.
- b. Within three (3) years after fifty percent (50%) or within three (3) months after ninety percent (90%) of the units that will be operated ultimately by the corporation are conveyed to owners other than developer, such unit owners shall be entitled to elect a majority of the Board of Directors.
- c. Developer shall be entitled to elect at least one (1) member of the Board of Directors as long as developer holds

Mc 1435 re 1565

any units in any phase of SUMMERSIDE, a condominium, for sale in the ordinary course of business.

During the period developer is in control of the corporation, the Directors shall exercise all rights which would otherwise be exercisable by the members.

ARTICLE XIII

On all matters upon which the members shall be entitled to vote, each condominium unit shall be entitled to one vote notwithstanding that the same owner may own more than one unit or that units may be jointly owned. In the event of joint ownership of a condominium unit, the vote to which the unit is entitled shall be apportioned among the owners as their interest may appear or may be exercised by one of such joint owners by written agreement of the other joint owners.

ARTICLE XIV

This corporation has named Samuel S. Duffey as its agent to accept service of process within the State and his acceptance and acknowledgment is set forth below. Further, this corporation has designated 3100 South Tamiami Trail, Sarasota, Florida as its registered office.

ACKNOWLEDGMENT:

Having been named to accept service of process for the abovestated corporation, at the place designated above, I hereby accept to act in this capacity and agree to comply with the

provision of Chapter 48.091 and 617.023, Florida Statutes, relative to keeping open said office.

Samuel S. Duffey  
Samuel S. Duffey

L. 1435 P. 1507

IN WITNESS WHEREOF, we, the incorporators herein named, have hereunto set our hands and seals this the 15<sup>th</sup> day of October, 1979.

Frank Malatesta, Jr.  
Frank Malatesta, Jr.

Samuel S. Duffey  
Samuel S. Duffey

Logan Smith  
Logan Smith

STATE OF FLORIDA )  
COUNTY OF SARASOTA )

I HEREBY CERTIFY that before me the undersigned authority, this day personally appeared Frank Malatesta, Samuel S. Duffey and Logan Smith, who are to me well known and known to me to be the persons described in and who subscribed the foregoing Articles of Incorporation of SUMMERSIDE ASSOCIATION, INC., and who acknowledged before me that they executed the same freely and voluntarily and for the use and purposes therein expressed.

WITNESS my hand and official seal at Sarasota County, Sarasota, Florida, this 15<sup>th</sup> day of October, 1979.

By Bill  
Notary Public

My Commission Expires:  
Notary Public State of Florida  
My Commission Expires: 11/11/81



1568  
REC 1435

STATE OF FLORIDA )  
                          ) SS  
COUNTY OF SARASOTA)

BEFORE ME, the undersigned authority, personally appeared  
J. V. Mosby, who after being duly sworn, deposes and says:

1. THAT AFFIANT is a registered land surveyor holding Florida Certificate No. 858, and is the Surveyor who surveyed the property known and identified as SUMMERSIDE, A CONDOMINIUM as per Declaration of Condominium recorded in Official Record Book 1435 Pages 1527-1569 et seq., and as per Plat thereof recorded in Condominium Book 16, Pages 35-35F Public Records of Sarasota County, Florida.

2. THAT CONSTRUCTION of the improvements of the building consisting of Units 1-A, 2-A and 2-B and all planned improvements, including but not limited to landscaping, utility services and access to the units, and common element facilities serving the building in which the units are located, are substantially complete so that the Condominium Plat recorded in Condominium Book 16, Pages 35-35F, Public Records of Sarasota County, Florida, together with the provisions of the Declaration describing the condominium property and the attached "Exhibit" are accurate representations of the location and dimensions of the improvements, and the identification, location and dimensions of the common elements and of each unit can be determined from those materials.

*[Signature]*  
Registered Land Surveyor  
Florida Cert. No. 858

SWORN TO and subscribed before me, this 16<sup>th</sup> day of April, 1981.

*[Signature]*  
Notary Public

My Commission expires: Notary Public, State of Florida 11 Large  
My Commission Expires Aug 3, 1981

REC 1435 1569

APPLICATION FOR  
 AND CERTIFICATE OF OCCUPANCY  
 TO SARASOTA COUNTY  
 BUILDING CONSTRUCTION DEPARTMENT N<sup>o</sup> 0194-B.C.O.  
 Strip 9-37-12-05-4010 A  
 Lot \_\_\_\_\_ Block \_\_\_\_\_ Sub \_\_\_\_\_ Summer Side Lane  
 Zoning \_\_\_\_\_ Street & No 5775-79 Summer Side Lane  
 Permitted Occupancy Tri-plex Bldg A  
 Building Permit Number 5895-N  
 Contractor's Name Frank M. Latta  
 Owner's Name Sumner Land Development

DATES OF FINAL INSPECTIONS

Structural 3-12-81  
 Plumbing 2-16-81  
 Electrical 3-11-81  
 H.A.R.V. 3-17-81  
 Utilities Central  
 Health Dept. \_\_\_\_\_  
 Engineering \_\_\_\_\_

BUILDING OFFICIAL OR AUTHORIZED SIGNATURE:

Richard K. Waltherby 3-18-81  
 Certificate of Occupancy N<sup>o</sup> 0194-B.C.O. 3-16-81

COASTAL PRINTING - FORM 188

EXHIBIT TO SURVEYOR'S CERTIFICATE

APR 17 9 52 AM '81

FILED AND RECORDED  
 BY HARKNEY JR. SCL EX  
 -SARASOTA

093518