




Articles of Incorporation

From ChevalEast

<p style="text-align: center;">State of Florida</p>  <p style="text-align: center;">Department of State</p> <p>I certify from the records of this office that CHEVAL PROPERTY OWNERS' ASSOCIATION, INC. is a corporation organized under the laws of the State of Florida, filed on November 6, 1984.</p> <p>The document number of this corporation is N06031.</p> <p>I further certify that said corporation has paid all fees due this office through December 31, 1988, and its status is active.</p> <p style="text-align: right;">Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the 8th day of June, 1988.</p> <p style="text-align: right;"> Jim Smith Secretary of State</p>  <p>CR2E022 (9-87)</p>
--

ARTICLES OF INCORPORATION

OF

CHEVAL PROPERTY OWNERS' ASSOCIATION, INC.

31
Nov 2011

In compliance with the requirements of Chapter 617, Florida Statutes, the undersigned, being all residents of the State of Florida and of full age, hereby associate themselves together for the purpose of forming a corporation not for profit in accordance with the laws of the State of Florida, and certify as follows:

ARTICLE I

NAME

The name of this corporation is Cheval Property Owners' Association, Inc., hereafter called the "Association".

ARTICLE II

OFFICE

The initial principal office of this Association shall be located at 4902 North Dale Mabry, Suite 101, Tampa, Florida 33614 which office may be changed from time to time by action of the Board of Directors.

ARTICLE III

REGISTERED OFFICE AND AGENT

The street address of the initial registered office of the Association shall be 2515 Countryside Boulevard, Suite A, Clearwater, Florida 33575. The Association's initial registered agent at such address shall be: Julius I. Zechau

ARTICLE IV

PURPOSE AND POWERS OF THE ASSOCIATION

This Association does not contemplate pecuniary gain or profit to its members. The specific purposes for which it is formed are to promote the health, safety, and general welfare of the residents within the property described on Exhibit A attached hereto and made a part hereof by reference, herein called the "Properties", and any additions thereto as may hereafter be brought within the jurisdiction of this Association. The purposes of this Association shall include, without limitation of the foregoing, the maintenance of the Common Area and other land within the Properties, and carrying out, enforcing and otherwise fulfilling its rights and responsibilities under and pursuant to that certain Master Declaration of Covenants, Conditions and Restrictions for Cheval Polo & Golf Club now or hereafter recorded among the Public Records of Hillsborough County, Florida, and any amendments or modifications thereof, herein together called the "Declaration". The recording of a Supplement to the Declaration from time to time pursuant to Article IX of the Declaration for the purpose of adding additional land shall automatically, and without need of amendment to these Articles of Incorporation or approval or consent of the Association or its members, bring such additional land within the jurisdiction of the Association, and such additional land shall be included within the term "Properties". Any amendment to the Articles of Incorporation filed to reflect such additional land shall not require consent or approval of the members of the Association, but shall be executed by the President and Secretary of the Association.

References herein to the "Master Plan" shall mean and refer to the Master Development Plan for Cheval Polo & Golf Club on file with and approved by the Hillsborough County Planning Commission, and as the same may be amended or modified from time to time. All terms defined in the Declaration shall have the same meaning when used herein, such Declaration being incorporated herein by reference. For the foregoing purposes, this Association is empowered 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:

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

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

(d) borrow money, and with the assent of two-thirds (2/3) of each class of members, 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 in fee simple all or any part of this Association's property to any public bodies or governmental agencies or authorities, or public or private utility companies for such purposes and subject to such conditions as may be agreed to by two-thirds (2/3) vote of each class of members; provided, however, no such approval shall be required in order to convey property for use as a well site or pumping station, lift station, retention pond or such other incidental or related use.

(f) grant easements as to the Common Area to public and private utility companies, and to public bodies or governmental agencies or other entities or persons, without cost or charge, where convenient, desirable or necessary in connection with the development of the Properties, and the providing of utility and other services thereto:

(g) participate in mergers and consolidations with other non-profit corporations organized for similar purposes, provided that any such merger or consolidation shall have the assent of sixty percent (60%) of the total votes present in person or by proxy at a meeting of members called for such purpose:

(h) annex additional real property in accordance with the provisions of the Declaration, with such annexations, when completed in accordance with the provisions of the Declaration, extending the jurisdiction, function, duties, and membership of the Association to the real property thereby annexed:

(i) from time to time adopt, alter, amend, and rescind reasonable rules and regulations governing the use of the Common Area, which rules and regulations shall be consistent with the rights and duties established by the

Declaration and with the provisions of these Articles of Incorporation:

(j) contract for the maintenance and management of the Common Area, and to authorize a management agent to assist the Association in carrying out its powers and duties under the Declaration; and

(k) have and exercise any and all powers, rights, and privileges which a corporation organized under Chapter 617, Florida Statutes by law may now or hereafter have or exercise.

ARTICLE V

MEMBERSHIP

Every person or entity who is a record owner of a fee or undivided fee interest in any Lot, Unit or Patio Home which is subject by the provisions of the Declaration to assessment by this Association, including contract sellers, shall be a member of this Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. Ownership of any property which is subject to assessment by the Association, shall be the sole qualification for membership. When any Lot, Unit or Patio Home is owned of record by two or more persons or other legal entity, all such persons or entities shall be members. An Owner of more than one (1) such Lot, Unit or Patio Home shall be entitled to one (1) membership for each Lot, Unit or Patio Home owned by him. Membership shall be appurtenant to and may not be separated from ownership of any Lot, Unit or Patio Home which is subject to the provisions of the Declaration, but shall be automatically transferred by the conveyance of that Lot, Unit or Patio Home. Cheval Land Corporation, a Florida corporation, herein called the "Declarant", shall be a member of the Association so long as it owns one (1) or more Lots, Units or Patio Homes.

ARTICLE VI

VOTING RIGHTS

The Association shall have two classes of voting membership, Class A and Class B. All votes shall be cast in the manner provided in the By-Laws. When more than one person or entity holds an interest in any Lot, Unit or Patio Home, the vote for such Lot, Unit or Patio Home shall be exercised as such persons determine, but in no event shall more than the number of votes hereinafter designated be cast with respect to any such Lot, Unit or Patio Home, nor shall any split vote be permitted with respect to such Lot, Unit or Patio Home. The two classes of voting memberships, and voting rights related thereto, are as follows:

1. Class A. Class A members shall be all Owners of Lots, Units and Patio Homes subject to assessment; provided, however, so long as there is Class B membership the Declarant shall not be a Class A member. The voting rights appurtenant to Class A Lots, Units and Patio Homes shall be as follows:

(a) Lots. Owners of Class A Lots designated on the Master Plan for single-family detached homes shall be entitled to one (1) vote for each Lot owned.

(b) Units. The Owners of Class A Condominium Units shall be entitled to one-third (1/3) of one (1) vote for each Unit owned.

2. Class B. The Class B member shall be the Declarant. Class B Lots, Units and Patio Homes shall be all Lots, Units and Patio Homes owned by Declarant which have not been converted to Class A as provided below. The voting rights appurtenant to the Class B Lots, Units and Patio Homes shall be equal to three times the Class A votes that would otherwise be appurtenant to such Lots, Units or Patio Homes as provided in Paragraph 1, above.

3. Termination of Class B. From time to time Class B membership may cease and be converted to Class A membership, and any Class B Lots, Units and Patio Homes then subject to the terms of the Declaration shall become Class A Lots, Units and Patio Homes upon the happening of any of the following events, whichever occurs earlier:

(i) On July 1, 1994, or

(ii) When the Declarant waives in writing its right to Class B membership.

Notwithstanding the foregoing, if at any time or times subsequent to any such conversion, additional land is added by the Declarant to the Properties pursuant to the terms of the Declaration, such additional land shall automatically be and become Class B Lots, Units or Patio Homes, as appropriate. In addition, if following such addition of land, the total votes allocable to all Lots, Units and Patio Homes then owned by the Declarant (calculated as if all such Lots, Units or Patio Homes are Class B, whether or not they are) shall exceed the remaining total votes outstanding in the remaining Class A membership (i.e., excluding the Declarant), then any Class A Lots, Units and Patio Homes owned by the Declarant shall automatically be reconverted to Class B. Any such reconversion shall not occur, however, if either occurrence (i) or (ii) above shall have taken place.

4. Quorum. Except as otherwise expressly required by the Declaration, the presence at a meeting of members, either in person or by proxy, of those entitled to cast at least one-third (1/3) of the votes shall constitute a quorum for any action.

ARTICLE VII

BOARD OF DIRECTORS

The affairs of this Association shall be managed by a board of Directors initially composed of three (3) Directors, who need not be members of the Association. The number of Directors may be changed by amendment to the By-Laws of this Association but shall never be less than three (3). The term of office for all Directors shall be one (1) year. The names and addresses of the persons who are to act in the capacity of Directors until their successors are elected and qualify, unless they sooner shall die, resign, or are removed, are:

<u>NAME</u>	<u>ADDRESS</u>
Jan D. Hitervyk	4809 Van Dyke Road Lutz, Florida 33549
George P. Allen, Jr.	10101 Lindelaan Tampa, Florida 33619
Vicki Graham	13801 N. Florida Avenue Apartment 927 Tampa, Florida 33612

ARTICLE VIII**OFFICERS**

The names and addresses of the officers of this Association who, subject to these Articles of Incorporation and the By-Laws of this Association and the laws of the State of Florida, shall hold office for the first year of the existence of this Association, or until an election is held by the Directors of this Association for the election of officers following the first annual members meeting, if earlier, and until their successors have been duly elected and qualify, unless they sooner die, resign, or are removed, are:

<u>NAME</u>	<u>OFFICE</u>	<u>ADDRESS</u>
Jan D. Uiterwyk	PRESIDENT	4809 Van Dyke Road Lutz, Florida 33549
George F. Allen, Jr.	SECRETARY	10101 Lindaleen Tampa, Florida 33618
George F. Allen, Jr.	TREASURER	10101 Lindaleen Tampa, Florida 33618

Hereafter, officers shall be elected at the Board of Directors meeting next following each annual meeting of members. Officers need not be members of the Association.

ARTICLE IX**SUBSCRIBERS**

The name and residence address of the subscriber to these Articles of Incorporation are as follows:

<u>NAME</u>	<u>ADDRESS</u>
Julius J. Lechae	2415 Countryside Boulevard Suite A Clearwater, Florida 33575

ARTICLE X**DISSOLUTION**

This Association may be dissolved with the assent given in writing and signed by members entitled to cast not less than two-thirds (2/3) of the total votes. Upon dissolution of this Association, other than incident to a merger or consolidation, the assets of this 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, but in no event shall such assets inure to the benefit of any member or other private individual.

ARTICLE XI

PERMANENCE

This Association shall exist perpetually.

ARTICLE XII

BY-LAWS

The By-Laws of this Association shall be initially adopted by the Board of Directors. Thereafter, the By-Laws shall be altered, amended, or rescinded by a majority vote of a quorum of members present at any regular or special meeting of the membership duly called and convened.

ARTICLE XIII

AMENDMENTS

Any amendment of these Articles shall require the assent of the members entitled to cast sixty-six and two-thirds percent (66 2/3%) of the total votes able to be cast at any regular or special meeting of the membership duly called and convened.

ARTICLE XIV

INDEMNIFICATION

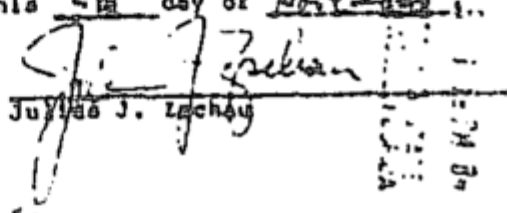
Every Director and every officer of the Association shall be indemnified by the Association to the fullest extent of the law against all expenses and liabilities, including counsel fees, reasonably incurred by or imposed on him in connection with any proceeding or settlement of any proceeding to which 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, whether or not he is a Director or officer at the time such expenses are incurred.

ARTICLE XV

INTERPRETATION

Express reference is hereby made to the terms, provisions, definitions, and rules of interpretation contained in the Declaration where necessary to interpret, construe, and clarify the provisions of these Articles. In subscribing and filing these Articles, it is the intent of the undersigned that the provisions hereof be consistent with the provisions of the Declaration and, to the extent not prohibited by law, that the provisions of these Articles of Incorporation and of the Declaration be interpreted, construed, and applied so as to avoid inconsistencies or conflicting results.

IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of Florida, the undersigned, constituting the subscribers of this Association, have executed these Articles of Incorporation this 5th day of November, 1984.


Julius J. Lechou

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

BEFORE ME, the undersigned authority, on this 1st
day of November, 1904, personally appeared Julius J. Scheel,
to me well known to be the person described in and who signed the
foregoing Articles of Incorporation and acknowledged to me that he
executed the same freely and voluntarily for the uses and purposes
therein expressed.

WITNESS my hand and official seal the date aforesaid.

William F. [Signature]
NOTARY PUBLIC
State of Florida at Large

My Commission Expires:

h
M,

11-01-04
11-01-04

ACCEPTANCE OF REGISTERED AGENT

Having been named to accept service of process for the above named corporation at the place designated in these Articles of Incorporation, the undersigned hereby accepts to act in this capacity, and agrees to comply with the provisions of the laws of the State of Florida relative to keeping such open office.

Julius J. Zachau
Julius J. Zachau

Date: November 5, 1984.

NOV 6 1 13 PM '84

Retrieved from "http://www.chevaleast.com/cewiki/index.php?title=Articles_of_Incorporation"

- Updated: 26 January 2009