

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

KNOW ALL MEN BY THESE PRESENTS:

That these Revitalized ARTICLES OF INCORPORATION OF EAST BAY PLANTATION HOMEOWNERS ASSOCIATION, INC. (hereinafter the "Revitalized Articles") are made and entered into this 26<sup>th</sup> day of June, 2023, by EAST BAY PLANTATION HOMEOWNERS ASSOCIATION, INC., a Florida non-profit corporation (hereinafter the "Association"), and the owners of properties within the Plat(s) of EAST BAY PLANTATION – PHASE I, as described in Plat Book 37, at Pages 51 through 52, EAST BAY PLANTATION PHASE I REPLAT, as described in Plat Book 37, Pages 85 through 86, and EAST BAY PLANTATION PHASE II, as described in Plat Book 40, Pages 36 through 37, all of the Public Records of Brevard County, Florida. Said Revitalized Articles are a revival of the ARTICLES OF INCORPORATION OF EAST BAY PLANTATION HOMEOWNERS ASSOCIATION, INC., as entered into on June 6, 1991, by a multitude of subscribers, and filed on December 3, 1990 with the Florida Secretary of State, recorded on September 5, 2018, recorded in Official Records Book 8255, at Page 947, through 953 of the Public Records of Brevard County, Florida, and amended by an amendment entitled ARTICLES OF AMENDMENT TO ARTICLES OF INCORPORATION filed with the Secretary State of Florida, on June 7, 1991, as amended from time to time, and as retyped below. This revival is sought pursuant to Florida Statutes §720.403-720.407 (2022).

*Prepared by:*

East Bay Plantation Homeowner's Association, Inc,  
3964 St Armens Circle  
Melbourne, FL 32931

*Return to:*

Clayton & McCulloh  
Brian S. Hess, Esq.  
1065 Maitland Center Commons Blvd.  
Maitland, FL 32751

\_\_\_\_\_ The space above this line is reserved for recording, purposes \_\_\_\_\_

**NOTICE OF RECORDING OF  
ARTICLES OF INCORPORATION OF EAST BAY PLANTATION HOMEOWNERS  
ASSOCIATION, INC.**

KNOW ALL MEN BY THESE PRESENTS:

That on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, the undersigned, EAST BAY PLANTATION HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation (hereinafter the "Association"), pursuant to Florida Statutes and the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR EAST BAY PLANTATION recorded in Official Records Book 3, Page 4901, *et seq.*, of the Public Records of Brevard County, Florida, as may be amended and/or restated from time to time, hereby gives notice of recording in the Public Records

of Brevard County, Florida, the ARTICLES OF INCORPORATION OF EAST BAY PLANTATION HOMEOWNERS ASSOCIATION, INC. (hereinafter referred to as the "Articles"). A copy of said Articles and any amendments thereto is attached hereto and by reference made a part thereof. Said Articles were ostensibly adopted by the Board of Directors of the Association (hereinafter referred to as the "Board") at a Board Meeting held on or about November 30, 1990.

While the Articles were properly and duly executed, the Articles were not recorded in the Public Records of Brevard County, Florida. As the Association may amend the Articles in the future, and as Section §720.303(1), Florida Statutes, now requires that " ... , (a)fter October 1, 1995, the association must be incorporated and the initial governing documents must be recorded in the official records of the county in which the community is located," the Articles are hereby being recorded in an effort to ensure that record title notice of the existing provisions which may be amended will exist and so that the context of changes which may be implemented will be self-evident in the public records. Additionally, the Association has endeavored to record same to provide record title notice of the validity, binding nature, and enforceability of the Articles.

The Association is a not-for-profit corporation created pursuant to Chapter 617, Florida Statutes and a homeowners association subject to Chapter 720, Florida Statutes. All terms and conditions of the Articles as incorporated herein shall remain in full force and effect.

IN WITNESS HEREOF, the Association has caused these presents to be executed in its name, this 3<sup>rd</sup> day of August, 2018.

Signed, sealed and delivered  
in the presence of:

East Bay Plantation Homeowners  
Association, Inc.

/S/MEREDITH A. OLIVERA  
(Sign - Witness 1)

By: /S/ PAUL BARTON  
(Sign)

MEREDITH A. OLIVERA  
(Print - Witness 1)

PAUL BARTON  
(Print)

/S/RYAN JOHNS  
(Sign - Witness 2)

President, East Bay Plantation Homeowners  
Association, Inc.

RYAN JOHNS  
(Print - Witness 2)

/S/MEREDITH A. OLIVERA  
(Sign - Witness 1)  
MEREDITH A. OLIVERA  
(Print - Witness 1)

Attest: /S/ JACQUELIN LEIERER  
(Sign)  
JACQUELIN LEIERER  
(Print)

/S/RYAN JOHNS

Secretary, East Bay Plantation Homeowners

(Sign - Witness 2)

Association, Inc.

RYAN JOHNS

(Print - Witness 2)

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing was acknowledged before me this this 3<sup>rd</sup> day of August, 2018 by PAUL BARTON, as President, and JACQUELIN LEIERER, as Secretary, of East Bay Plantation Homeowners Association, Inc., a Florida not for profit corporation, on behalf of the corporation, who are personally known to me or who have produced FL DL as identification.

NOTARY PUBLIC

/S/RYAN JOHNS (Sign)

RYAN JOHNS (Print)

State of Florida, At Large

**[SEAL: RYAN JOHNS  
Notary Public • State of Florida  
Commission # FF 939193  
My Comm. Expires Nov 24, 2019  
Bonded through National Notary Assn]**

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

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

ARTICLE II

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

ARTICLE III

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 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.

- (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.

#### 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
- (b) 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 11, 1999.

#### ARTICLE VII BOARD OF DIRECTORS

The affairs of this Association shall be managed by a Board of Directors, which was initially composed of the (3) Directors was amended on August 14, 2023 to be composed of five (5) directors, electing two directors, and then thereafter at each annual meeting the members shall elect two directors, one for a three-year term and one for a two year term. All directors shall be homeowners of lots within East Bay Plantation. The number of directors may be changed by amendment of the By-Laws of the Association. The names and addresses of the persons who initially acted in the capacity of directors until the selection of their successors were:

<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

#### 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 day of November, 1990.

/S/ Morteza Hosseini-Kargar  
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.

/S/  
NOTARY PUBLIC

My commission expires:

[SEAL: 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.

/S/ Morteza Hosseini-Kargar  
Morteza Hosseini-Kargar  
Dated: 11/30/90