

CERTIFICATION OF CORPORATE RECORDS  
BRIGADOON HOMEOWNERS ASSOCIATION, INC.

WE HEREBY CERTIFY that the attached Bylaws and Articles of Incorporation, as recorded, are copies of the original documents and were received by the Brigadoon Homeowner's Association, Inc., from the Developer of the community in May of 1985, and as such constitute corporate records of Brigadoon Homeowner's Association, Inc., a Florida not-for-profit corporation.

BRIGADOON HOMEOWNERS ASSOCIATION, INC.

RICHARD AKE  
CLERK OF CIRCUIT COURT  
HILLSBOROUGH COUNTY

By:

Jeff Cabral President

Attest: Linda Russo  
Linda Russo, Secretary

STATE OF FLORIDA )  
COUNTY OF HILLSBOROUGH )

On this 24<sup>th</sup> day of August, 1990, personally appeared JEFF CABRAL, President, and Linda Russo, Secretary, and acknowledged that they executed the foregoing document for the purpose therein expressed.

WITNESS my hand and seal this day and year last above written.

Christine Pickett  
NOTARY PUBLIC

My commission expires:

Notary Public  
State of Florida at Large  
My Commission Expires  
December 7, 1993

RECORD VERIFIED


Richard Ake  
Clerk of Circuit Court  
Hillsborough County, Fla.  
By Cynthia G. Bice, D.C.

✓ Becken Poliakofho Street Rd. P.A.  
TAMPA Commons  
One North Dale Mabrey  
St. 9150  
Tampa, FL 33601

1990 SEP 13 AM 8:48

90194949

# State of Florida



Department of State

*I certify that the attached is a true and correct copy of the Articles  
of Incorporation of*

**BRIGADOON HOMEOWNER'S ASSOCIATION, INC.**

*a corporation organized under the Laws of the State of Florida,  
fled on February 14, 1983.*

*The charter number for this corporation is 766970.*

GIVEN under my hand and the  
Great Seal of the State of Florida,  
at Tallahassee, the Capital, this the  
14th day of February, 1983.



CER 101

George Firestone  
Secretary of State

FILED

1983 FEB 14 PM 3:40  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

ARTICLES OF INCORPORATION  
OF  
BRIGADOON HOMEOWNER'S ASSOCIATION, INC.  
A NON-PROFIT CORPORATION

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In compliance with the requirements of Florida Statutes, Chapter 617, (1981), the undersigned, all of whom are residents of the State of Florida, and all of whom are of full age, have this day voluntarily associated themselves together for the purpose of forming a Florida corporation not for profit, and do hereby certify:

ARTICLE I

NAME OF CORPORATION

The name of the Corporation is BRIGADOON HOMEOWNER'S ASSOCIATION, INC., a Florida corporation not-for-profit hereafter called the "Association".

ARTICLE II

REGISTERED OFFICE

The principal office of the Association is located at 4123 Woodlark Drive, Tampa, Florida 33624, which shall be the initial registered office of the Corporation.

ARTICLE III

REGISTERED AGENT

Timothy F. Mobley, whose address is 4123 Woodlark Drive, Tampa, Florida 33624, is hereby appointed the initial registered agent of this Association.

ARTICLE IV

PURPOSE 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 residence Lots, Units and Common Area within those portions of that certain tract of property described as:

LEGAL DESCRIPTION

Part of Section 27, Township 27 South, Range 18 East, Hillsborough County, Florida, and being more particularly described as follows:

For a point of reference commence at the Southwest corner of the said Section 27, and run thence N00°48'00"W, along the West boundary thereof, a distance of 2,868.82 feet; thence N89°12'00"E, a distance of 561.08 feet; thence N00°48'00"W, a distance of 28.73 feet; thence N89°12'00"E, a distance of 400.00 feet; thence N53°31'52"E, a distance of 823.69 feet; thence N62°49'41"E, a distance of 603.08 feet to the POINT OF BEGINNING of the tract herein described; thence N17°12'56"W, a distance of 1,115.76 feet; thence N07°13'19"W, a distance of 186.86 feet; thence S89°46'38"E, a distance of 635.93 feet, along the South boundary of Tampa Electric Company right-of-way as recorded in O.R. Book 1183, Page 389, Public Records of Hillsborough County, Florida, to a point on the Westerly right-of-way line of North Lakeview Drive; thence along said Westerly right-of-way line of North Lakeview Drive the following seven (7) courses; (1) S31°28'04"E, a distance of 76.66 feet; thence (2) Southeasterly 285.13 feet along the arc of a curve to the left, having a radius of 405.00 feet and a chord bearing and distance of S51°38'12"E, 279.28 feet; thence (3) Southeasterly 378.66 feet along the arc of a curve to the right, having a radius of 795.00 feet and a chord bearing and distance of S58°09'38"E, 375.09 feet; thence (4) Southeasterly 260.72 feet along the arc of a curve to the right having a radius of 745.45 feet and a chord bearing and distance of S34°29'45"E, 259.40 feet; thence (5) S24°28'34"E, a distance of 109.11 feet; thence (6) Southerly 382.45 feet along the arc of a curve to the right having a radius of 747.00 feet and a chord bearing and distance of S09°48'32"E, 378.29 feet; thence (7) S04°51'30"W, a distance of 164.60 feet; thence N49°54'08"W, a distance of 90.00 feet; thence N75°38'38"W, a distance of 500.00 feet; thence S75°17'32"W, a distance of 567.85 feet to the POINT OF BEGINNING.

Containing 28.67 acres, more or less,

which may be brought within the jurisdiction of the Association from time to time, as provided in the "Declaration" referred to hereinbelow, and to promote the health, safety and welfare of the residents within the above-described property and any additions thereto as may hereto be brought within the jurisdiction of this Association for this purpose to:

(a) Exercise all of the powers and privileges and to perform all duties and obligations of the Association as set forth in that certain BRIGADOON ON LAKE HEATHER Declaration of Covenants and Restrictions, hereinafter called the "Declaration", applicable to the property and recorded or to be recorded in the office of the Clerk of the Circuit Court, Hillsborough 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, 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 all or any part of the Common Area to any public agency, authority, or utility for such purposes subject to such conditions as may be agreed to by the members. No such dedication or transfer shall be effective unless an instrument has been signed by two-thirds (2/3) of each class of members, agreeing to such dedication, sale or transfer;

(f) Participate in mergers and consolidations with other non-profit corporations organized for the same purposes or annex additional residential property and Common Area, provided that any such merger, consolidation or annexation shall have the assent of two-thirds (2/3) of each class of members;

(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.

#### ARTICLE V

##### MEMBERSHIP

Every person or entity who is a record owner of a fee or undivided fee interest in a Lot or Condominium Unit which is

subject by covenants of record to assessment by the Association, including contract sellers, 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 the performance of an obligation. Membership shall be appurtenant to and may not be separated from ownership of any Lot or Unit 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 members shall be all Owners, with the exception of the Declarant, and shall be entitled to one vote for each Lot or Unit owned. When more than one person holds an interest in any Lot or Unit, all such persons shall be members. The vote for such Lot or Unit shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot or Unit.

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

(a) when the total votes outstanding in the Class A membership equals the total votes outstanding in the Class B membership; or

(b) on January 1, 1989.

#### ARTICLE VII

##### BOARD OF DIRECTORS

7.1 The affairs of the Association shall be managed by a Board of Directors consisting of no less than three (3) nor more than nine (9) Directors, who need not be members of the Association; provided, however, the Board shall consist of an odd number

of Directors. The number of Directors may be changed by amendment of the Bylaws of the Association. The present Board of Directors shall consist of three (3) Directors, who shall serve until the election of their successors as provided in the Bylaws.

7.2 The names and residence addresses of the present Board of Directors, and subscribers to these Articles of Incorporation, who shall hold office until their successors are elected and have qualified, or until their resignation or removal, are as follows:

TIMOTHY F. MOBLEY	4104 Woodlark Drive Tampa, Florida 33624
THOMAS CAROTHERS	16019 Dawnview Drive Tampa, Florida 33624
MICHAEL C. MOBLEY	4104 Woodlark Drive Tampa, Florida 33624

7.3 At the first annual meeting the members shall elect three (3) Directors for a term of one (1) year; and at each annual meeting thereafter the members shall elect three (3) Directors for a term of one (1) year, for so long as there shall be a Class B membership. Provided, at the first annual meeting after the Class B membership is converted to Class A membership the members shall elect three (3) Directors for a term of one (1) year, three (3) Directors for a term of two (2) years, and three (3) Directors for a term of three (3) years, and at each annual meeting thereafter the members shall elect three (3) Directors for a term of three (3) years.

#### ARTICLE VIII

##### OFFICERS

The affairs of the Association shall be administered by the Officers as designated in the Bylaws. The Officers shall be elected by the Board of Directors at its first meeting following the annual meeting of the Members of the Association, and they

shall serve at the pleasure of the Board of Directors. The names and addresses of the Officers, who shall serve until their successors are elected by the Board of Directors, as follows:

PRESIDENT	TIMOTHY F. MOBLEY 4104 Woodlark Drive Tampa, Florida 33624
VICE-PRESIDENT	THOMAS CAROTHERS 16019 Dawnview Drive Tampa, Florida 33624
SECRETARY/TREASURER	MICHAEL C. MOBLEY 4104 Woodlark Drive Tampa, Florida 33624

#### ARTICLE IX

##### DISSOLUTION

The Association may be dissolved with the assent given in writing and signed by not less than two-thirds (2/3) of each class of 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. This procedure shall be subject to Court approval on dissolution pursuant to the provisions of Fla. Stat. §617.05.

#### ARTICLE X

##### DURATION

The corporation shall exist perpetually.

#### ARTICLE XI

##### AMENDMENTS

Amendment of these Articles shall be proposed and adopted in the following manner:

(a) Notice of the subject matter of a proposed amendment shall be included in the notice of any meeting at which a proposed amendment is to be considered.



(b) A resolution for the adoption of a proposed amendment may be proposed either by the Board of Directors or by the members of the Association. Directors and members not present in person or by proxy at the meeting considering the amendment may express their approval in writing, provided such approval is delivered to the Secretary at or prior to the meeting. Except as elsewhere provided, the approvals must be either:

1. by not less than 66-2/3% of the entire membership of the Board of Directors and by not less than 51% of the votes of the entire members of the Association; or
2. by not less than 75% of the votes of the entire membership of the Association.

(c) Provided, however, that no amendment shall make any changes in the qualifications for membership nor the voting rights of the members,, without approval in writing by all members and the joinder of all record owners of mortgages upon condominium units. No amendment shall be made that is in conflict with Florida law or the Declaration of Covenants and Restrictions.

(d) A copy of each amendment adopted shall be filed with the Secretary of State, pursuant to the provisions of the applicable Florida Statutes, and a copy certified by the Secretary of State shall be recorded in the Public Records of Hillsborough County, Florida.

## ARTICLE XII

### BYLAWS

The first Bylaws of the Association shall be adopted by the Board of Directors at the first meeting of Directors, and may be altered, amended or rescinded thereafter in the manner provided in the Bylaws.

## ARTICLE XIII

### FHA/VA APPROVAL

As long as there is a Class B membership, the following action will require the prior approval of the Federal Housing Administration or the Veterans Administration:

- (a) annexation of additional properties;
- (b) mergers and consolidations;
- (c) mortgaging of Common Area;
- (d) dedication of Common Area,
- (e) replatting of any Lots or changing the boundaries of the Common Area;
- (f) dissolution; and
- (g) amendment of these Articles.

IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of Florida, we, the undersigned, constituting the incorporators of this Association, have executed these Articles of Incorporation this 20<sup>th</sup> day of JANUARY, 1983.

Signed, sealed and delivered in the presence of:

Jan S Wood  
Bonnie Rickerby  
Jan S Wood  
Bonnie Rickerby  
Jan S Wood  
Bonnie Rickerby

Timothy F. Mobley  
TIMOTHY F. MOBLEY

Thomas Carothers  
THOMAS CAROTHERS

Michael C. Mobley  
MICHAEL C. MOBLEY

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of Jan, 1983, by TIMOTHY F. MOBLEY, an individual.

Shirley W. Lusk  
Notary Public

My commission expires:

Notary Public, State of Florida at Large  
My Commission Expires Dec. 8, 1985

STATE OF FLORIDA )  
 ) SS:  
COUNTY OF HILLSBOROUGH )

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The foregoing instrument was acknowledged before me this 20<sup>th</sup>  
day of Jan, 1983, by THOMAS CAROTHERS, an individual.

Edw. W. Lusk  
Notary Public

My commission expires:

Notary Public, State of Florida at Large  
My Commission Expires Dec. 8, 1985

STATE OF FLORIDA )  
 ) SS:  
COUNTY OF HILLSBOROUGH )

The foregoing instrument was acknowledged before me this 20<sup>th</sup>  
day of Jan, 1983, by MICHAEL C. MOBLEY, an individual.

Edw. W. Lusk  
Notary Public

My commission expires:

Notary Public, State of Florida at Large  
My Commission Expires Dec. 8, 1985