

EDWARD E. HEDSTROM

ATTORNEY AT LAW

P.O. BOX 1354
601 ST. JOHNS AVENUE
PALATKA, FLORIDA 32178

TELEPHONE (904) 328-6778
FAX (904) 329-1133

June 13, 1996

Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

960734-WS

Sent by Federal Express and Facsimile Transmission (904) 413-6687

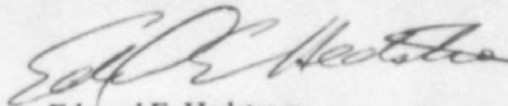
IN RE: Hiawatha & Hart Point Treatment Facility, Inc.

Dear Sir:

Enclosed is the original and four (4) copies with supporting documentation of the application for non-profit corporation exemption for Hiawatha & Hart Point Treatment Facility, Inc. The Board of Directors have not adopted a set of By-Laws as yet. Those are in the draft stage and should be completed and adopted within the next two weeks. I will forward a copy a copy as soon as the Board approves them.

If any additional information is needed, please contact me directly.

Sincerely yours,



Edward E. Hedstrom

EEH/cw

enclosures

DOCUMENT NUMBER-DATE

06456 JUN 14 1996

FPSC-RECORDS/REPORTING

APPLICATION FOR NONPROFIT CORPORATION EXEMPTION
(FORMED PURSUANT TO CHAPTER 617, FLORIDA STATUTES)
SECTION 367.022(7), FLORIDA STATUTES
RULE 25-30.060(3)(g), FLORIDA ADMINISTRATIVE CODE

The application must be signed by an officer
of the corporation.

NAME OF SYSTEM: Hiawatha Condominiums WWTF
PHYSICAL ADDRESS OF SYSTEM: 116 Hiawatha Court, East Palatka,
Florida 32131
COUNTY WHERE SYSTEM IS LOCATED: Putnam
NAME OF CORPORATE OWNER(S): Hiawatha & Hart Point Treatment Facility, Inc.

MAILING ADDRESS (IF DIFFERENT): 116 Hiawatha Court, East Palatka
Florida 32131

PRIMARY CONTACT PERSON:

NAME: Edward E. Hedstrom, Attorney At Law
ADDRESS: P.O. Box 1354
Palatka, Florida 32178
PHONE NO.: (904) 328-6778

I believe this system to be exempt from the regulation of the
Florida Public Service Commission pursuant to Section 367.022(7),
Florida Statutes, for the following reasons:

1. Service will be provided solely to members who own and control the nonprofit corporation.
2. The utility services provided are:
Water X Wastewater X
or Septic _____
For service not provided, please state who provides:

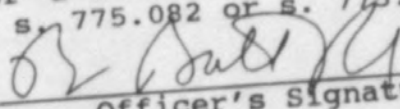
DOCUMENT NUMBER-DATE
06456 JUN 14 1988
FPSC-RECORDS/REPORTING

APPLICATION FOR NONPROFIT CORPORATION EXEMPTION
(FORMED PURSUANT TO CHAPTER 617, F.S.)

3. Attached is a copy of the articles of incorporation as filed with the Secretary of State and the bylaws which clearly demonstrate that the corporation provides service solely to members who own the corporation.
4. Attached is a description of the voting rights and their location in the articles of incorporation and the bylaws.
When the nonprofit corporation was formed by a developer pursuant to Chapter 617, Florida Statutes:
5. Attached is a documentation showing that control has passed or, if not, the circumstances under which control of the corporation will pass to the nondeveloper members.

I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, F.S.

6/12/96
(Date)


Officer's Signature

Ben Bates
Officer's Name (Typed or Printed)

President
Officer's Title

The original and four copies of the completed application and supporting documentation should be mailed to:

Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850.



FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State

May 31, 1996

EDWARD E. HEDSTROM
601 ST. JOHNS AVE.
PALATKA, FL 32178

The Articles of Incorporation for HIAWATHA & HART POINT TREATMENT FACILITY, INC. were filed on May 24, 1996 and assigned document number N96000002891. Please refer to this number whenever corresponding with this office regarding the above corporation. The certification you requested is enclosed.

PLEASE NOTE: COMPLIANCE WITH THE FOLLOWING PROCEDURES IS ESSENTIAL TO MAINTAINING YOUR CORPORATE STATUS. FAILURE TO DO SO MAY RESULT IN DISSOLUTION OF YOUR CORPORATION.

A CORPORATION ANNUAL REPORT MUST BE FILED WITH THIS OFFICE BETWEEN JANUARY 1 AND MAY 1 OF EACH YEAR BEGINNING WITH THE CALENDAR YEAR FOLLOWING THE YEAR OF THE FILING DATE NOTED ABOVE AND EACH YEAR THEREAFTER. FAILURE TO FILE THE ANNUAL REPORT ON TIME MAY RESULT IN ADMINISTRATIVE DISSOLUTION OF YOUR CORPORATION.

A FEDERAL EMPLOYER IDENTIFICATION (FEI) NUMBER MUST BE SHOWN ON THE ANNUAL REPORT FORM PRIOR TO ITS FILING WITH THIS OFFICE. CONTACT THE INTERNAL REVENUE SERVICE TO RECEIVE THE FEI NUMBER IN TIME TO FILE THE ANNUAL REPORT AT 1-800-829-3676 AND REQUEST FORM SS-4.

SHOULD YOUR CORPORATE MAILING ADDRESS CHANGE, YOU MUST NOTIFY THIS OFFICE IN WRITING, TO INSURE IMPORTANT MAILINGS SUCH AS THE ANNUAL REPORT NOTICES REACH YOU.

Should you have any questions regarding corporations, please contact this office at the address given below.

Kimberly Rolfe, Document Specialist
New Filing Section

Letter Number: 996A00027325

State of Florida



Department of State

I certify the attached is a true and correct copy of the Articles of Incorporation of HIAWATHA & HART POINT TREATMENT FACILITY, INC., a Florida corporation, filed on May 24, 1996, as shown by the records of this office.

The document number of this corporation is N96000002891.

Given under my hand and the
Great Seal of the State of Florida,
at Tallahassee, the Capitol, this the
Thirty-first day of May, 1996



CR2EO22 (2-95)

Sandra B. Northam

Sandra B. Northam
Secretary of State

COPY

ARTICLES OF INCORPORATION
OF

HIAWATHA & HART POINT TREATMENT FACILITY, INC.
(a corporation not for profit)

WE, the undersigned, by these articles, associate ourselves for the purpose of forming a corporation not for profit under the provisions of Chapter 617 of the Florida Statutes, and certify as follows:

ARTICLE I

Corporate Name

The name of this corporation shall be **HIAWATHA & HART POINT TREATMENT FACILITY, INC.**, with its principal place of business located at 116 Hiawatha Court, East Palatka, Florida 32131.

ARTICLE II

Purpose

The purpose of this corporation is to provide an entity to assume control of water and wastewater treatment facilities, currently owned and operated by Hiawatha Management, Inc., and to operate, manage, and maintain said facilities for the sole use and benefit of the members of this corporation.

ARTICLE III

Membership

The membership of this corporation shall constitute all persons hereinafter named as incorporators and such other persons as from time to time hereinafter may become members in the manner provided in the By-Laws.

FILED
95 MAY 24 PM 3:00
SECRETARY OF STATE
ALLAHASSEE, FLORIDA

ARTICLE IV

Directors

1. The affairs of this Corporation shall be managed by a Board of Directors consisting of five (5) members. Three (3) members shall be appointed by Hiawatha Management, Inc., One (1) member by Lemon Street Restaurant Inc., and One (1) member by Hart Point Properties, Inc.

2. The names and address of the members of the first Board Directors who shall hold office until their are designated are as follows:

Ben Bates	3400 Crill Avenue Palatka, Florida 32177
Wadeine Becker	113 Hiawatha Court East Palatka, Florida 32177
Larry Hayes	223 Hiawatha Court East Palatka, Florida 32177
U.D. Floyd	312 St. Johns Avenue Palatka, Florida 32177
Philip S. Beese, IV	Box 516 Hastings, Florida 32145

3. The responsibility of the Board shall be to operate, manage and maintain the water and wastewater treatment facilities for the purpose of providing services to the Hiawatha Condominium, the Best Western of Palatka motel owed by Hart Point Properties, Inc., and Lemon Street restaurant owed by Lemon Street Restaurant, Inc.

ARTICLE V

Initial Registered Office and Agent

The street address of the corporation's initial registered office is 116 Hiawatha Court, East Palatka, Florida 32131, and the name of its initial registered agent at that address is Barbara Benninger.

ARTICLE VI

Officers

The affairs of the corporation shall be administered by the Officers designated in the By-Laws. The Officers shall be elected by the Board of Directors at its first meeting following the annual meeting of the members and shall serve at the pleasure of the Board of Directors. The names and addresses of the Officers who shall serve until their successors are designated by the Board of Directors are as follows:

President: Ben Bates, 3400 Crill Avenue, Palatka, Florida 32177

Vice President: Larry Hayes, 223 Hiawatha Court, East Palatka, Florida 32131

Secretary/Treasurer: Wadeine Becker, 113 Hiawatha Court, East Palatka, Florida 32131

ARTICLE VII

Expenses

Each member shall be responsible for its share of the cost of operation, maintenance and repair, replacement, and any other direct expense incurred in the operation of the facilities in proportion to its respective usages, which obligation shall be enforceable by any legal remedies provided by law.

ARTICLE VIII

By-Laws

The Board of Directors of this corporation may provide such By-Laws for the conduct of its business in the carrying out of its purposes as they deem necessary from time to time. Upon proper notice the By-Laws may be amended, altered, or rescinded by a majority vote of the Board of Directors at any regular meeting or at any special meeting called for that purpose.

ARTICLE IX

Amendments to Articles of Incorporation

Amendments to the Articles of Incorporation shall be made by the Board of Directors by a majority vote.

ARTICLE X

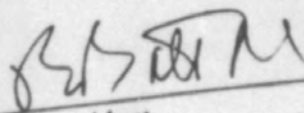
Incorporators

The names and addresses of the Incorporators of this corporation are as follows:

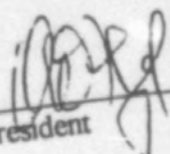
<u>Name</u>	<u>Address</u>
Hiawatha Management, Inc.	116 Hiawatha Court East Palatka, Florida 32131
Lemon Street Restaurant, Inc.	125 Hwy 17 South East Palatka, Florida 32131
Hart Point Properties, Inc.	Route 1, Box 305 East Palatka, Florida 32131

WE, the undersigned, being the subscribers and incorporators of this corporation, for the purpose of forming this nonprofit corporation under the laws of the State of Florida, have executed these Articles of Incorporation this 23rd day of May, 1996.

HIAWATHA MANAGEMENT, INC.

By: 
Its President

LEMON STREET RESTAURANT, INC.

By: 
Its President

HART POINT PROPERTIES, INC.

By: [Signature]
Its President

STATE OF FLORIDA
COUNTY OF PUTNAM

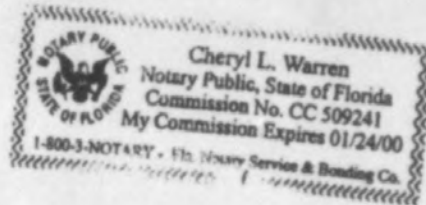
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgments, personally appeared **BEN BATES**, to me known to be the person described as **President of HIAWATHA MANAGEMENT, INC.** a Florida corporation not for profit, in and who executed the foregoing instrument, and acknowledged before me that he executed the foregoing instrument in the name of and on behalf of that corporation, affixing the corporate seal of that corporation thereto; that as such officer that person is duly authorized by that corporation to do so; and that the foregoing instrument is the act and deed of that corporation.

WITNESS my hand and official seal in the county and state last aforesaid this 23rd day of May, 1996.

[Signature]
(signature)

Notary Public, Commission No. _____
(SEAL)

Print/Type name of Notary Public



STATE OF FLORIDA
COUNTY OF PUTNAM

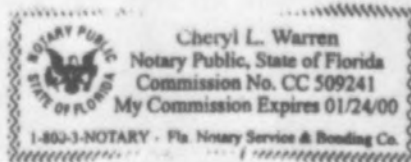
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgments, personally appeared **U.D. FLOYD**, to me known to be the person described as **President of LEMON STREET RESTAURANT, INC.** a Florida corporation, in and who executed the foregoing instrument, and acknowledged before me that he executed the foregoing instrument in the name of and on behalf of that corporation, affixing the corporate seal of that corporation thereto; that as such officer that person is duly authorized by that corporation to do so; and that the foregoing instrument is the act and deed of that corporation.

WITNESS my hand and official seal in the county and state last aforesaid this 23rd day of May, 1996.

[Signature]
(signature)

Notary Public, Commission No. _____
(SEAL)

Print/Type name of Notary Public



**STATE OF FLORIDA
COUNTY OF PUTNAM**

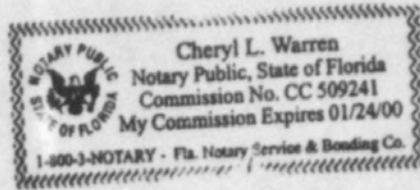
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgments, personally appeared **U.D. FLOYD**, to me known to be the person described as **President of HART POINT PROPERTIES, INC.** a Florida corporation, in and who executed the foregoing instrument, and acknowledged before me that he executed the foregoing instrument in the name of and on behalf of that corporation, affixing the corporate seal of that corporation thereto; that as such officer that person is duly authorized by that corporation to do so; and that the foregoing instrument is the act and deed of that corporation.

WITNESS my hand and official seal in the county and state last aforesaid this 23rd day of May, 1996.

Cheryl L. Warren
(signature)

Notary Public, Commission No. _____
(SEAL)

Print/Type name of Notary Public



**CERTIFICATE DESIGNATING AGENT UPON WHOM PROCESS MAY BE SERVED
AND THE PLACE OF BUSINESS OR DOMICILE FOR THE SERVICE
OF PROCESS WITHIN THE STATE OF FLORIDA**

In pursuance of Section 48.091 and Section 607.034(3), Florida Statutes, the following is submitted in compliance with said sections:

HIAWATHA & HART POINT TREATMENT FACILITY, INC., desiring to organize under the laws of the State of Florida with its principal office as indicated in the Certificate of Incorporation, at East Palatka, County of Putnam and State of Florida, has named **BARBARA BENNINGER** as its registered agent to accept service of process within this state, who is located at 116 Hiawatha Court, East Palatka, Florida 32131.

Having been named as the registered agent for the above corporation for the purpose of accepting service of process at the registered office designated in this certificate, I hereby accept such appointment and agree to act in such capacity. I agree to comply with the provisions of said sections relative to keeping open the registered office.

Barbara Benninger
Barbara Benninger, Registered Agent

FILED
96 MAY 24 PM 3:00
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

LEASE AGREEMENT

Section 1. Parties. This Lease is made between HIAWATHA MANAGEMENT, INC., 116 Hiawatha Court, City of East Palatka, State of Florida, as lessor, and HIAWATHA & HART POINT TREATMENT FACILITY, INC., 116 Hiawatha Court, City of East Palatka, State of Florida, as lessee.

Section 2. Description of Leased Premises. Lessor, by this agreement, leases to lessee and lessee, by this agreement, hires from lessor, the facility commonly known as the Hiawatha Condominiums Water and Wastewater Treatment Facility located in the real property described in Schedule "A" attached hereto, and located at 116 Hiawatha Court, East Palatka, Florida.

Section 3. Term. The facility is leased for a term of twenty-five (25) years to commence July 1, 1996, and to end at midnight on June 30, 2021, or on such earlier time and date as this lease may terminate as provided below.

Section 4. Rent. The lessee is leasing facility for the sole purpose of operating said facility to provide services to the members and, therefore, no rents shall be due from the lessee to the lessor.

Section 5. Use and Occupancy. Lessee shall use and occupy the premises solely for the benefit of operating the facility for the benefit of the members and for no other purpose.

Section 6. Care and Repair of Facility. Lessee shall be responsible for and maintaining and repairing the facility in accordance with all applicable laws and regulations of the state and county.

Section 7. Alterations, Additions or Improvements. Lessee shall not make any alterations, additions or improvements to the facility, except in accordance with the regulations and laws of the State of Florida and Putnam County.

Section 8. Assignment or Sublease. Lessee shall not, without first obtaining the written consent of the lessor, assign, mortgage, pledge, or encumber this lease, in whole or in part, or sublet the premises or any part of the premises. This covenant shall be binding upon the legal representatives of lessee, and upon every person to whom lessee's interest under this lease passes by operation of law.

Section 9. Charges to Members. The lessee shall charge the members their prorata share based on usage for the cost of operation, maintenance and repair, replacement and any other direct expense incurred in the operation of the facilities, and shall enforce payment by any legal remedies provided by law.

Section 10. Insurance. The lessee shall provide adequate liability and hazard insurance to cover the facility and its operation.

Section 11. Termination. This lease shall terminate on the earlier of the following:

- a. Twenty-five (25) years from the effective date;
- b. A voluntary agreement between the lessor and lessee;
- c. If a public water and/or wastewater treatment facility becomes available to the members and a majority of the current members elect to utilize said public facility.

Section 12. Renewal of Lease. Unless this lease is terminated in accordance with Section 11 above, this lease shall automatically renew for an additional twenty-five (25) years.

Section 13. Binding on Successors and Assigns. This provisions of this lease shall apply to, bind and inure to the benefit of the lessor and lessee and their respective successors, legal representatives, and assigns.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this ____ day of June, 1996.

(corporate seal)

HIAWATHA MANAGEMENT, INC.

By: Wladimir Becker
Its Vice President
Date Signed: 6/12/96

(corporate seal)

HIAWATHA & HART POINT
TREATMENT FACILITY, INC.

By: [Signature]
Its President
Date Signed: 6/12/96

Section 11. Termination. This lease shall terminate on the earlier of the following:

- a. Twenty-five (25) years from the effective date;
- b. A voluntary agreement between the lessor and lessee;
- c. If a public water and/or wastewater treatment facility becomes available to the members and a majority of the current members elect to utilize said public facility.

Section 12. Renewal of Lease. Unless this lease is terminated in accordance with Section 11 above, this lease shall automatically renew for an additional twenty-five (25) years.

Section 13. Binding on Successors and Assigns. This provisions of this lease shall apply to, bind and inure to the benefit of the lessor and lessee and their respective successors, legal representatives, and assigns.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 12th day of June, 1996.

(corporate seal)

HIAWATHA MANAGEMENT, INC.

By: [Signature]
Its Vice President

Date Signed: 6/11/96

(corporate seal)

HIAWATHA & HART POINT
TREATMENT FACILITY, INC.

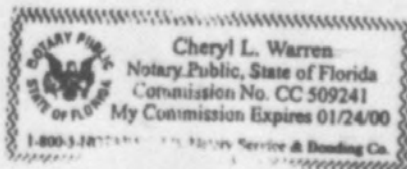
By: [Signature]
Its President

Date Signed: 6/12/96

STATE OF FLORIDA
COUNTY OF PUTNAM

Sworn to and subscribed before me this 12th day of June, 1996

[Signature]
Notary Public, Putnam County, Florida
My Commission Expires



SCHEDULE "A"

Commencing at a concrete monument at the Northwesterly corner of lands described in O.R. Book 298, page 1678 of the public records of Putnam County, Florida and run thence $S1^{\circ}34'15''E$, along call #6 of said lands, a distance of 30.24 feet to the point of beginning of this description. From point of beginning (1) continue $S1^{\circ}34'15''E$, along call #6 of said lands, a distance of 106.0 feet. Return to the point of beginning and (2) run thence $S81^{\circ}15'30''W$, parallel with line #10 of lands described in Deed Book 237, page 578 of said public records, a distance of 16.80 feet to the P.C. of a curve, concave to the Southeast, having a radius of 19.25 feet and a central angle of $90^{\circ}00'$. (3) Thence along said curve, an arc distance of 30.24 feet to the P.T. of said curve. (4) Thence run $S8^{\circ}44'30''E$, on a Southerly projection of the tangent of said curve, a distance of 78.64 feet to the P.C. of a curve, concave to the Northeast, having a radius of 5.0 feet and a central angle of $82^{\circ}49'45''$. (5) Thence along said curve, an arc distance of 7.23 feet to the P.T. of said curve. (6) Thence run $N88^{\circ}25'45''E$, on an Easterly projection of the tangent of said curve, a distance of 18.59 feet to the Southerly end of call (1) and to close.



FILED AND RECORDED
DATE 08/13/96 TIME 15:53

ED BROOKS
CO:PUTNAM

CLERK
ST:FL