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DIVISION OF WATER &  
WASTEWATER  
CHARLES HILL  
DIRECTOR  
(904) 488-8482

# Public Service Commission

February 8, 1995

Mr. Jack Shinaver  
Indigo Isles M.H.P. Owners Assoc., Inc.  
9181 Griggs Road #73  
Englewood, Florida 34224

RE: Docket No. 941044-WS: Resolution of the Board of County Commissioners of Charlotte County Declaring Charlotte County Subject to the Provisions of Chapter 367, Florida Statutes - Request for Exemption for Provision of Wastewater Service by INDIGO ISLES MOBILE HOME PARK OWNERS ASSOCIATION, INC.

Dear Mr. Shinaver:

Staff has reviewed the additional documents which you have submitted in response to our letter dated December 14, 1994. The purpose of this letter is to inform you of the additional information which is still needed to complete the above-referenced application, Docket No. 941044-WS. It is imperative that the following deficiencies be corrected as soon as possible in order to avoid any further delay in the processing of your application.

- ACK \_\_\_\_\_ 1. Proof of Ownership - The warranty deed which you submitted refers to an Exhibit A which was not included with the documents that you filed. Therefore, please submit Exhibit A of the warranty deed which describes the land.
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_ 2. Articles of Incorporation and Bylaws - As required by Rule 25-30.060(3)(g), Florida Administrative Code (F.A.C.), your articles of incorporation as filed with the Secretary of State and your bylaws must clearly show the requirements for membership, that the members' voting rights are one vote per unit of ownership, and the circumstances under which control of the corporation passes to the non-developer members. Control of the corporation must pass: (1) at 51 percent ownership, by the non-developer members or, (2) at some greater percentage delimited by a time period not to exceed 5 years from the date of incorporation.
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- LIN \_\_\_\_\_
- OPO \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1 \_\_\_\_\_
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

The portion of the By-laws which you highlighted refers to majority vote not to who controls the association, the non-developer members or the developer.

DOCUMENT NUMBER - DATE

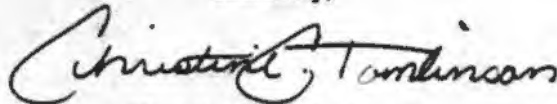
01649 FEB 13 95

FPSC-RECORDS/REPORTING

If the Association is currently 100% membership owned, please provide a statement indicating that the non-developer members have total control of the Association. If the developer currently has control of the Association, then the By-laws must be amended to reflect the circumstances under which control of the corporation passes to the non-developer members. Control of the corporation must pass: (1) at 51 percent ownership, by the non-developer members or, (2) at some greater percentage delimited by a time period not to exceed 5 years from the date of incorporation.

Please file an original and two copies of the requested information by March 10, 1995, to Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399. Also please be sure to reference the Docket Number, indicated at the top of this letter, on all future correspondence in order to ensure proper and timely processing. If you have any questions, please do not hesitate to contact me at (904) 488-8482.

Sincerely,



Christine C. Tomlinson  
Regulatory Analyst

cct\wp\indigo2.ltr

cc: Division of Legal Services (Vaccaro)  
~~Division of Records and Reporting~~