

Commissioners:

SUSAN F. CLARK, CHAIRMAN  
J. TERRY DEASON  
JULIA L. JOHNSON  
DIANE K. KIESLING  
JOE GARCIA



DIVISION OF LEGAL SERVICES  
NOREEN S. DAVIS  
DIRECTOR  
(904) 413-6199

# Public Service Commission

October 26, 1995

Ms. Mary Wahl  
River Forest Village, Inc.  
4300 Riverside Drive  
Punta Gorda, Florida 33982

Re: Docket No. 941044-WS - Request For Exemption From Florida Service Commission Regulation For Provision of Water and Wastewater Service in Charlotte County by River Forest Village, Inc.

Dear Ms. Wahl:

As discussed in our telephone conversation of October 24, 1995, we have reviewed River Forest Village, Inc.'s application again and still find it deficient. Rule 25-30.060(3)(g), Florida Administrative Code, states, in part:

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- ADD \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- FIG \_\_\_\_\_
- FTD \_\_\_\_\_
- GLA \_\_\_\_\_
- WAC \_\_\_\_\_
- OTH \_\_\_\_\_

For an exemption pursuant to Section 367.022(7), Florida Statutes, [the applicant must provide] a statement from the corporation, association, or cooperative that it is nonprofit; that it provides service solely to members who own and control it; . . . specifying who will do the billing for such service; and specifying the service area. The applicant must submit its articles of incorporation as filed with the Secretary of State and its bylaws, which documents 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 . . . 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. (Emphasis Added)

To date, we have received copies of the bylaws, warranty deed, a lease and the corporate resolution. We have not, however, received a copy of the Articles of Incorporation. According to the

DOCUMENT NUMBER-DATE  
10639 OCT 30 95  
FPSC-RECORDS/REPORTING

ARTICLES OF INCORPORATION

OF

LEMON BAY VIEW EAST CONDOMINIUM ASSOCIATION, INC.

(A NONPROFIT FLORIDA CORPORATION)

ARTICLE I

The name of this corporation is LEMON BAY VIEW EAST CONDOMINIUM ASSOCIATION, INC.

ARTICLE II

The purpose for which this corporation is organized is to act as the governing association of BAY VIEW EAST, A CONDOMINIUM, located at 53 Bay Heights, Englewood, Florida 34223.

ARTICLE III

The qualifications of members and the manner of their admission shall be as follows: Any person or persons who hold title in fee simple to a condominium unit in the Condominium shall by virtue of such ownership be a member of this corporation.

ARTICLE IV

This corporation shall exist perpetually.

ARTICLE V

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

<u>Names</u>	<u>Addresses</u>
Miko P. Gunderson	1861 Placida Road, Suite 104 Englewood, Florida 34223

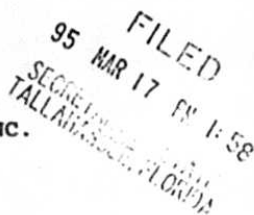
ARTICLE VI

The affairs of the corporation are to be managed initially by a Board of five (5) Directors who will be elected each year at the annual meeting of the Condominium Association as provided for in the By-Laws. At such time as the Developer has relinquished control of the Association as provided by the Condominium Act, the Board may be composed of any odd number of Directors not exceeding seven (7).

ARTICLE VII

The names of the officers who are to serve until the first election or appointment under the Articles of Incorporation are:

<u>Names</u>	<u>Addresses</u>
John F. Werner, Jr. President	53 Bay Heights Road #307 Englewood, Florida 34223
Tony Marfizo Vice President	3319 Stanfield Drive Parma, Ohio 44134
Roy Russell Treasurer	53 Bay Heights Road #205 Englewood, Florida 34223
Delores Castoro Secretary	53 Bay Heights Road #406 Englewood, Florida 34223



ARTICLE VIII

The number of persons constituting the first Board of Directors shall be five (5) and their names and addresses are as follows:

<u>Names</u>	<u>Addresses</u>
John F. Werner, Jr.	53 Bay Heights Road #307 Englewood, Florida 34223
Tony Marfizo	3319 Stanfield Drive Parma, Ohio 44134
Roy Russell	53 Bay Heights Road #205 Englewood, Florida 34223
Delores Castoro	53 Bay Heights Road #406 Englewood, Florida 34223
Jerry Boehnlein	10061 Brookside Circle N. Royalton, Ohio 44133

ARTICLE IX

The By-Laws of the corporation are to be made, altered or rescinded by a majority vote of the members and Directors of the corporation.

ARTICLE X

Amendments to these Articles of Incorporation may be proposed and adopted as follows:

An Amendment may be proposed by either the Board of Directors or by any owner and may be considered at any meeting of the owners, regular or special, or which due notice has been given according to the By-Laws, which includes a notice of the substance of the proposed amendment.

The Amendment must be approved by a vote of a majority of the members of the corporation.

ARTICLE XI

Each unit in the condominium shall have one (1) full vote, which vote shall be cast by a designated owner as provided for in the Declaration of Condominium.

ARTICLE XII

This corporation reserves the right to amend or repeal any provisions contained in these Articles of Incorporation.

ARTICLE XIII

This corporation shall have all the powers permitted by law together with such additional specific powers as are contained in the Declaration and By-Laws.

ARTICLE XIV

No part of the net earnings of this corporation shall inure to the benefit of any member or individual, except through the acquisition, construction, management, maintenance, or care of association property or through the rebate of the excess membership dues, fees, or assessments.

IN WITNESS WHEREOF, the undersigned have hereunto subscribed their names and affixed their seals this 15<sup>th</sup> day of March, 1995.

Witnesses:

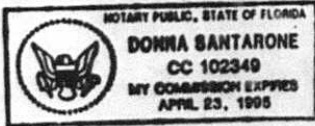
Donna Santarone  
Viki Lee Des

Miko P. Gunderson  
Miko P. Gunderson

STATE OF FLORIDA  
COUNTY OF CHARLOTTE

Before me, the undersigned, a Notary Public authorized to take acknowledgements in the State and County aforesaid, personally appeared MIKO P. GUNDERSON, known to me and known to be the person who executed the foregoing Articles of Incorporation, and he acknowledged before me that he executed those Articles of Incorporation.

WITNESS my hand and seal this 15<sup>th</sup> day of March, 1995.



Donna Santarone  
Notary Public - State of Florida  
(AFFIX SEAL)

My Commission Expires:

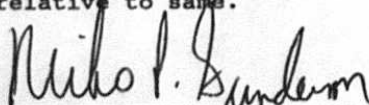
CERTIFICATE DESIGNATING A REGISTERED AGENT AND REGISTERED OFFICE  
FOR THE SERVICE OF PROCESS

In compliance with Section 48.091, Florida Statutes, the following is submitted:

LEMON BAY VIEW EAST CONDOMINIUM ASSOCIATION, INC. desiring to organize under the laws of the State of Florida with its principal office, as indicated in the Articles of Incorporation at Englewood, County of Charlotte, State of Florida, has designated MIKO P. GUNDERSON, whose street address is 1861 Placida Road, Suite 104, Englewood, County of Charlotte, State of Florida, as its agent to accept service of process within this state.

ACCEPTANCE

Having been designated as agent to accept service of process for the above-named corporation, at the place stated in this certificate, I hereby agree to act in this capacity and to comply with the provision of said law relative to same.



Miko P. Gunderson

50655A10

FILED  
95 MAR 17 PM 1:59  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA