

State of Florida



# Public Service Commission

## -M-E-M-O-R-A-N-D-U-M-

---

**DATE:** March 29, 2001  
**TO:** Division of Records and Reporting  
**FROM:** Patricia Brady, Division of Regulatory Oversight *pb BSM P20*  
**RE:** Docket No. 990256-WU - Application for transfer of facilities of Gem Estates Utilities, Inc. in Pasco County to Gem Estates Mobile Home Village Association, Inc., and cancellation of Certificate No. 563-W.

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Please add to the docket file the attached letter dated March 26, 2001, from Mr. Lester Ott, President of Gem Estates Mobile Home Village Association, Inc., GEMHVA. The letter transmits the affidavits of notice to customers and of publication. The letter also transmits a copy of the agreement signed by each member of GEMHVA along with GEMHVA's amended By-Laws and Restrictions.

cc: (With copy of attachment)  
Division of Legal Services (Crosby)  
Division of Records and Reporting (Security File)

DOCUMENT NUMBER-DATE

03923 MAR 29 01

FPSC-RECORDS/REPORTING

March 26, 2001

State of Florida  
Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Fl. 32399-0850

Attn: Pat Brady

Dear Pat,

Inclosed are the papers which you requested.  
If I have forgotten any, please let me know.

Our Association meeting went well. We passed  
new By-Laws and reviewed our Deeds of Easements,  
Restrictions and Reservations. A copy of our  
new Restrictions are attached to the By-Laws  
which have been registered and are inclosed.

Our Election of Officers was also held at the  
meeting and I was elected for another term.  
So, if you need any additional information, please  
feel free to call me.

Again, many thanks to you Pat, Alice and the  
rest of your staff. You all have been a lot  
of help to me and the members of our Association.

Sincerely,



Lester Ott/Pres.  
Gem Estates MHVA Inc.

la/jo

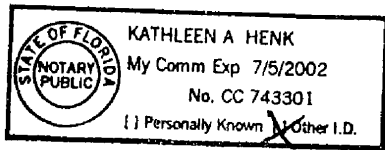
**RECEIVED**  
MAR 28 2001  
Florida Public Service Commission  
Division of Regulatory Oversight

AFFIDAVIT

I Lester Ott do solemnly swear or affirm that the attached notice was given by mail to the attached list of local governments and utilities on March 8, 2001.

By: *Lester Ott*  
Lester Ott  
President, Gem Estates Mobile  
Home Village Association, Inc.

Subscribed and sworn to before me this 19<sup>th</sup>  
of March 2001.



By: *Kathleen A. Henk*  
Notary Public *Kathleen A. Henk*

APPLICATION FOR TRANSFER OF FACILITIES

(Section 367.071, Florida Statutes)

**LEGAL NOTICE**

Notice is hereby given on MARCH 8, 2001, pursuant to Section 367.071, Florida Statutes, of the application for transfer of water facilities from Gem Estates Utilities, Inc. to Gem Estates Mobile Home Village Association, Inc., and cancellation of Certificate No. 563-W which provides service to the following described territory in Pasco County, Florida.

Township 26 South, Range 21 East, Section 12. The East 1/2 of the Northeast 1/4 of the Northwest 1/4 and that portion of the Northwest 1/4 of the Northeast 1/4 lying West of and adjacent to the Westerly right of way line of the Seaboard Coast Line Railroad, and LESS right of way of North Avenue.

Any objection to the said application must be made in writing and filed with the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within thirty (30) days from the date of this notice. At the same time, a copy of said objection should be mailed to the applicant whose address is set forth below. The objection must state the grounds for the objection with particularity.

Mr. Lester Ott, President  
Gem Estates Mobile Home Village Association, Inc.  
39514 Sycamore Lane  
Zephyrhills, FL 33540

LIST OF WATER AND WASTEWATER UTILITIES IN PASCO COUNTY

(VALID FOR 60 DAYS)  
02/20/2001-04/20/2001

UTILITY NAME

MANAGER

PASCO COUNTY

ALLEN LAFORTUNE AND OTIS FONDER (WU556)  
36645 SUNSHINE ROAD  
ZEPHYRHILLS, FL 33541-1182

ALLEN LAFORTUNE  
(813) 782-6929

ALOHA UTILITIES, INC. (WS001)  
6915 PERRINE RANCH ROAD  
NEW PORT RICHEY, FL 34655-3904

STEPHEN G. WATFORD  
(727) 372-0115

ARBOR OAKS I, LLC & ARBOR OAKS II, LLC BOTH DELAWARE LIMIT (WS801)  
THE KURTELL BUILDING  
1717 20TH STREET, SUITE 105  
VERO BEACH, FL 32960-0619

KURT WALLACH  
(561) 567-8500

BARTELT ENTERPRISES, INC. (WS522)  
P. O. BOX 609  
TARPON SPRINGS, FL 34688-0609

RUTH BARTELT  
(727) 937-6133

C. S. WATER COMPANY, INC. (WU030)  
P. O. BOX 3000  
CRYSTAL SPRINGS, FL 33524-3000

CLYDE A. BISTON  
(813) 783-2984 (OFFICE)

CRESTRIDGE UTILITY CORPORATION (WU049)  
4804 MILE STRETCH DRIVE  
HOLIDAY, FL 34690-4358

EILEEN M. FALLA  
(727) 937-6275

DIXIE GROVES ESTATES, INC. (WU056)  
% MATTHEW A. POTTER, CPA  
5940 MAIN STREET  
NEW PORT RICHEY, FL 34652-2716

JUDSON F. POTTER  
(727) 845-1530

EAST PASCO UTILITIES, INC. (WS017)  
P. O. BOX 370  
PORT RICHEY, FL 34673-0370

JOE L. TURCO  
(727) 845-3199

FLORALINO PROPERTIES, INC. (WU075)  
P. O. BOX 5017  
LARGO, FL 33779-5017

TONY TUBOLINO  
(727) 843-0064

FLORIDA WATER SERVICES CORPORATION (WS554)  
P. O. BOX 609520  
ORLANDO, FL 32860-9520

FREDERICK W. LEONHARDT  
(407) 598-4152

LIST OF WATER AND WASTEWATER UTILITIES IN PASCO COUNTY

(VALID FOR 60 DAYS)  
02/20/2001-04/20/2001

UTILITY NAME

MANAGER

PASCO COUNTY (continued)

MAD HATTER UTILITY, INC. (WS155) 1900 LAND O' LAKES BLVD., SUITE 107 LUTZ, FL 33549-2913	LARRY G. DELUCENAY (813) 949-2167 OR -5977
ORANGELAND WATER SUPPLY (WU179) 2109 OVERVIEW DRIVE NEW PORT RICHEY, FL 34655-4131	FRED J. SNELL (727) 372-8330
ORANGWOOD LAKES SERVICES, INC. (WS180) 7602 CONGRESS STREET, SUITE 4 NEW PORT RICHEY, FL 34653-1107	ALFRED G. HEILER (727) 849-9555
PARADISE LAKES UTILITY, LTD. (WS446) P. O. BOX 750 LAND O'LAKES, FL 34639-0750	JOSEPH T. LETTELLEIR (813) 949-9327 EXT 322
PASCO UTILITIES, INC. (WU190) P. O. BOX 4118 TAMPA, FL 33677-4118	LIONEL LLANES (813) 877-8330
SKY ACRES ENTERPRISES D/B/A TERRACE PARK VENTURES (SU750) 14332 NORTH LANE DRIVE MARATHON, WI 54448-9596	TERRY HOFFER (715) 443-6333
SOUTH PASCO UTILITIES, INC. (WS634) P. O. BOX 16800 TAMPA, FL 33687-6800	GEORGE L. BLACK, JR. (813) 986-2489
UTILITIES, INC. OF FLORIDA (SU640) 200 WEATHERSFIELD AVENUE ALTAMONTE SPRINGS, FL 32714-4099	DONALD RASMUSSEN (407) 869-1919
UTILITIES, INC. OF FLORIDA (WU372) 200 WEATHERSFIELD AVENUE ALTAMONTE SPRINGS, FL 32714-4099	DONALD RASMUSSEN (407) 869-1919
VIRGINIA CITY UTILITIES, INC. (WU718) % MATTHEW A. POTTER, CPA 5940 MAIN STREET NEW PORT RICHEY, FL 34652-2716	JUDSON F. POTTER (727) 845-1530

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LIST OF WATER AND WASTEWATER UTILITIES IN PASCO COUNTY

(VALID FOR 60 DAYS)  
02/20/2001-04/20/2001

UTILITY NAME

MANAGER

PASCO COUNTY (continued)

FOREST HILLS UTILITIES, INC. (WS081)  
1518 U.S. HIGHWAY 19  
HOLIDAY, FL 34691-5649

ROBERT L. DREHER  
(727) 937-7457

GEM ESTATES UTILITIES, INC. (WU691)  
P. O. BOX 2016  
ZEPHYRHILLS, FL 33539-2016

HOLLIS MALBERG  
(813) 788-5463

HACIENDA UTILITIES, LTD. (SUB10)  
7107 GIBRALTAR AVENUE  
NEW PORT RICHEY, FL 34653-4014

PATRICIA HORN  
(727) 847-1409

HOLIDAY GARDENS UTILITIES, INC. (WU109)  
4804 MILE STRETCH DRIVE  
HOLIDAY, FL 34690-4358

EILEEN M. FALLA  
(727) 937-6275

HOLIDAY UTILITY COMPANY, INC. (WU111)  
P. O. BOX 27  
TARPON SPRINGS, FL 34688-0027

MELODY MICKLER  
(727) 937-3750

HUDSON UTILITIES, INC. (SU114)  
14334 OLD DIXIE HIGHWAY  
HUDSON, GA 34667-1134

MATHEW GRIFFIN  
(727) 863-0205

JASMINE LAKES UTILITIES CORPORATION (WS630)  
% AQUASOURCE UTILITY, INC.  
200 CORPORATE DRIVE, SUITE 300  
CORAOPOLIS, PA 15108-3186

RICK S. HERSKOVITZ  
(412) 393-3000

KEMPLE WATER COMPANY (WU132)  
37502 MARCLIFF TERRACE  
ZEPHYRHILLS, FL 33541-8451

RICHARD KEMPLE  
(813) 782-2972

L W V UTILITIES, INC. (WU135)  
7552 CONGRESS STREET, SUITE 4  
NEW PORT RICHEY, FL 34653-1106

JAMES A. COCHRAN  
(727) 849-9389

LINDRICK SERVICE CORPORATION (WS149)  
P. O. BOX 1176  
NEW PORT RICHEY, FL 34656-1176

HELEN L. MCNEIL  
(727) 848-1165



LIST OF WATER AND WASTEWATER UTILITIES IN PASCO COUNTY

(VALID FOR 60 DAYS)  
02/20/2001-04/20/2001

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MANAGER

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(VALID FOR 60 DAYS)  
02/20/2001-04/20/2001

UTILITY NAME

MANAGER

GOVERNMENTAL AGENCIES

CLERK, BOARD OF COUNTY COMMISSIONERS, PASCO COUNTY  
38053 LIVE OAK AVENUE  
DADE CITY, FL 33525

DEP SOUTHWEST DISTRICT  
3804 COCONUT PALM DRIVE  
TAMPA, FL 33618-8318

MAYOR, CITY OF DADE CITY  
P. O. BOX 1355  
DADE CITY, FL 33526-1355

MAYOR, CITY OF NEW PORT RICHEY  
5919 MAIN STREET  
NEW PORT RICHEY, FL 34652

MAYOR, CITY OF PORT RICHEY  
ATTN: CITY CLERK  
8624 PORT RICHEY VILLAGE LOOP  
PORT RICHEY, FL 33568

MAYOR, CITY OF SAN ANTONIO  
32819 PENNSYLVANIA AVENUE  
P. O. BOX 75  
SAN ANTONIO, FL 33576-0075

MAYOR, CITY OF ST. LEO  
P. O. BOX 2479  
ST. LEO, FL 33574-2479

MAYOR, CITY OF ZEPHYRHILLS  
5335 8TH STREET  
ZEPHYRHILLS, FL 33540-5133

LIST OF WATER AND WASTEWATER UTILITIES IN PASCO COUNTY

(VALID FOR 60 DAYS)  
02/20/2001-04/20/2001

UTILITY NAME

MANAGER

MIKE WELLS, PASCO COUNTY PROPERTY APPRAISER  
38053 LIVE OAK AVENUE, SUITE 211  
P. O. BOX 401  
DADE CITY, FL 33526-0401

PASCO COUNTY ADMIN., 7530 LITTLE ROAD  
PUBLIC WORKS UTILITY BUILDING  
NEW PORT RICHEY, FL 34654

S.W. FLORIDA WATER MANAGEMENT DISTRICT  
2379 BROAD STREET  
BROOKSVILLE, FL 34609-6899

TAMPA BAY REGIONAL PLANNING COUNCIL  
9455 KOGER BLVD., SUITE 219  
ST. PETERSBURG, FL 33702-2491

STATE OFFICIALS

STATE OF FLORIDA PUBLIC COUNSEL  
C/O THE HOUSE OF REPRESENTATIVES  
THE CAPITOL  
TALLAHASSEE, FL 32399-1300

DIVISION OF RECORDS AND REPORTING  
FLORIDA PUBLIC SERVICE COMMISSION  
2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL 32399-0850

Affidavit for Proof of Publication  
**THE ZEPHYRHILLS NEWS**

Published Weekly  
Zephyrhills, Pasco County, Florida

STATE OF FLORIDA,  
COUNTY OF PASCO:

Before the undersigned authority personally  
appeared Chris Drews

who on oath says he is Publisher of The Zephyrhills  
News, a newspaper published in Zephyrhills in  
Pasco County, Florida; that the attached copy of  
advertisement, being a \_\_\_\_\_

Legal Notice

in the matter of \_\_\_\_\_  
Application for transfer of facilities

\_\_\_\_\_ in the

Court, was published in said newspaper in the  
issues of \_\_\_\_\_


March 8, 2001

Affiant further says that said Zephyrhills News  
is a newspaper published at Zephyrhills, in said  
Pasco County, Florida, and that the said newspaper  
has heretofore been continuously published in said  
Pasco County, Florida, each week and has been  
entered as second class mail matter at the post  
office in Zephyrhills, in said Pasco County, Florida  
for a period of the attached copy of advertisement;  
and affiant further says that he has neither paid nor  
promised any person, firm or corporation any dis-  
count, rebate commission or refund for the purpose  
of securing this advertisement for publication in the  
said newspaper.



Publisher/or Editor

Sworn to and subscribed before me  
this 20th day of March, 2001



Notary Public.

(Seal)

My commission expires \_\_\_\_\_

LINDA WOOD

Notary Public, State of Florida

My Commission Expires, Nov. 30, 2003

Com. No. CC887199

**LEGAL NOTICE**  
**APPLICATION FOR TRANSFER**  
**OF FACILITIES**

(Section 367.071, Florida Statutes)

Notice is hereby given on March 8,  
2001, pursuant to Section 367.071, Florida  
Statutes, of the application for transfer of  
water facilities from Gem Estates Utilities,  
Inc. to Gem Estates Mobile Home Village  
Association, Inc., and cancellation of  
Certificate No. 563-W which provides service  
to the following described territory in Pasco  
County, Florida.

Township 26 South, Range 21 East,  
Section 12. The east 1/2 of the Northeast  
1/4 of the Northwest 1/4 and that portion of  
the Northwest 1/4 of the Northeast 1/4  
lying west of and adjacent to the Westerly  
right of way line of the Seaboard Coast Line  
Railroad, and LESS right of way of North  
Avenue.

Any objection to the said application  
must be made in writing and filed with the  
Director, Division of Records and Reporting,  
Florida Public Service Commission, 2540  
Shumard Oak Boulevard, Tallahassee,  
Florida 32399-0850, within thirty (30)  
days from the date of this notice. At the  
same time, a copy of said objection should  
be mailed to the applicant whose address is  
set forth below. The objection must state  
grounds for the objection with particularity.

Mr. Lester Ott, President

Gem Estates Mobile Home Village  
Association, Inc.

39514 Sycamore Lane

Zephyrhills, FL 33540

1-813-782-2846

Published: March 8, 2001

**AGREEMENT**

COMES NOW, GEM ESTATES MOBILE HOME OWNERS ASSOCIATION, INC., a Florida Corporation, and \_\_\_\_\_, the Owners of lot number \_\_\_\_ in Gem Estates Mobile Home Village, known as (address) \_\_\_\_\_, and do hereby stipulate and agree as follows:

WHEREAS, the Association desires to purchase certain areas of common ground from the developer/owner (whereby each lot owner will then own a 1/224<sup>th</sup> interest in the common grounds), and to obligate itself for the payment of the purchase price into the future. In order to do so, the Association desires to make known its purchase and to reinforce the lot owners acknowledgment that membership in the Association is mandatory on the signing lot owner and any future owners of the referenced lot and shall be a covenant running with the land; that the Association is authorized to make reasonable assessments for the purchase thereof and to collect same as provided for in the Association's Bylaws as they exist or as are amended.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
WITNESS  
Printed Name: \_\_\_\_\_

\_\_\_\_\_  
OWNER'S SIGNATURE  
Printed Name: \_\_\_\_\_

\_\_\_\_\_  
WITNESS  
Printed Name: \_\_\_\_\_

\_\_\_\_\_  
CO-OWNER'S SIGNATURE  
Printed Name: \_\_\_\_\_

GEM ESTATES MOBILE HOME OWNERS ASSOCIATION, INC.

\_\_\_\_\_  
WITNESS  
Printed Name: \_\_\_\_\_

By: \_\_\_\_\_  
PRESIDENT

ATTEST: \_\_\_\_\_  
SECRETARY

\_\_\_\_\_  
WITNESS  
Printed Name: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF PASCO

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared \_\_\_\_\_, known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he executed the same, that I relied upon \_\_\_\_\_ as identification of the above named person.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

(SEAL)

\_\_\_\_\_  
Notary Public-State of Florida

STATE OF FLORIDA  
COUNTY OF PASCO

I HEREBY CERTIFY that on this day before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared \_\_\_\_\_, President and Secretary of GEM ESTATES MOBILE HOME OWNER'S ASSOCIATION, INC., a corporation under the laws of the State of Florida, to me known to be the person described in and who executed the foregoing instrument, who acknowledged before me that he executed the same, that I relied upon \_\_\_\_\_ as identification of the above named person.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

(SEAL)

\_\_\_\_\_  
Notary Public - State of Florida

8/3



2001035254

Rcpt: 483211 Rec: 60.00  
DS: 0.00 IT: 0.00  
03/21/01 Dpty Clerk

JED PITTMAN PASCO COUNTY CLERK  
03/21/01 10:01am 1 of 13  
OR BK 4562 PG 1482

R

**GEM ESTATES M. H. V. ASSOC., INC.  
39412 ELGIN DRIVE  
ZEPHYRHILLS, FL. 33540**

**GEM ESTATES M. H. V. ASSOC., INC.  
By-Laws and Restrictions amended and  
passed at our annual association meeting  
March 15th. 2001**

**ASSOCIATION PRESIDENT  
LESTER OTT  
39514 SYCAMORE LANE  
ZEPHYRHILLS, FL. 33540  
813-782-2846**

**BY-LAWS**

**GEM ESTATES MOBILE HOME VILLAGE ASSOCIATION INC.  
39412 ELGIN DRIVE  
ZEPHYRHILLS, FLORIDA 33540**

**ARTICLE 1**

**NAME.**

The name of this Association shall be Gem Estates Mobile Home Village Association Inc., a deed restricted community, a not for profit corporation duly organized and incorporated under the laws of the State of Florida.

**ARTICLE 2.**

**PURPOSE.**

The association exists for the purpose(s) as set forth in the articles of incorporation under the laws of the State of Fl., which by reference are made part of the common areas of Gem Estates and for the good of the members of Gem Estates Village.

**ARTICLE 3.**

**MEMBERSHIP.**

Any adult person and their spouse, one being 55 years of age or older owning a lot in Gem Estates Mobile Home Village shall be members of the association.

All members shall be entitled to one vote, per/person, per lot, with a limit of two votes per family, if they are in good standing with all fees and assessments paid.

**ARTICLE 4.**

**OFFICERS.**

The executive officers shall be : President, Vice President, Second Vice President, Secretary and Treasurer. These officers shall serve without compensation and at the pleasure of the association members. The Board of Directors shall consist of the executive officers, the immediate Past President, plus six (6) elected directors, for a total of twelve (12) and shall be elected at the annual meeting.

F.S. 617 imposes an obligation upon the board members and officers to act in the utmost good faith and best interest of all the members of the association.

**ARTICLE 5.**

**TERM OF OFFICERS.**

1. The Executive Officers shall be elected for a one-year term, but may be elected for additional terms.
2. The term of office for other Directors shall be two (2) years, with three (3) Directors to be elected every year. The immediate Past President shall serve a one-year term immediately following the end of his/her term as President.
3. The election shall be held in a two, (2) stage procedure. The first ballot will be for the election of all the officers positions. The 2nd. ballot will be for the election of the board members. Any nominee for an executive office who is not elected to that office will be eligible to be nominated as a candidate for the Board of Directors in the current election.
4. When vacancy's occur, the Board of Directors shall fill that vacancy.

BY-LAWS

ARTICLE 6.

**MEETING.**

**Section 1. Board Meetings.**

The Board of Directors shall meet on the second Monday of each month, however, the monthly meetings may be changed by a majority vote of the Board of Directors. No meetings shall be scheduled for June, July, August or September. Notice of the meetings shall be posted in a conspicuous place on the property in the park at least 48 hours in advance, except in an emergency. Meetings of the Board of Directors shall be open to association members. Seven (7) Directors shall constitute a quorum.

**Section 2. GENERAL MEMBERSHIP MEETINGS.**

General meetings shall be called by the Board of Directors as required. Thirty (30) day notice of those meetings shall be posted in a conspicuous place in the park. A minimum of 40% of the association members must be present at a meeting to constitute a quorum. Decisions shall be made by no less than a simple majority vote of the members present. The annual meeting shall be on Thursday following the second Monday in March.

**Section 3.**

All association members must be pre-registered with the Association Secretary to be eligible to vote. A (1) one time registration is all that is required before voting to confirm that the voter is a property owner. The voter will sign in to receive a ballot at the entrance to a meeting for the purpose of voting. A member may vote in person or by Absentee ballot or by Proxy, executed in writing by the member or his/her attorney in fact.

All Absentee ballots and proxies shall be in writing and filed with the secretary of the association before the appointed time of the meeting in order to be effective. The secretary will confirm the legality of the ballots and proxies and turn said over to the Election Chair-person to be executed. Any proxy given shall be effective only for the specific meeting for which originally given and any lawfully adjourned meeting thereof. In no event shall any proxy be valid for a period longer than 90 days after the date of the first meeting for which it was given. Any proxy shall be revocable at any time at the pleasure of the member executing it.

**Section 4.**

Special meetings may be held at the call of the President or by a majority vote of the Board of Directors. Special meetings may be held when fifty (50) or more association members have submitted written signatures to the Board of Directors. The petition must clearly state the reason for the special meeting. Notice of a special meeting shall be given at least seven (7) days prior to the meeting.

**Section 5.**

All meetings shall be conducted by Robert Rules of Order. Minutes of all meetings of the association shall be kept in a business like manner and filed in the office of the association. The minutes shall be available for inspection by association members and by the Board of Directors. The minutes shall be retained for not less than seven (7) years.



**BY-LAWS**

**ARTICLE 7.**

**MANAGING AND OPERATING.**

**Section 1.** Notice of any meeting in which assessments against members are to be considered for any reason shall specifically contain a statement that the assessments will be considered and the nature of such assessments. The share of percentage of and manner of sharing expenses for each member shall be determined.

**Section 2.** The Board of Directors must give a notice of all meetings and copies of the proposed annual budget to the members not less than thirty (30) days prior to the annual meeting at which the budget will be considered.

**Section 3.** The Board of Directors must give notice of a meeting and copies of the proposed annual budget to the members in writing and if the proposed budget is approved by the members at the meeting or by a majority of their number at the meeting, that budget shall be adopted.

**Section 4.**

Under FRS. 617.303 / 689.265 The Board of Directors is authorized, empowered, and directed to take appropriate action for enforcement of the rules, regulations and restrictions in the management of Gem Estates Mobile Home Village Association.

The manner of collecting from the members their share of expenses for maintenance of the Village property shall be assessed on a yearly basis in amounts no less than required to provide funds in advance for payments of all the anticipated current operating expenses and capital improvements. The yearly assessment can be divided quarterly. The member shall prearrange such quarterly payments with the treasure. There shall be an additional charge on all delinquent payments that are 15 days over the due date, excluding holidays. This fee shall be ascertained by the Board of Directors and will be added on the statement.

**ARTICLE 8.**

**MOTIONS.**

Any motion which effects the policies of the association or majority suggestions concerning the betterment or improvement of the Gem Estates Village Association Inc. must be presented in writing to the Board of Directors before being proposed at a general meeting.

**ARTICLE 9.**

**ELECTION OF OFFICERS.**

**Section 1.** The officers shall be nominated by a nominating committee of three (3). The Chairman of this committee shall be appointed by the President, one member to be elected by the Board of Directors from their own members and one member to be elected by a simple majority vote of the association members at a regular business meeting in January. Nominations for any office may be made from the floor. A volunteer sign up sheet shall be posted in the clubhouse for all elected offices and Board members.

**Section 2.** All nominees presented to the nomination committee must have expressed their willingness to serve before their name may be presented to the association member for election. The elected officer shall assume the duties of their office immediately following their installation at the annual meeting.

BY-LAWS

ARTICLES 10.

**DUTIES OF OFFICERS.**

**Section 1.** The President of the association is the chief executive officer and shall preside at all meetings of the association and shall be ex-officio member of all committees. He executes contracts on behalf of the association. He/She is in charge of the general day to day business and serves as the official spokesperson for the Board of Directors. The President has the right to appoint committees to assist the board in the administration of association business; however, appointments may be subject to the approval of the Board of Directors.

**Section 2.** The Vice President shall assume the duties of the President during his absence and fulfill other duties as requested by the President or the Board of Directors.

**Section 3.** The second Vice President shall take charge of the duties described in section (1) and (2) if both the President and Vice President are absent.

**Section 4.**

The Secretary is the custodian of the official records and tapes. The Fl. S. and Administrative Code require the minutes to be part of the official records. Tapes and video recordings must be maintained at least until the minutes of the meeting are approved. If you do not erase tapes after the minutes are approved, then they become part of the official records and must be maintained for (7) years. The Secretary shall receive and record necessary correspondence, record the minutes of all meetings of the board and of the membership, such minutes to be read at the next official meeting. These minutes are to be kept in a business like manner and are to be made available for inspection by members at reasonable times. The Association is required to retain these records for a period of not less than (7) years.

The Secretary shall record in a book kept for that purpose, the names and addresses of all members of the association. This information shall be acquired with the assistance of the block captains chairman.

**Section 5.** The treasurer is vested with the power to receive all money collected in the name of the association, deposit money in the bank account of the association and pay out as necessary all accounts approved by the Board of Directors. Correct and accurate accounting of all money received, deposited and spent shall be recorded. The cost of capital assets shall be included in the financial report. A monthly financial report shall be read at the Board of Directors meetings. At the annual meeting a full audit report for the year will be read.

The treasurer will have the authority, with the approval of the board of directors, to job out some or all of these duties to an independent agent. Said agent would be under the direction of the treasurer and the President of the Association.

**Section 6.** An annual inventory of the physical assets shall be conducted by the Board of Directors and reported at the annual meeting.

**Section 7.** When it is necessary for bills to be paid before the next meeting of the Board of Directors, the Treasurer is authorized to pay same, keeping an accurate record and including the transactions in the report to the Board of Directors. The Treasure is authorized to keep a petty cash balance which is prudent and appropriate for normal activities of the various committees of the association, and may advance such cash as necessary for committee expenditures for approved special events. Members of the Board of Directors shall be reimbursed for expenses incurred when conducting business for the association

BY-LAWS

Section 8. No committee shall spend more than \$200.00 without prior approval of the Board of Directors. The Board of Directors shall not spend more than \$1000.00 for social events, nor more than \$500.00 for any items of furniture, appliances, instruments, equipment or furnishings without authorization by a simple majority vote of the association members at a duly constituted meeting.

Section 9. At the discretion of the Board of Directors, the President, Vice President and Treasurer, shall obtain fidelity bonds up to \$25,000.00. The association shall bear the cost of such bonding. All money in excess of \$100.00 raised through fund raisers for the benefit of the association shall be immediately turned over to the Treasurer.

Section 10. The Board of Directors shall appoint auditors who will examine the books and accounts of the Treasurer before the annual March meeting and must present the audit report at that meeting.

Section 11. The President, Secretary and Treasurer shall keep an orderly file of all documents and correspondence that pertains to the operation and well being of the association, together with accurate minutes of all meetings and director attendance shall be noted in each set of minutes. At the termination of their office they shall pass on said files to their successor. A master file shall be kept at the club house for a minimum of seven (7) years.

Article 11.

Section 1. UN-excused absences from three or more consecutive Board of Directors meeting shall be caused for removal from office.

Section 2. Any member of the Board of Directors may be recalled and removed from office with cause by the vote or agreement in writing by a majority of association members. A special meeting of the association members may be called to recall a member or members of the Board of Directors as directed in article six (6) section three (3).

Section 3. The association shall maintain accounting records in the county where the real property is located according to standard acceptable accounting practices. The records shall be open for inspection by association members or their representatives at reasonable times and places. Written summaries of such records shall be supplied at least annually to such members or their authorized representatives.

ARTICLE 12.

**PARKING AND STORAGE OF RECREATIONAL VEHICLES AND RECREATIONAL EQUIPMENT.** All recreational vehicles and equipment in Gem Estates Mobile Home Village shall conform to all Pasco County ordinances currently in effect.

ARTICLE 13.

**EASEMENTS, RESTRICTIONS AND RESERVATIONS.**

All members of the Gem Estates Mobile Village Association Inc. shall abide by the Deed of Easements, restrictions and reservations currently in effect and as amended from time to time. Any action to enforce the provisions or rules of the association shall subject the non-prevailing party to pay the reasonable attorney fee and costs of the prevailing party.

ARTICLE 14.

**GENERAL PARK RULES.**

Section 1. No smoking or alcoholic beverages will be permitted in the club house at any time.

Section 2.

No more than (2) animals , including cats, per household, must be kept within the confines of the owner's property or on a leash and owners **MUST CLEAN UP ALL THEIR ANIMALS WASTE.**

Section 3. All laundry hung out to dry must be hung on a properly constructed clothes line behind the dwelling.

Section 4. No commercial work shall be done on Sunday (except in case of an emergencies).

Section 5. Children must be accompanied by at least one adult when in the clubhouse or at the shuffleboard court . Property owners shall be responsible for the behavior of their guests and liable for any damages.

Section 6. Yard Sales

All independent and/or group yard sales must have approval of the Board of Directors.

Section 7. TRAFFIC

All traffic in Gem Estates, including residents shall abide by local and park traffic regulations. All violators shall answer to the local law enforcement.

Section 8. Water.

All property owners shall abide by The Pasco County water program. Any one not doing so will be in violation of the law and will have to answer to the Pasco County authorities. Property owners shall follow any guide lines for water use that Gem Estates Village Association requires. Persons violating regulations will be subject to penalties set by the Board of Directors.

ARTICLES 15.

**AMENDMENT OF BY-LAWS.**

Section 1. A committee of (5) five members or less shall be appointed by the President to review all by-laws and amendments to the by-laws. Said committee shall make recommendations to the Board of Directors and the general assembly. These By-laws may be amended or revised at a general meeting of the members of the association by a simple majority of the qualified members present, voting and in good standing with all dues and fees paid, providing the propose amendments or revision is submitted in writing at a regular Board meeting prior to the voting.

Section 2. The complete By-laws shall be reviewed at least every three years and a report shall be given to the association members.

Section 3. No By-laws shall be amended by reference to its title or number only.

Section 4. No amendment may change the proportion or percentage by which members shall share in the expenses as initially established unless all members effected by such change approve the amendment.

BY-LAWS

ARTICLE 16

**Section 1. Deed Restrictions.**

Any home owner and/or person violating the Deed Restrictions or not paying Association fees and the matter cannot be resolved after receiving notice, shall be liable for all attorney fees plus court cost. All back fees must be paid.

Adopted by proper action of the Association this 21<sup>st</sup> day of March, 2001

Lester Ott  
PRESIDENT

Alice Hulett  
SECRETARY

STATE OF FLORIDA  
COUNTY OF PASCO

SWORN TO AND SUBSCRIBED before me this 21st day of March 2001 by LESTER OTT AND ALICE HULETT, who produced Driver's License as identification.

Charlotte Harris



Charlotte Harris  
MY COMMISSION # CC852012 EXPIRES  
July 23, 2003  
BONDED THRU TROY FAIN INSURANCE, INC.

**GEM ESTATES MOBILE HOME VILLAGE ASSOC., INC.**

**“ A 55 ADULT OR OLDER COMMUNITY “**

**The intention of these restrictions is to create a congenial environment in GEM ESTATES which is to the mutual benefit of all the residents.**

**Deed of Easements, Restrictions and Reservations for Gem Estates Mobile Home Village are recorded in O. R. Book 924, Page 1824,-----Pasco County Court House, Dade City, Fl.**

**RESTRICTIONS**

**1. All parcels are restricted to residential use by a single family and their occasional guests. Only one (1) mobile home for single family use shall be placed on any parcel. Such mobile home shall be a minimum of twelve (12) feet wide with a minimum of fifty-four (54) feet in length, however, no restrictions of length on more than fourteen (14) feet wide, and no more than three (3) model years old at the time of location on such parcel. No detached building or structure shall be located on any parcel prior to the placing of a permitted mobile home upon such parcel. No travel trailers or motor homes shall be kept on the subject's property.**

**2. All septic tanks and drain fields shall be approved by County and Florida State Health Department, or their successors, provided that in the event septic tanks be no longer permitted, that owners reserve the right to provide central sewerage facility, in which event all then existing sewerage outflow from each parcel shall be connected to such central service and paid for at rates then prevailing.**

**3. No noxious, offensive, noisy, illegal trading, calling or transaction shall be done, suffered or permitted, nor any horse, cow, hog, goat, barnyard animals or similar animals or chickens, ducks or fowl of any kind shall be kept or maintained, on any parcel which shall be or may become an annoyance or nuisance to the neighborhood, provided that the household type pets shall be permitted in a designated area or areas in the subdivision. All such household pets shall be kept within confines of household parcel or on a leash. No animals or fowl shall be kept, bred or maintained for any business or commercial purpose.**

**4. No lot shall be resubdivided.**

**5. No commercial type of business or enterprise shall be conducted on or from any parcel, provided that a home type business may be permitted so long as the conduct of the same shall not interfere with or disturb the peace, tranquility and quiet possession of surrounding owners, and further, no signs, billboards or advertising device except those used in a sale of any parcel shall be placed on any parcel except with the written consent of the owners, and no sign shall contain more than three (3) square feet of area.**

6. Except corner parcels and parcels facing on a cul-de-sac, each mobile home shall set back fifty (50) feet from the center line of the street which it faces and a minimum of twelve (12) feet from side parcel line, mobile homes on corner parcels shall set back fifty (50) feet from the center line of the street which it faces and a minimum of thirty-seven (37) feet from the center line of the side street, mobile homes on parcels facing on cul-de-sacs shall be set back a minimum of sixty (60) feet from the center point of such cul-de-sac and so located on the parcel to maximize set back from side parcel lines.

7. All detached rooms, porches, utility buildings placed on any parcel, and all additions to each mobile home shall be of new materials and shall be kept painted or in otherwise refurbished condition. The area or space beneath these structures and each mobile home shall be enclosed with one of the following materials: masonry blocks, aluminum skirting or vinyl/plastic skirting and adequately screened from view. Said enclosure shall be completed within ninety (90) days after being placed on a lot. Any detached buildings shall be constructed or placed no closer than six (6) feet to the side parcel line or ten (10) feet to the back parcel line. All gas bottle or fuel tanks, clothes lines and any other service convenience shall be maintained in the rear of the mobile home.

8. No water wells shall be drilled on any parcel.

9. It is the responsibility of each parcel owner to keep their property in a neat and clean condition, that is, the grass cut, trees and shrubbery trimmed, and mobile home and other structures in good repair. During long periods of absence, property owners shall make arrangements to have the above maintenance done. Failure to comply gives the Board of Directors authorization to do so at the property owner's expense.

10. All fences or hedges along a parcel line shall be constructed and maintained in a neat and attractive manner and condition, and the height thereof shall not exceed no more than four (4) feet from ground level.

11. All mobile homes and utility buildings shall be approved by the Board of Directors before being placed upon any lot.

12. Each mobile home placed upon a parcel shall be properly and adequately secured by approved type hurricane anchors. All utility buildings shall be either bolted to a cement slab or anchored to the ground. There shall be no visible over-the-roof type anchor straps.

13. All mobile homes shall be placed lengthwise on each parcel, that is, the sides of the mobile home shall be placed parallel with the side parcel lines. This requirement shall not apply to parcels facing on a cul-de-sac.

14. As per section 530.12 Pasco County Ordinance. No trash or other materials shall be disposed of by burning outdoors on any parcel, except for cooking or barbecue purposes. All garbage, trash and waste materials shall be kept in sanitary containers to the rear of each mobile home between times for garbage, trash and waste collection. No lumber, pilings, posts, building materials, automotive parts, trash or other similar like items which would tend to be hazardous in the case of strong winds, such items are not conducive to the appearance of the neighborhood and will not be allowed.

15. Owners reserve the right to provide road easements over and across portion or portions of the real property here in above described for the purpose of ingress and egress to parcels therein.

16. No oil or gas drilling or refining or mining operation of any kind shall be permitted on any parcel.

17. No minor child shall reside at any home for more than thirty (30) days per year.

18. Ownership and occupancy shall be limited to those persons age 55 and older. A spouse may be a resident and owner so long as his or her spouse/owner is 55 or older. Exceptions shall be made for those who inherit their interest, however, no more than 20% of the occupancy shall be less than age 55. Each lot owner shall be accepted as members of GEM ESTATES MOBILE HOME VILLAGE ASSOC., INC.

19. Enforcement of these provisions shall be by legal procedure at law in equity against any person or persons violating any provision herein contained, either to restrain such violation or to recover damages, invalidation of any one or more of the provisions herein contained by court order shall in no wise affect any of the other provisions, and the remaining provisions shall remain in full force and effect.

20. The provisions herein contained are covenants and restrictions running with the land herein above described, and as may be subsequently subdivided into parcels, and shall be binding upon the parties hereto, their heirs, legal representatives and assigns, and all parties claiming by, through or under them, provided that the association reserve the right to change or alter any of the provisions herein contained in order to make necessary adjustments as conditions might change from time to time, provided that such changes or alterations do not substantially vary the general nature of the provisions as herein provided.



Section 530.19 of Ordinance No. 89-21 provides that:

**Parking of Trucks, Truck Tractors and Certain Commercial Vehicles in Certain Residential Areas Prohibited.**

- A. No trucks with either a net weight in excess of 6,000 pounds or a width of more than 80 inches, no step vans, no box trucks, no truck tractors, no commercial vehicles, and no commercially relate equipment shall be permitted to park in any areas of unincorporated Pasco County which are zoned R-1, R-2, R-3, R-4, R-MH, R-1MH, R2MH, PUD, MF-1, MF-2 , MF-3. Parking of truck-tractors and/or semi-trailers within an E-R District is also prohibited. In addition, no commercial equipment shall be parked or stored in any areas zoned A-R or E-R.
  
- B. The provisions of this Section shall not apply to :
  - 1. A commercial vehicle parked in a residential neighborhood while the operator of said commercial vehicle is making a delivery, or conducting business, within said residential area or when the commercial vehicle is parked within an enclosed structure.
  
  - 2. The use of a commons area in any residentially zoned neighborhood for the parking of a commercial vehicle, provided that the commons area is actually used as a commons area or is duly recorded and platted as a commons area, and provided further that the use of said commercial vehicle is for the benefit of the community in which it is situated, or the use is for the benefit of a charitable project sponsored by the community as a whole or sponsored by any civic or charitable group within the community. For purposes of the Subsection only, community is defined as the residentially zoned neighborhood which is serviced by the commons area.
  
- C. Any use of E-R, R-1, R-2, R-3, R-4, R-MH, R-1MH, R-2MH, PUD, MF-1, MF-2, or MF-3, zoned property for the parking of trucks, truck tractors, or commercial vehicles in existence prior to the adoption of this Section shall not be considered a nonconforming use for purposes of the Article.

Section 530.5, Trailers, Recreational Vehicles, and Recreational Equipment, provides that:

Trailers, as defined in Article 200 of this Code, including travel trailers, recreational vehicles, motorized homes, pickup coaches, boats, boat trailer, and noncommercial utility trailers may be parked or stored in any residential zoning district subject to the following requirements:

- A. At no time shall parked or stored trailers be occupied or used for living, sleeping, or housekeeping except as provided herein.
- B. Trailers may be temporarily parked and occupied on existing residentially zoned and used property in accordance with Paragraph C below for a period of seven days without a permit. However, a temporary trailer parking permit shall be required after seven days and shall be limited to a maximum of 30 days out of any six-month period in each case as issued.
- C. Parking and storage of trailers shall be limited to the interior of automobile garages or other available on-lot accessory building or to that portion of the lot to the rear of the principal building. Additionally, trailers may be parked on the side yard provided that the following conditions are met:
  - 1. A minimum side yard, as determined from the regulations of the applicable zoning district, still exists after the trailer has been parked in the side yard.
  - 2. The trailer is parked behind the front building line of the principal building.
  - 3. In the case of double frontage and corner lots, the property owner may park and store a recreational vehicle on the street side of the dwelling that does not have the main entrance to the dwelling.
  - 4. At no time may a recreational vehicle be parked or stored on a vacant lot or in the front of the principal building (where the front entrance is located).
  - 5. The following shall not be considered trailers for purposes of the section: motorcycles, dune buggies, pickup trucks, and vans (even if outfitted for camping).
- D. Trailers may be temporarily parked in the front yard only for loading, unloading, and cleaning.