

PREPARED BY AND RETURN TO:
CIANFRONE, NIKOLOFF, GRANT, GREENBERG & SINCLAIR, P.A.
1964 BAYSHORE BOULEVARD, SUITE A
DUNEDIN, FLORIDA 34698

**CERTIFICATE OF AUTHENTICITY
AS TO THE
ARTICLES OF INCORPORATION
OF
THE CLEARING HOMEOWNER'S ASSOCIATION, INC.**

NOTICE IS HEREBY GIVEN that the attached Exhibit "A" constitutes a true and correct copy of the Articles of Incorporation of The Clearing Homeowner's Association, Inc., as same may have been amended from time to time.

THE CLEARING HOMEOWNER'S ASSOCIATION, INC. is the Homeowners Association organized for the purpose of administering a development known as The Clearing in Pinellas County, Florida, in accordance with that certain Declaration of Covenants, Conditions and Restrictions of The Clearing Homeowner's Association, Inc., recorded in O.R. Book 6016, Page 765 et seq. of the Public Records of Pinellas County, Florida.

IN WITNESS WHEREOF, Frederick Passione, as President, and Fremont Cogle as Secretary, of THE CLEARING HOMEOWNER'S ASSOCIATION, INC. have executed this Certificate in accordance with the authority vested in them as President and Secretary of the corporation, for and on behalf of the corporation, on this 23rd day of Feb, 2015.

Two Witnesses as to
President:

THE CLEARING
HOMEOWNER'S ASSOCIATION, INC.

Jennifer Cadagin
Witness Signature

Jennifer Cadagin
Witness Printed Name

Ally Kenney
Witness Signature

Ally Kenney
Witness Printed Name

Attest:

Fremont Cogle
Fremont Cogle, Secretary

By:

Frederick Passione
FREDERICK PASSIONE, President

STATE OF FLORIDA
COUNTY OF PINELLAS

BEFORE ME, the undersigned authority, personally appeared Fredrick Passione and Fremont Ogle, to me known to be the President and Secretary, respectively, of THE CLEARING HOMEOWNER'S ASSOCIATION, INC., and they severally acknowledged before me that they freely and voluntarily executed the same as such officers, under authority vested in them by said corporation. They are personally known to me or have produced FL Driver Licenses and _____ (type of identification) as identification and did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid, this 23rd day of Feb, 2015.

Jennifer Cadagin
Notary Public
State of Florida

My Commission Expires:



Jennifer Cadagin
Commission #FF160553
Expires: SEP 18, 2018
BONDED THRU
1ST FLORIDA NOTARY, LLC

ARTICLES OF INCORPORATION

OF.

THE CLEARING HOMEOWNER'S ASSOCIATION, INC.

In compliance with the requirements of Chapter 617, Florida Statutes, the undersigned, being all residents of the State of Florida and of full age, hereby associate themselves together for the purpose of forming a corporation not for profit in accordance with the laws of the State of Florida, and certify as follows:

ARTICLE I

NAME

The name of this corporation is THE CLEARING HOMEOWNER'S ASSOCIATION, INC., hereafter called the "Association".

ARTICLE II

OFFICE

The initial principal office of this Association shall be located at 3458 Village Center Drive, Palm Harbor, Florida 33563, which office may be changed from time to time by action of the Board of Directors.

ARTICLE III

REGISTERED OFFICE AND AGENT

The name and street address of the initial registered agent and office of the Association shall be Sorota and Zschau, P. A., 2515 Countryside Boulevard, Suite A, Clearwater, Florida 33575.

ARTICLE IV

PURPOSE AND POWERS OF THE ASSOCIATION

This Association does not contemplate pecuniary gain or profit to its members. The specific purposes for which it is formed are to promote the health, safety, and general welfare of the residents within the property described on Exhibit A attached hereto and made a part hereof by reference, herein called the "Properties", and any additions thereto as may hereafter be brought within the jurisdiction of this Association. The purposes of this Association shall include, without limitation of the foregoing, the maintenance and architectural control of the residence Lots, and Common Area within the Properties, and carrying out, enforcing and otherwise fulfilling its rights and responsibilities under and pursuant to that certain Declaration of Covenants, Conditions and Restrictions relating to the Properties now or hereafter recorded among the Public Records of Pinellas County, Florida, and any amendments or modifications thereof, herein together called the "Declaration." The recording of a Amendment to the Declaration from time to time pursuant to Article VIII thereof for the purpose of adding additional land shall automatically, and without need of amendment to these Articles of Incorporation or approval or consent of the Association or its members, bring such additional land within the jurisdiction of the Association, and such additional land shall be included within the term "Properties." If any amendment to the Articles of Incorporation is filed to reflect such additional

land, it shall not require consent or approval of the members of the Association, but may be executed by the President of the Association. All terms defined in the Declaration shall have the same meaning when used herein, such Declaration being incorporated herein by reference. For the foregoing purposes, this Association is empowered to:

(a) exercise all of the powers and privileges, and to perform all of the duties and obligations of the Association as set forth in the Declaration;

(b) fix, levy, collect and enforce payment by any lawful means, all charges or assessments pursuant to the terms of the Declaration, and to pay all expenses in connection therewith and all office and other expenses incident to the conduct of the business of this Association, including all license fees, taxes, or governmental charges levied or imposed against the real or personal property of this Association;

(c) acquire, either by gift, purchase or otherwise, and to own, hold, improve, build upon, operate, maintain, convey, sell, lease or transfer, or otherwise dispose of real or personal property, or interests therein, in connection with the affairs of this Association;

(d) borrow money, and upon two-thirds (2/3) vote 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 this Association's property to any public body or governmental agency or authority, or any public or private utility for such purposes and subject to such conditions as may be agreed to by the members; provided, however, no such approval shall be required in order to convey property for use as a well site, lift station, retention pond or such other incidental or related use;

(f) grant easements as to the Common Area to public and private utility companies, and to public bodies or governmental agencies or other entities or persons, without cost or charge, where convenient, desirable or necessary in connection with the development of the Properties, and the providing of utility and other services thereto;

(g) participate in mergers and consolidations with other non-profit corporations organized for similar purposes, provided that any such merger or consolidation shall have been approved by a two-thirds (2/3) vote of each class of members;

(h) annex additional real property in accordance with the provisions of the Declaration, with such annexations, when completed in accordance with the provisions of the Declaration, extending the jurisdiction, function, duties, and membership of the Association to the real property thereby annexed;

(i) adopt, alter, amend, and rescind reasonable rules and regulations from time to time, which rules and regulations shall be consistent with the rights and duties established by the Declaration and with the provisions of these Articles of Incorporation;

(j) contract for the maintenance and management of the Common Area and to authorize a management agent to assist the Association in carrying out its powers and duties under the Declaration; and

(k) have and exercise any and all powers, rights, and privileges which a corporation organized under Chapter 617, Florida Statutes 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 any Lot which is subject by the provisions of the Declaration to assessment by this Association, shall be a member of this Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. An Owner of more than one (1) such Lot shall be entitled to one (1) membership for each Lot owned by him. Membership shall be appurtenant to and may not be separated from ownership of any Lot which is subject to the provisions of the Declaration, but shall be automatically transferred by the conveyance of that Lot. TOV 10 herein called the "Declarant", shall be a member of the Association so long as it owns one (1) or more Lots or Parcels.

ARTICLE VI

VOTING RIGHTS

This Association shall have two classes of voting membership, Class A and Class B. All votes shall be cast in the manner provided in the By-laws. The two classes of voting memberships, and voting rights related thereto, are as follows:

1. Class A. Class A members shall be all Owners, and shall be entitled to one (1) vote for each Lot owned; provided, however, that so long as there is Class B membership, the Declarant shall not be a Class A member. When more than one person holds an interest in any Lot as Owner, all such persons shall be members; in accordance with the By-Laws of the Association. The vote for such Lot shall be exercised as such persons determine, but in no event shall more than one (1) vote be cast with respect to any Lot, nor shall any split or fractional vote be permitted with respect to any Class A Lot.

2. Class B. The Class B member shall be the Declarant, and shall be entitled to five (5) votes for each Lot owned; provided, however, that as to land which may be annexed or added pursuant to Article VIII of the Declaration, the Declarant shall be entitled to fourteen (14) votes per acre or fraction thereof contained within a Parcel, until such time as the Parcel is platted, whereupon the Declarant shall be entitled to five (5) votes per Lot in lieu of the votes per acre. The Class B membership shall cease and be converted to Class A membership on the happening of any of the following events, whichever occurs earlier:

(a) when the Declarant shall no longer own any Lots or Parcels subject to the Declaration; or

(b) on December 31, 1990; or

(c) when the Declarant waives in writing its rights to Class B membership.

3. Quorum. The presence at a meeting of members, either in person or by proxy, of those entitled to cast at least one-third (1/3) of the votes of each Class of membership shall constitute a quorum for any action.

ARTICLE VII

BOARD OF DIRECTORS

The affairs of this Association shall be managed by a Board of Directors, which so long as Class B membership shall exist, shall consist of three (3) directors, and thereafter shall consist of not less than three (3) nor more than nine (9) directors. Directors shall be members of the Association; provided, however, that so long as Class B membership shall exist, directors need not be members of the Association. The names and addresses of the persons who are to act in the capacity of directors until their successors are elected and qualified, unless they sooner shall die, resign or be removed, are:

<u>NAME</u>	<u>ADDRESS</u>
E. J. Bellamy	2744 Landmark Drive Clearwater, Florida 33575
Terry Muster	40 Cedar Point Drive New Port Richey, Florida 33589
Marianne Hardin	249 Jasper Street, N.W. #121 Largo, Florida 33540

The initial Board of Directors herein designated shall serve until Class B membership has ceased and been converted to Class A membership and until the first annual membership meeting thereafter, at which time the members shall elect three (3) directors for a term of one year. Directors elected at the first such annual membership meeting, and thereafter, shall serve for a period of one year, and until their successors have been duly elected and qualified. So long as Class B membership shall exist, any member of the Board of Directors may be removed, with or without cause, but only by the Class B member, and any vacancies occurring on the Board of Directors may only be filled by appointment by the Class B member.

ARTICLE VIII

OFFICERS

The Association shall be administered by a president, vice president, secretary and treasurer, and such other officers as may be designated in the By-laws, and at the time and in the manner prescribed in the By-laws. The names and addresses of the initial officers who shall serve until their successors are designated by the Board of Directors are as follows:

<u>NAME</u>	<u>OFFICE</u>	<u>ADDRESS</u>
E. J. Bellamy	President	2744 Landmark Drive Clearwater, Florida 33575
Steven Theis	Vice President	301 U.S. Highway 19, North Clearwater, Florida 33575
Terry Muster	Vice President	40 Cedar Point Drive New Port Richey, Florida 33589
Marianne Hardin	Secretary/Treasurer	249 Jasper Street, N.W. #121 Largo, Florida 33540

Officers need not be members of the Association.

ARTICLE IX

SUBSCRIBERS

The name and addresses of the subscribers to these Articles of Incorporation are as follows:

<u>NAME</u>	<u>ADDRESS</u>
Julius J. Zschau	2515 Countryside Boulevard Suite A Clearwater, Florida 33575

ARTICLE X

DISSOLUTION

This Association may be dissolved with the assent given in writing and signed by members entitled to cast not less than two-thirds (2/3) of the votes of each class of members. Upon dissolution of this Association, other than incident to a merger or consolidation, the assets of this 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, but in no event shall such assets inure to the benefit of any member or other private individual.

ARTICLE XI

DURATION

This Association shall exist perpetually.

ARTICLE XII

BY-LAWS

The By-Laws of this Association shall be initially adopted by the Board of Directors. Thereafter, the By-Laws shall be altered, amended, or rescinded by a majority vote of the Board of Directors.

ARTICLE XIII

AMENDMENTS

Any amendment of these Articles shall require the assent or written consent of the members entitled to cast fifty-one (51%) of the total votes able to be cast at any regular or special meeting of the membership duly called and convened. No such amendment may diminish any rights of the Class B member, however, unless joined in by such Class B member.

ARTICLE XIV

INDEMNIFICATION

Every director and every officer of the Association shall be indemnified by the Association to the fullest extent of the law

against all expenses and liabilities, including counsel fees, reasonably incurred by or imposed on him in connection with any proceeding or settlement of any proceeding to which he may be a party or in which he may become involved by reason of his being or having been a director or officer of the Association, whether or not he is a director or officer at the time such expenses are incurred.

ARTICLE XV

FHA/VA APPROVAL

As long as there is a Class B membership, the following actions will require the prior approval of the Federal Housing Administration or the Veterans Administration; annexation of additional properties, mergers and consolidations, mortgaging of Common Area, dedication of Common Area, dissolution and amendment of these Articles. Such approval may be presumed by any third party upon the filing or recording of any document taking such action or actions. This article shall apply only if FHA and/or VA loan approval has been sought.

ARTICLE XVI

INTERPRETATION

Express reference is hereby made to the terms, provisions, definitions, and rules of interpretation contained in the Declaration where necessary to interpret, construe, and clarify the provisions of these Articles. In subscribing and filing these Articles, it is the intent of the undersigned that the provisions hereof be consistent with the provisions of the Declaration and, to the extent not prohibited by law, that the provisions of these Articles and of the Declaration be interpreted, construed, and applied so as to avoid inconsistencies or conflicting results.

IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of Florida, the undersigned, constituting the subscribers of this Association, have executed these Articles of Incorporation this _____ day of _____, 19__.

Julius J. Zschau

STATE OF FLORIDA
COUNTY OF PINELLAS

BEFORE ME, the undersigned authority, on this _____ day of _____, 19__, personally appeared Julius J. Zschau, to me well known to be the person described in and who signed the foregoing Articles of Incorporation and acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein expressed.

WITNESS my hand and official seal the date aforesaid.

NOTARY PUBLIC, STATE OF FLORIDA AT
LARGE

My Commission Expires: _____

ACCEPTANCE OF REGISTERED AGENT

Having been named to accept service of process for the above named corporation at the place designated in these Articles of Incorporation, the undersigned hereby accepts to act in this capacity, and agrees to comply with the provisions of the laws of the State of Florida relative to keeping such open office.

SOROTA AND ZSCHAU, P.A.

By _____
Julius J. Zschau

Date: _____, 19 _____

EXHIBIT A

The following real property in Pinellas County, Florida, more particularly described as follows:

PARCEL 10 SOUTH

A parcel of land lying in Section 28, Township 27 South, Range 16 East, Pinellas County, Florida, being more fully described as follows:

Commence at the Northeast corner of ANCHORAGE OF TARPON LAKE UNIT THREE, as recorded in Plat Book 70, Page 99-101 of the Public Records of Pinellas County, Florida; thence along the North line of said Plat; S. 89°25'53" W., 80.00 feet to the West right-of-way line of Tarpon Lake Boulevard (O.R. Book 4831, Page 400-401, 80 foot R/W); thence along said West right-of-way line; N. 00°34'07" W., 765.43 feet to the POINT OF BEGINNING; thence leaving said right-of-way line; S. 89°25'53" W., 300.00 feet; thence N. 00°34'07" W., 291.14 feet; thence N. 55°00'00" W., 791.75 feet; thence N. 12°30'00" E., 324.20 feet; thence S. 77°30'00" E., 52.85 feet; thence N. 23°00'00" E., 190.31 feet; thence N. 65°00'00" E., 186.22 feet to said West right-of-way line; thence Southerly along said right-of-way line, being a non-tangent curve concave Northeasterly, having a radius of 1840.00 feet, through a central angle of 05°03'39", an arc length of 162.52 feet, (C.B. S. 52°28'11" E., 162.47 feet); thence S. 55°00'00" E., 260.00 feet; thence along a curve concave Westerly, having a radius of 560.00 feet, through a central angle of 14°24'59", an arc length of 140.90 feet, (C.B. S. 47°47'31" E., 140.53 feet); thence leaving said right-of-way line, radial to said curve; S. 49°24'59" W., 20.00 feet; thence along a non-tangent curve, 20.00 feet West of and concentric to said right-of-way, having a radius of 540.00 feet, through a central angle of 03°10'59", an arc length of 30.00 feet, (C.B. S. 38°59'31" E., 30.00 feet); thence radial to said concentric curve and right-of-way; N. 52°35'58" E., 20.00 feet to said Westerly right-of-way; thence Southerly along said right-of-way, being a curve having a radius of 560.00 feet, through a central angle of 36°49'55", an arc length of 359.99 feet, (C.B. S. 18°59'04" E., 359.82 feet); thence S. 00°34'07" E., 600.00 feet to the POINT OF BEGINNING.

Containing 16.115 acres more or less.

Which property has been platted as The Clearing according to the plat thereof recorded in Plat Book _____, page _____ of the Public Records of Pinellas County, Florida.

LESS AND EXCEPT the Recreational area described as follows:

LAKE CLEARING (TLV-10) RECREATION CENTER PARCEL

LEGAL DESCRIPTION: A parcel of land lying in Section 28, Township 27 South, Range 16 East, Pinellas County, Florida, being more fully described as follows:

Commence at the Northeast corner of ANCHORAGE OF TARPON LAKE UNIT THREE, as recorded in Plat Book 70, Pages 99 through 101, Public Records of Pinellas County, Florida; thence along the North line of said Plat, S.89°25'53"W., 80.00 feet to the West right of way line of Tarpon Lake Boulevard (O.R. Book 4831, Pages 400 through 401, 80 foot right of way); thence along said West right of way line, N.00°34'07"W., 1365.43 feet to a point of curvature; thence 288.50 feet along the arc of a curve in said right of way line to the left having a radius of 560.00 feet and a central angle of 29°31'03" (chord - N.15°19'39"W., 285.32 feet); thence leaving said right of way line, run S.59°54'52"W., 86.53 feet to a point of curvature; thence 65.37 feet along the arc of a curve to the left having a radius of 50.00 feet and a central angle of 74°54'48" (chord - S.22°27'28"W., 60.82 feet) to a point of tangency; thence S.15°00'00"E., 41.25 feet to a point of curvature; thence 58.25 feet along the arc of a curve to the right having a radius of 50.00 feet and a central angle of 66°44'44" (chord - S.18°22'22"W., 55.01 feet) to a point of tangency; thence S.51°44'44"W., 74.51 feet; thence N.38°15'16"W., 12.00 feet to the Point of Beginning; thence run S.51°44'44"W., 64.48 feet to a point of curvature; thence 37.23 feet along the arc of a curve to the right having a radius of 25.00 feet and a central angle of 85°19'14" (chord - N.85°35'39"W., 33.88 feet) to a point of reverse curvature; thence 18.46 feet along the arc of a curve to the left having a radius of 512.00 feet and a central angle of 02°03'58" (chord - N.43°58'01"W., 18.46 feet) to a point of tangency; thence N.45°00'00"W., 68.93 feet; thence N.51°44'44"E., 99.33 feet; thence S.38°15'16"E., 109.78 feet to the Point of Beginning.

Containing 0.2319 acres more or less.