

1. Articles of Incorporation (*Florida Nonprofit HOA*)

Key Provisions:

Name & Principal Office: “ASHWOOD HOMEOWNERS ASSOCIATION OF SARASOTA, INC., a Florida nonprofit corporation” Principal Address - 5170 OLD ASHWOOD DRIVE, SARASOTA, FL 34233. Mailing Address - PO BOX 18024 SARASOTA, FL 34276

Purpose: To maintain and manage the community, enforce governing documents, and otherwise act under Chapter 720, Florida Statutes, “as amended from time to time.”

Membership: All parcel owners.

Board Structure: Number of directors three (3) President, Treasurer and Secretary.

Board Terms and Continued Service. Members of the Board of Directors shall serve for the term provided in the Association’s governing documents 12 months or until their successors are duly elected or appointed. The Association does not impose a maximum number of consecutive terms that a Director may serve, unless otherwise required by applicable law or amended governing documents. A Director may continue to serve additional terms if properly nominated, elected, or appointed in accordance with the Association’s election procedures. This provision is intended to preserve continuity, experience, and stability in the operation of the Association while still allowing the membership the right to nominate and elect qualified candidates at each applicable election.

Registered Agent, Agent shall be the president of the association.

Dissolution Clause: The Association may be dissolved only in accordance with the Association’s governing documents and applicable Florida law. Upon dissolution of the Association, the Board of Directors shall take all actions necessary to wind up the affairs of the Association, including payment or provision for all debts, liabilities, obligations, expenses, and costs of dissolution. Any remaining assets of the Association shall be distributed in accordance with a lawful plan of distribution approved as required by the governing documents and Florida law. No part of the Association’s assets shall be distributed to any Director, officer, or private individual except as permitted by law. To the extent permitted by law, any remaining assets shall be used for the benefit of the community, transferred to a successor association or similar nonprofit entity serving the community, or distributed in another lawful manner approved by the Members and the Board.

2. Bylaws

Florida Law Compliance (HB 1203 effective 7/1/24):

A. Director Education & Certification

- Newly elected/appointed directors must complete DBPR-approved educational curriculum within 90 days; certificate valid for up to four years; repeat every four years.
- Annual continuing education: <2,500 parcels: 4 hours

B. Recordkeeping & Website Access

- HOA will maintain a secure website or app portal with:
 - Articles, Bylaws, Declaration, Rules, amendments
 - Contracts, bids, annual/proposed budgets, financial reports, insurance policies
 - Director education certificates, conflict-of-interest agreements
 - Notices and agendas for member/board meetings

C. Fining Procedures

Section 7.1.2 **Fines, Suspensions, and Enforcement Procedures.** The Association may levy reasonable fines or suspensions against an Owner, tenant, guest, invitee, or occupant for violations of the Declaration, Bylaws, or duly adopted Rules and Regulations, subject to the limits and procedures required by Florida law. Unless otherwise permitted by the governing documents or applicable law, fines shall not exceed \$100.00 per minor violation, or \$100.00 per day for a continuing violation such as a Use Violation, Landscape Maintenance Violation or Architectural Violations, with an aggregate maximum of \$1,000.00 for a continuing violation. No fine or suspension shall be imposed unless the Association first provides the required notice and an opportunity of THREE (3) days for the occupant/owner to correct the violation. The Association shall not impose fines or suspensions for matters that Florida law restricts or prohibits from being fined, including certain minor or temporary issues such as garbage receptacles placed out within protected collection timeframes, holiday decorations displayed within protected timeframes, or other matters protected by statute. All enforcement actions shall be handled in a fair, consistent, and lawful manner.

Section 7.1.3 **Ongoing Violations and Collection Remedies.** For any continuing or unresolved violation, the Board of Directors may assess ongoing fines or charges on a daily, weekly, bi-monthly, or other reasonable basis, based upon the severity of the violation and in accordance with the Association's governing documents and Florida law. If the Owner fails to correct the violation or pay amounts due after proper notice, the Association may pursue all remedies available to it, including collection action and, where permitted by law, the filing of a lien against the property. If the total amount owed to the Association exceeds \$999.00, the matter may be referred for collection and lien enforcement. The Owner shall be responsible for all costs incurred by the Association, including attorney's fees, administrative fees, recording costs, lien fees, and any other expenses necessary to bring the account into compliance and make the Association whole.

A fine of **less than \$1,000** may not become a lien against a parcel. Florida Statute 720.305

Section 7.2 **Notices to Owners** Any notice required to be sent to an Owner under the provisions of this instrument shall be deemed properly sent if mailed, postage prepaid, to the last known

address of the Person listed as the Owner in the Association's records at the time of mailing. It shall be the responsibility of each Owner to notify the Association, in writing, of any change of address. Notices may also be sent by text message, email, or any other electronic means, and such electronic notice shall be considered valid and effective.

Section 7.2.2 Required Hearings Any required or requested hearing shall be submitted and conducted in writing, unless otherwise required by law. The Owner may submit a written response, explanation, defense, or supporting documentation to the Board by hard copy, email, or other approved electronic means. The Board shall review the Owner's written submission and provide a written response within five business days. If the Owner disagrees with the Board's decision, the Owner may submit a written appeal or rebuttal for further review. The submission of an appeal shall not automatically extend, suspend, or delay any fine, fee, deadline, or other amount due as a result of the violation, unless the Board determines that the appeal provides sufficient grounds to modify, reduce, suspend, or reverse the original decision.

C. Architectural Control & Enforcement

- Boards/ARCs must apply standards reasonably and equitably.
- Cannot regulate or restrict **interior modifications not visible** from frontage, adjacent properties, common areas, or community golf courses.
- If denying an application, must include in writing the specific rule/covenant and what aspect of the proposal fails to comply.

D. Vehicle & Yard Restrictions

- Cannot prohibit pickup trucks or commercial vehicles visible in driveways, unless restricted by Fla. Stat. § 320.01(25).
- Cannot restrict storage/display of items that are **not visible**—like clotheslines, gardens, flags, artificial turf, boats and such - this includes views from sides, front and back of house. Patriotic and Sports Flags ONLY are allowed to be flown in front yard (visible) (See governing documents for further details.)

E. Ethics & Financial Standards

- Prohibit debit card use for non-lawful obligations; misuse is theft.
- Kickbacks by officers/directors are third-degree felonies with monetary damages.

2. Declaration of Covenants, Conditions & Restrictions (CC&Rs)

Incorporate statutory mandates:

A. Architectural Provisions

- **Only exterior visible changes** require ARC approval. Approval must be obtained before moving forward with ANY visible change.

- **Trash Receptacles.** All trash cans, recycling bins, and waste receptacles must be stored inside the garage or on the side of the home at all times, except on designated trash collection days. If stored on the side of the home, the receptacles must be placed within a fenced or screened enclosure that blocks visibility from the front of the home and from neighboring properties. (See governing documents for further details.)

B. Assessments & Reserve Funding

- **Reserve Funding Expenditures.** All expenditures from reserve funds must be voted on and approved prior to the funds being used, unless the expenditure is necessary for emergency purposes, including but not limited to hurricane damage, storm damage, urgent safety repairs, or other emergency conditions requiring immediate action by the Association.

C. Enforcement & Fines

- Mirror Bylaws fining structure.
- Provide right to detailed accounting

D. Disclosure to Buyers

- Statement: prospective purchasers are entitled to current Bylaws, Articles, Declaration, Rules, notices of assessments, recent financials, agendas & minutes from all board meetings in prior 12 months.

E. Miscellaneous

Board and Architectural Committee Compensation. Because the Board of Directors also serves as the Association's Architectural Committee, each Director may be compensated for the time, service, and responsibilities performed on behalf of the Association only to the extent permitted by Florida law and the Association's governing documents. Each Director may receive annual compensation in an amount equal to, but not greater than, the annual assessment/dues amount charged to one Lot for that same fiscal year. Such compensation shall be the maximum amount payable to any Director for Board service, Architectural Committee service, and related Association duties during that year. Directors may also be reimbursed for reasonable, documented, out-of-pocket expenses incurred on behalf of the Association, provided such expenses are approved in accordance with the Association's procedures and applicable law.

3. Rules & Regulations

These daily-use rules internally align with the more formal CC&Rs:

A. Use & Amenity Rules

- Parking, with leniency for trucks/commercial vehicles as allowed and with prior approval of the Board. No street parking overnight, No parking on grass, No parking on sidewalks, No parking on road curves at anytime that blocks sight in either direction.
- Pets. Dogs must be kept on a leash and under the control of their owner or handler at all times when outside the owner's property. Pet owners are responsible for immediately cleaning up after their pets. Pets are not permitted on another owner's property without that owner's permission.

B. Enforcement

- The same fining/hearing timeline and accounting procedures as listing in Bylaws/CC&Rs.

IN WITNESS WHEREOF, the undersigned Incorporator has executed these Articles of Incorporation on this 25 day of MAY, 2026.

Incorporator:

Signature: _____
Printed Name: _____ Date: _____
Address: _____

Acceptance by Registered Agent:

Having been named as registered agent for the Association, the undersigned hereby accepts the appointment as registered agent and agrees to act in this capacity. The undersigned is familiar with and accepts the obligations of the position as registered agent as provided under Florida law.

Registered Agent:

Signature: _____
Printed Name: Deborah E Gordon Date 5/25/2026
Registered Office Address: 5202 Old Ashwood Drive, Sarasota, FL 34233