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FANTASY ISLAND CONDOMINIUM ASSOCIATION, INC.  
2767 NORTH BEACH ROAD, # 208  
ENGLEWOOD, FLA. 34223  
TEL.: 813-475-2108

ORIGINAL  
FILE COPY

Director  
Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Fla. 32399-0850

November 5, 1994

Dear Sirs,

We herewith refer to our telephone conversation with Martha Golden regarding the application for non-profit Association Exemption.

Please find enclosed form 7 as requested and we confirm that the sewer plant is strictly in operation to service the 28 unit owners within the Fantasy Island Association and herewith confirm that the Association is the owner of this system. The developer turned over control in 1991. The only "proof of ownership" to the system itself would be a copy of the sewer permit as issued by D.E.R. in the name of the Association.

If you have any questions, please do not hesitate to contact us at the above address or telephone number.

Yours truly,  
FANTASY ISLAND CONDOMINIUM  
ASSOCIATION, INC.

Cora de Jonge  
Secretary/Treasurer

DOCUMENT NUMBER-DATE  
04712 MAY 16 94  
FPSC-RECORDS/REPORTING

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APPLICATION FOR NONPROFIT ASSOCIATION EXEMPTION  
SECTION 367.022(7), FLORIDA STATUTES  
RULE 25-30.060(3)(g), FLORIDA ADMINISTRATIVE CODE

NAME OF SYSTEM: Fantasy Island Condominium Association, Inc.

PHYSICAL ADDRESS OF SYSTEM: 2765 North Beach Road

Englewood, Fla. 34223

MAILING ADDRESS (IF DIFFERENT): 2767 North Beach Road, # 208

Englewood, Fla. 34223

COUNTY: Charlotte

PRIMARY CONTACT PERSON:

NAME: Cora de Jonge

ADDRESS: 2767 North Beach Road, # 208

Englewood, Fla. 34223

PHONE #: 813-475-2108

NATURE OF APPLICANT'S BUSINESS ORGANIZATION: (CORPORATION,  
PARTNERSHIP, SOLE PROPRIETOR, ETC.) Corporation Not for Profit

I believe this system to be exempt from the regulation of the Florida Public Service Commission pursuant to Section 367.022(7), Florida Statutes, for the following reasons:

1. The corporation, association, or cooperative is nonprofit.
2. Service will be provided solely to members who own and control it.
3. The system provides (CHOOSE THE ONE THAT IS APPLICABLE):  
Water only \_\_\_\_\_  
Wastewater only xx  
Both \_\_\_\_\_
4. N/A Home Owners share expenses \_\_\_\_\_ will do the billing for such service.
5. The service area is located at: \_\_\_\_\_

2727 thru 2773 North Beach Road, Englewood, Fla

**APPLICATION FOR NONPROFIT ASSOCIATION EXEMPTION**

6. Attached are the articles of incorporation as filed with the Secretary of State and bylaws which 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.
7. Attached is proof of ownership of the utility facilities and the land upon which the facilities will be located or other proof of the applicant's right to continued use of the land, such as a 99-year lease. The Commission may consider a written easement or other cost effective alternative.

I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082, S. 775.083, or S. 775.084.

Cora de Jonge  
(Applicant please print or type)

11/05/1994  
(Date)

C. de Jonge  
(Signature)

Secretary/Treasurer  
(Title)

When you finish filling out the application, the original and two copies of the application, Articles of Incorporation, Bylaws and proof of ownership should be mailed to: Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399-0850.





# Florida Department of Environmental Protection

Lawton Chiles  
Governor

South District  
2295 Victoria Avenue  
Fort Myers, Florida 33901

Virginia B. Wetherell  
Secretary

July 1, 1994

CERTIFIED MAIL NO. Z 073 229 801  
RETURN RECEIPT REQUESTED:

Ms. Cora de Jonge  
Fantasy Island Condominium  
Association, Inc.  
2767 North Beach Road  
Englewood, FL 34223

Re: Charlotte Co. - DW  
Fantasy Island II WWTP  
Permit Modification  
D008-203343

Dear Ms. de Jonge:

The Department has received the information requested in it April 25, 1994 correspondence. Accordingly, the Department has reviewed your request for a modification of the expiration date for the above referenced operation permit. The Department has determined that in order to avoid the necessity for further extensions of this permit, while you await connection to West Charlotte Utilities, it will extended this permit to its full length of five years.

The expiration date of permit D008-203343 is changed from May 7, 1994 until May 7, 1997. All other conditions of that permit remain in effect. The permittee is reminded of the necessity to comply with the pertinent regulations of any other regulatory agency, as well as any county, municipal and federal regulations. This permit should not be construed to imply compliance with the rules and regulations of other regulatory agencies.

Please note that no further extensions of this permit will be granted.

This permit modification becomes part of permit D008-203343 and must be attached to the same. If you have any questions, please contact Andrew Barienbrock of this office at (813) 332-6975. Your cooperation in this matter is appreciated.

Sincerely,

Ronald D. Blackburn  
Acting Director of  
District Management

RDB/AB/klm  
cc: Mike Dunleavy  
Keith Kleinman

# State of Florida



Department of State

OR 694 PG 1480

I certify that the attached is a true and correct copy of the Articles of Incorporation of FANTASY ISLAND CONDOMINIUM ASSOCIATION, INC., a corporation not for profit organized under the Laws of the State of Florida, filed on February 2, 1981, as shown by the records of this office.

The charter number for this corporation is 756161.

Given under my hand and the  
Great Seal of the State of Florida,  
at Tallahassee, the Capital, this the  
3rd day of February, 1981.



CER 101 Rev. 12-80

*[Handwritten Signature]*  
Secretary of State

ARTICLES OF INCORPORATION

OF

FANTASY ISLAND CONDOMINIUM ASSOCIATION, INC.  
(A Non-Profit Florida Corporation)

FILED  
FEB 2 12 41 PM '81  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

The undersigned by these Articles associate themselves for the purpose of forming a corporation not for profit under Chapter 617, Florida Statutes, and certify as follows:

ARTICLE 1

NAME AND DEFINITIONS

The name of the corporation shall be FANTASY ISLAND CONDOMINIUM ASSOCIATION, INC. For convenience the corporation shall be referred to in this instrument as the Association, these Articles of Incorporation as Articles, and the Bylaws of the Association as Bylaws.

ARTICLE 2

PURPOSE

The purpose for which the Association is organized is to provide an entity pursuant to Florida Statute 718.111 for the operation of FANTASY ISLAND CONDOMINIUM ASSOCIATION, INC, a condominium located upon the following lands in Charlotte County, Florida:

Commence at a point where the South Boundary of the North 300 feet of the South 1100 feet of U.S. Government Lot 3, Section 1, Township 41 south, Range 19 East intersects the Easterly R/W line of a 66 foot county road, (said point being the N.W. corner of Lot 57, Second Addition to Gulf Ridge Subdivision, as recorded in Plat Book 2, Page 70 of the Public Records of Charlotte County, Florida), thence N. 18° 51' W, along said Easterly R/W line, 119.88 feet thence 301.83 feet, thence N. 71 degrees, 30' E. 41.50 feet to a cross cut in a concrete seawall at the waters of an existing boat basin; thence Southeasterly along said seawall 35 feet more or less, to a cross cut in said seawall, thence South 102.26 feet, to a point due East of the Point of Beginning, thence West 313.98 feet to the Point of Beginning. Subject to a 20 feet wide private access easement over and across the South 20 feet of the above described parcel, also known as Lot 3, of Marshall Subdivision, as per Plat thereof recorded in Plat Book 13, Pages 19, 19A and 19B, Public Records of Charlotte County, Florida.

ARTICLE 3

POWERS

The powers of the Association shall include and shall be governed by the following provisions:

1. General - The Association shall have all of the common law and statutory powers of a corporation not for profit under the Laws of Florida that are not in conflict with the terms of these Articles.
2. Enumeration - The Association shall have all of the powers and duties set forth in the Condominium Act, as well as those set forth in the Declaration of Condominium and the Bylaws, and as they may be amended from time to time, including but not limited to the following:

OR 694P6  
1481



- a. To make and collect assessments against members as unit owners to defray the costs, expenses and losses of the condominium.
- b. To use the proceeds of assessments and charges in the exercise of its powers and duties.
- c. To buy or lease both real and personal property for condominium use, and to sell or otherwise dispose of property so acquired. To acquire leaseholds, memberships, and other possessory or use interests in lands or facilities such as country clubs, golf courses, marinas, and other recreational facilities, whether or not the lands or facilities are contiguous.
- d. To maintain, repair, replace and operate the condominium property and property acquired or leased by the Association for use by unit owners.
- e. To purchase insurance upon the condominium property and insurance for the protection of the Association and its members as unit owners.
- f. To reconstruct and repair improvements after casualty and to construct additional improvements of the condominium property.
- g. To make and amend reasonable regulations respecting the use and appearance of the property in the condominium; provided, however, that all those regulations and their amendments shall be approved by not less than 75% of the votes of the units of the Association before they shall become effective.
- h. To approve or disapprove the leasing, transfer, mortgaging, ownership and possession of units as may be provided by the Declaration of Condominium and the Bylaws.
- i. To enforce by legal means, alone or by class action, the provisions of the Condominium Act, the Declaration of Condominium, these Articles, the Bylaws of the Association and the Regulations for the use of the property in the condominium.
- j. To contract for the management of the condominium and to delegate to the contractor all powers and duties of the Association except those that are specifically required by the Declaration of Condominium to have approval of the Board of Directors or the membership of the Association.
- k. To contract for the management or operation of portions of the common elements susceptible to separate management or operation, and to grant leases of those portions for this purpose.
- l. To employ personnel to perform the services required for proper operation of the condominium and to purchase or lease a unit in the condominium from its owner in order to provide living quarters for a manager of the condominium.
3. Condominium property - All funds and the titles of all properties acquired by the Association and their proceeds shall be held in trust for the members in accordance with

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- the provisions of the Declaration of Condominium, these Articles of Incorporation and the Bylaws.
4. Distribution of income - The Association shall make no distribution of income to its members, directors or officers.
  5. Limitation - The powers of the Association shall be subject to and shall be exercised in accordance with the provisions of the Declaration of Condominium and the Bylaws.

#### ARTICLE 4

##### MEMBERS

1. Membership - The members of the Association shall consist of all of the record owners of units in the condominium, and after termination of the condominium shall consist of those who are members at the time of the termination and their successors and assigns.
2. Evidence - After approval of the transfer, or of the ownership, of a unit in the manner required by the Declaration of Condominium, change of membership in the Association shall be established by recording in the public records of Sarasota County, Florida, a deed or other instrument establishing a public record of the transfer of the title substantiating the membership. The owner receiving title of the unit by those instruments will be a member of the Association and the membership of the prior owner will be terminated.
3. Assignment - The share of a member in the funds and assets of the Association cannot be assigned, hypothecated or transferred in any manner except as an appurtenance to the unit for which that share is held.
4. Voting - A member of the Association shall be entitled to at least one vote for each unit owned by him. The exact number of votes to be cast by owners of a unit and the manner of exercising voting rights shall be determined by the Bylaws of the Association.

#### ARTICLE 5

##### DIRECTORS

1. Number and qualification - The affairs of the Association shall be managed by a board consisting of the number of directors determined by the Bylaws, but not less than three directors, and in the absence of that determination shall consist of three directors. Directors need not be members of the Association.
2. Duties and powers - All of the duties and powers of the Association existing under the Condominium Act, Declaration of Condominium, these Articles and Bylaws shall be exercised exclusively by the board of directors, its agents, contractors or employees, subject only to approval by unit owners when that is specifically required.
3. Election; removal - Directors of the Association shall be elected at the annual meeting of the members in the manner determined by the Bylaws. Directors may be removed and vacancies on the board of directors shall be filled in the manner provided by the Bylaws.
4. First directors - The names and addresses of the members of

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the first board of directors who shall hold office until their successors are elected and have qualified, or until removed, are as follows:

<u>NAME</u>	<u>ADDRESS</u>
LUCAS PIETER DeJONGE <i>L.P. De Jonge</i>	Jaagpad #51, 2992-CD Baierendrecht, The Netherlands
GEERTJE GERARDA CORNELIA DeJONGE <i>GG De Jonge</i>	Jaagpad #51, 2992-CD Baierendrecht, The Netherlands
ROBERT A. DICKINSON	460 South Indiana Avenue Englewood, Florida 33533

ARTICLE 6

**OR 694 PG 1484**

OFFICERS

The affairs of the Association shall be administered by the officers designated in the Bylaws. The officers shall be elected by the Board of Directors at its first meeting following the annual meeting of the members of the Association and shall serve at the pleasure of the Board of Directors. The names and addresses of the officers who shall serve until their successors are designated by the Board of Directors are as follows:

<u>NAME</u>	<u>ADDRESS</u>
LUCAS PIETER DeJONGE, President <i>L.P. De Jonge</i>	Jaagpad #51, 2992-CD Baierendrecht, The Netherlands
GEERTJE GERARDA CORNELIA DeJONGE, Vice <i>GG De Jonge</i> President	Jaagpad #51, 2992-CD Baierendrecht, The Netherlands
ROBERT A. DICKINSON, Secretary	460 South Indiana Avenue Englewood, Florida 33533

ARTICLE 7

INDEMNIFICATION

Every director and officer of the Association, and every member of the Association serving the Association at its request, shall be indemnified by the Association against all expenses and liabilities, including counsel fees, reasonably incurred by or imposed upon him in connection with any proceeding or any 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 or by reason of his serving or having served the Association at its request whether or not he is a director or officer or is serving at the time the expenses or liabilities are incurred; provided that in the event of a settlement before entry of judgment, and also when the person concerned is adjudged guilty of willful misfeasance or malfeasance in the performance of his duties, the indemnification shall apply only when the board of directors approves the settlement and reimbursement as being for the best interests of the Association. The foregoing right of indemnification shall be in addition to and not exclusive of all other rights to which that person may be entitled.

ARTICLE 8

BY-LAWS

The first By-laws of the Association shall be adopted by the Board of Directors and may be altered, amended or rescinded by the directors and members in the manner provided by the By-laws.

Amendments to these Articles of Incorporation shall be proposed and adopted in the following manner:

1. Notice - Notice of the subject matter of a proposed amendment shall be included in the notice of any meeting at which the proposed amendment is to be considered.
2. Adoption - A resolution for the adoption of a proposed amendment may be proposed either by the Board of Directors or by members of the Association. Directors and members not present in person or by proxy at the meeting considering the amendment may express their approval in writing, providing the approval is delivered to the secretary at or prior to the meeting. The approvals must be either:
  - (a) by not less than 75% of the entire membership of the board of directors and by not less than 75% of the votes of all the units of the Association; or
  - (b) by not less than 80% of the votes of all the units of the Association.
3. Limitation - provided, however, that no amendment shall make any changes in the qualification for membership nor in the voting rights or property rights of members, nor any change in paragraph numbers 3 to 5 of Article 3, entitled "Powers" without approval in writing by all members and the joinder of all record owners of mortgages upon units. No amendment shall be made that is in conflict with the Condominium Act or the Declaration of Condominium.
4. Recording - a copy of each amendment shall be accepted and certified by the Secretary of State and be recorded in the public records of Sarasota County, Florida.

## ARTICLE 10

TERM

The term of the Association shall be perpetual.

## ARTICLE 11

SUBSCRIBERS

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

<u>Name:</u>	<u>Address:</u>
LUCAS PIETER DeJONGE	Jaagpad #51, 2992-CD Baiendrecht, The Netherlands.
GEERTJE GERARDA CORNELIA DeJONGE	Jaagpad #51, 2992-CD Baiendrecht, The Netherlands.
ROBERT A. DICKINSON	460 South Indiana Avenue, Englewood, Florida

## ARTICLE 12

DESIGNATION OF RESIDENT AGENT

The street address of the initial registered office of this corporation is 460 South Indiana Avenue, Englewood, Florida 33533, and the name of the initial Registered Agent of this corporation at that address is ROBERT A. DICKINSON.

IN WITNESS WHEREOF the subscribers have affixed their signatures  
this 30th day of November, 1980.

OR 694 PG 1486

RPD DeJonge  
LUCAS PIETER DeJONGE

Geertje Gerarda Cornelia DeJonge  
GEERTJE GERARDA CORNELIA DeJONGE


Robert A. Dickinson  
ROBERT A. DICKINSON

STATE OF FLORIDA  
COUNTY OF SARASOTA

I HEREBY CERTIFY that on this day, before me, a Notary Public  
duly authorized in the state and county above named to take acknow-  
ledgments, personally appeared LUCAS PIETER DeJONGE, GEERTJE GERARDA CORNELIA  
DeJONGE and ROBERT A. DICKINSON, to me known to be the individuals described as  
Incorporators and Subscribers, and who executed the foregoing Articles  
of Incorporation and who acknowledged before me that they subscribed  
to these Articles of Incorporation.

WITNESS my hand and official seal in the county and state  
named above, this 30th day of November, 1980.

Maury M. Coleman  
Notary Public



My Commission Expires:

Notary Public, State of Florida at Large  
My Commission Expires Dec. 18, 1983  
Bonded By Cincinnati Insurance Co.



Association shall not exercise the rights and authorities herein granted to the Condominium Association in respect of parking, but all such rights shall be exclusively exercisable by the Developer. The Developer may at any time by an instrument in writing delivered to the Condominium Association relinquish in whole or in part any of its rights herein relative to the designation of parking spaces.

D. Each condominium apartment unit in the Condominium shall have allocated to it not less than one (1) limited common element parking space within the "Sheltered Parking".

E. This Article V may not be amended without the written consent of the Developer during such periods of time as the Developer shall have any rights hereunder to designate or control the designation of parking spaces.

## VI

**OR 694 PG 1451**

### UNDIVIDED SHARES IN THE COMMON ELEMENTS AND SHARE IN THE COMMON EXPENSES AND COMMON SURPLUS APPURTENANT TO EACH UNIT

A. Each unit shall have as an appurtenance thereto an undivided 1/28 share in the common elements.

B. The common expenses shall be borne equally by the condominium unit owners and the said unit owners shall share equally in the common surplus such equal shares being a 1/28th share.

C. In the event of the termination of the Condominium Regime, the Condominium Property shall be owned in common by the unit owners in accordance with the provisions contained in paragraph "O" of Article XXX entitled "Shares of Ownership upon Termination".

## VII

### CONDOMINIUM ASSOCIATION

The Association responsible for the operation of this Condominium is a Florida corporation, not-for-profit. The Association shall have all the powers, rights and duties set forth in this Declaration, the By-Laws and the rules and regulations enacted pursuant to such By-Laws. The Association is sometimes herein referred to as the Condominium Association, the Association or the Corporation. A copy of the Articles of Incorporation of the Association are appended hereto as Exhibit 3. Amendments to the Articles of Incorporation shall be valid when adopted in accordance with their provisions and filed with the Secretary of State or as otherwise required by Chapter 617, Florida Statutes, as amended from time to time. Article X of this Declaration regarding amendments to this Declaration shall not pertain to amendments to the Articles of Incorporation, the recording of which shall not be required among the Public Records to be effective unless such recording is otherwise required by law. No amendment to the Articles shall, however, change any condominium parcel or the share of common elements, common expenses or common surplus attributable to a parcel nor the voting rights appurtenant to a parcel unless the record owner or owners thereof and all record owners of liens upon such parcel or parcels shall join in the execution of such amendment.

## VIII

### BY-LAWS

The operation of the Condominium property shall be governed by the By-Laws of the Condominium Association which are annexed to this Declaration as Exhibit 4 and made a part hereof. Said By-Laws may be amended in the same manner and with the same vote required as for amendments to this Declaration.

MEMBERSHIP IN THE CONDOMINIUM ASSOCIATION  
AND VOTING RIGHTS OF UNIT OWNERS

Every owner of a condominium unit whether he has acquired title by purchase from the Developer, the Developer's grantee, successor or assigns, or by gift, conveyance or by operation of law, is bound to and hereby agrees that he shall accept membership in the Condominium Association described in Article VII hereinabove and does hereby agree to be bound by this Declaration, the By-Laws of the Condominium Association and the rules and regulations enacted pursuant thereto and the provisions and requirements of The Condominium Act and of the lawful amendments thereto. Membership is automatic upon acquisition of ownership of a transfer of the ownership of the unit. Membership shall likewise automatically terminate upon sale or transfer of the unit, whether voluntary or involuntary.

The owner of every condominium unit shall accept ownership of said unit subject to restrictions, easements, reservations, conditions and limitations now of record and affecting the land and improvements constituting the Condominium Property.

Subject to the provisions and restrictions set forth in the By-Laws of the Condominium Association, each apartment condominium unit owner is entitled to one (1) vote in the Condominium Association for each apartment condominium unit owned by him. Voting rights and qualifications of voters and membership in the Corporation are more fully stated, qualified and determined by the provisions of the Charter of the Association and by its By-Laws, which By-Laws are attached hereto and made a part hereof as Exhibit 4. Whenever a particular numerical or percentage vote is called for or provided for in this Declaration or in the By-Laws (such as "3/4 of the unit owners" or "a majority of the members") unless the particular provision describing the vote required shall specifically require to the contrary, the vote required shall be that percentage or fraction of the total number of votes of the condominium unit owners present and voting or, if the provision involved so requires, of the total number of votes entitled to be voted on the matter. Unless a particular provision shall require otherwise, a majority vote of the number of votes or unit owners present and voting and entitled to vote on any matter shall be controlling, providing a quorum is present.

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