



# AMENDED ARTICLES OF INCORPORATION OF BRIGHT WATER PLACE HOMEOWNERS ASSOCIATION, INC

(A Florida Corporation Not for Profit)

**June 2026**

Pursuant to Sections 617.202 and 617.1007, Florida Statutes, the undersigned corporation adopts the following Amended and Restated Articles of Incorporation.

These Amended and Restated Articles of Incorporation supersede the original Articles of Incorporation and all prior amendments thereto.

## **ARTICLE I: NAME**

The name of this corporation shall be BRIGHT WATER PLACE HOMEOWNERS ASSOCIATION, INC. (hereinafter referred to as the "Association").

## **ARTICLE II: PRINCIPAL OFFICE AND REGISTERED AGENT**

Pursuant to Section 0202, Florida Statutes, the current principal place of business address and the current mailing address for the Association are:

**Place of Business:**

3332 Indian Trail  
Eustis, FL 32726

**Mailing Address:**

P.O.Box 350073  
Grand Island, FL 32735

Pursuant to Section 48.091 and Section 607.0501, Florida Statutes, the name and address of the current Registered Agent for service of process upon the Association is:

BRIONEZ, MARK A.  
BRIONEZ + BRIONEZ, P.A.  
322 WEST BURLEIGH BLVD.  
TAVARES, FL 32778 US

## **ARTICLE III: PURPOSES**

This Association does not contemplate pecuniary gain or profit to the Members thereof, and no distribution of income to its Members, Directors or officers shall be made, except that nothing herein shall prevent the Association from compensating persons who may be Members, Directors or officers in exchange for services actually rendered to, or costs actually incurred for the benefit of, the Association in furtherance of one or more of its purposes.

As such, this corporation is organized as a not-for-profit homeowners' association pursuant to Chapters 617 and 720, Florida Statutes. The general purpose of this Association is to promote the common interests of the property owners in Bright Water Place (hereinafter referred to as the "Community"), while the specific purposes for which the corporation is organized are:

1. To manage, maintain, repair, and improve the Common Areas, community signage, landscaping, private roads (if applicable), and other shared facilities and improvements within the residential community known as Bright Water Place;
2. To enforce/perform the Declaration of Covenants, Conditions, and Restrictions for the Community recorded in the public records of Lake County, Florida (hereinafter referred to as the "Declaration") and any other governing documents of the Association, as may be amended from time to time;
3. To levy, collect, and enforce assessments and other charges from Members as authorized by the governing documents and Florida law;
4. To promote the health, safety, welfare, and collective interests of the owners and residents of the community;
5. To exercise all powers and perform all duties as may be provided by the Association's governing documents or as permitted under Chapters 617 and 720, Florida Statutes.

## **ARTICLE IV: TERM OF EXISTENCE**

The term of existence of this corporation shall be perpetual. In the event of termination, dissolution, or liquidation of the Association, the responsibility for operation and maintenance of the surface water or storm water management system, including any conservation areas, shall be transferred to and accepted by an entity that would comply with Section 40C-42.027 F.A.C., and be approved by the St. Johns River Water Management District prior to such termination, dissolution, or liquidation.

## **ARTICLE V: MEMBERSHIP AND VOTING RIGHTS**

Membership in the Association shall be limited to owners of record of lots within the Bright Water Place subdivision. Membership shall be appurtenant to, and may not be separated from, ownership of a lot as described in the Declaration.

The Association shall have a single class of membership. Each lot shall be entitled to one membership and one vote in the affairs of the Association, which shall be exercised as set forth in the Bylaws. When a lot is owned by more than one person or entity, the voting rights shall be exercised as provided in the Bylaws.

No person or entity shall hold more than one membership per lot owned. Membership shall automatically transfer with title to the lot and shall terminate when the Member no longer holds title.

The rights and responsibilities of Members, including the payment of assessments and the enforcement of use restrictions, shall be as set forth in the Association's Declaration, Bylaws, and applicable Florida law. Notwithstanding the foregoing, no person shall be indemnified for acts or omissions constituting gross negligence, willful misconduct, or a knowing violation of law.

In accordance with §720.306(8), Florida Statutes, Members' voting rights will be suspended for those Members who are more than 90 days delinquent in paying the annual assessment.

## **ARTICLE VI: BOARD OF DIRECTORS**

The affairs of the Association shall be managed by a Board of Directors, which shall have all powers and duties as provided by Chapters 617 and 720, Florida Statutes, the Association's Bylaws, and the Declaration of Covenants, Conditions, and Restrictions.

The number, qualifications, terms of office, method of election, removal, and filling of vacancies for Directors shall be as set forth in the Bylaws. The Board may exercise all powers of the Association except those reserved to the Members by law, the Articles of Incorporation, or the Bylaws.

Directors shall discharge their duties in good faith, with the care an ordinarily prudent person would exercise under similar circumstances, in accordance with Section 617.0830, Florida Statutes. Conflicts of interest shall be governed by Sections 617.0832 and 617.0834, Florida Statutes.

## **ARTICLE VII: GOVERNING DOCUMENTS**

The Association shall be governed by these Articles of Incorporation, the Declaration of Covenants, Conditions, and Restrictions for Brightwater Place, the Bylaws of the Association, and any duly adopted rules and regulations, as may be amended from time to time. In the event of a conflict among these documents, the order of authority shall be as follows:

1. Florida law, including Chapters 617 and 720, Florida Statutes;
2. The Declaration of Covenants, Conditions, and Restrictions;
3. These Articles of Incorporation;
4. The Bylaws;
5. The rules and regulations adopted by the Board of Directors.

All Members and residents of the community shall be subject to and bound by these governing documents.

## **ARTICLE VIII: BYLAWS**

The Board of Directors shall adopt Bylaws consistent with these Articles of Incorporation and the laws of the State of Florida for the regulation and management of the affairs of the Association. The Bylaws may be amended, altered, or repealed as provided therein, subject to the limitations of Chapters 617 and 720, Florida Statutes.

In the event of a conflict between the provisions of the Bylaws and these Articles of Incorporation, or the applicable provisions of law, the Articles and law shall control.

## **ARTICLE IX: INDEMNIFICATION**

To the fullest extent permitted by Chapter 617, Florida Statutes, as amended from time to time, the Association shall indemnify any Director, officer, committee Member, employee, or agent of the Association who was or is a party to any threatened, pending, or completed action, suit, or proceeding (including civil, criminal, administrative, or investigative) by reason of the fact that he or she is or was serving in such capacity, against expenses (including attorney's fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred, provided such person acted in good faith and in a manner reasonably believed to be in or not opposed to the best interests of the Association.

The indemnification provided herein shall not be deemed exclusive of any other rights to which such individuals may be entitled under any Bylaw, agreement, vote of Members or disinterested Directors, or otherwise. The foregoing right of indemnification shall be in addition to and not in lieu of any and all other rights to which law and specifically shall not include acts of gross negligence or willful misconduct. This provision shall not eliminate or limit the liability of any person for acts or omissions not permitted to be indemnified under Florida law.

## **ARTICLE X: AMENDMENTS**

These Articles of Incorporation may be amended, altered, or repealed at a duly called meeting of the Members of the Association by the affirmative vote of a majority of the votes cast, or as otherwise provided by the Bylaws or applicable law. Any amendment shall be effective upon filing with the Florida Department of State in accordance with Chapter 617, Florida Statutes.

Notwithstanding the foregoing, any amendment affecting the operation and maintenance of the surface water or storm water management system, including conservation areas, must be approved by the St. Johns River Water Management District prior to adoption, if required by the applicable permit or law.

## **ARTICLE XI: DISSOLUTION**

In the event of the dissolution or termination of the Association, whether voluntary or involuntary, all of the Association's assets remaining after payment or provision for payment of all debts and liabilities shall be distributed as follows:

1. All real and personal property owned by the Association and designated for community use shall be dedicated to an appropriate public agency, utility, or nonprofit organization to be used for purposes similar to those for which the Association was organized.
2. If any portion of the Association's assets includes surface water or storm water management systems, including conservation areas or drainage infrastructure, responsibility for operation and maintenance shall be transferred to and accepted by an entity approved by the Florida Department of Environmental Protection and/or the St. Johns River Water Management District, in accordance with applicable environmental resource permits and regulatory requirements.
3. Any remaining assets shall be distributed to a nonprofit organization organized and operated for purposes similar to those of the Association and qualified under Section 501(c)(4) or 501(c)(3) of the Internal Revenue Code, or as otherwise provided by law.

## **ARTICLE XII: CORPORATE POWERS**

The Association shall have all of the powers of a not-for-profit corporation organized under Chapter 617, Florida Statutes, and all powers of a homeowners' association as set forth in Chapter 720, Florida Statutes, including but not limited to the

power to make and enter into contracts, own and convey property, incur obligations, enforce use restrictions and collect rents from tenants, levy and collect assessments, and take any action necessary including enforcing liens and foreclosures for unpaid assessments, or desirable in connection with the ownership, management, operation, and administration of the community.

### **ARTICLE XIII: INCORPORATOR**

The name and address of the original incorporator of this corporation, as filed in the original Articles of Incorporation on February 12, 1993, is:

F. Blake Longacre  
401 Corbett Street, Suite 300  
Clearwater, Florida 34616