

CERTIFICATE OF FORMATION

HOMEOWNERS' ASSOCIATION (HOA) DOMESTIC NONPROFIT CORPORATION

STATE OF ALABAMA

PURPOSE: In order to form a Homeowners' Association (hereinafter HOA) under Title 35, Chapter 20 as a Nonprofit Corporation under Section 10A-1-3.05 and 10A-3-3.02 of the Code of Alabama 1975 this Certificate Of Formation, all required attachments, and the appropriate filing fees must be filed with the Office of the Judge of Probate in the county in which the development, or any part thereof, is located. **The information required in this form is required by Title 10A and Title 35.**



20170818000301460 1/4 \$159.00
Shelby Cnty Judge of Probate AL
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(For County Probate Office Use Only)

INSTRUCTIONS: Mail three (3) signed copies of this completed form and the appropriate filing fees to the Office of the Judge of Probate in the county in which the development, or any part thereof, is located. Contact the Judge of Probate's Office to determine the county filing fees. **Make a separate check or money order payable to the Secretary of State for the state filing fee of \$100.00** for standard filing (processed based on date of receipt and filing volume) **or \$200.00 for expedited service** (processed in less than 24 hours after date of receipt from the County Probate Office) and the Judge of Probate's Office will transmit the fee along with a certified copy of the Certificate to the Office of the Secretary of State within 10 days after the Certificate is filed. Once the Secretary of State's Office has indexed the filing the information will appear at www.sos.alabama.gov under the Business Services tab and the Homeowners' Associations link – you may search by entity name by using the Homeowners' Associations Electronic Database. Your notification of filing was provided by the Probate Judge's Office via a stamped copy which is evidence of existence (if it is certified by the Probate Office) according to 10A-1-4.04(c) and the Secretary of State's Office does not send out a copy. You may pay the Secretary of State fees by credit card if the county you are filing in will accept that method of payment. Your entity will not be indexed if the credit card does not authorize and will be removed from the index if the check is dishonored.

The information completing this form must be typed (for your convenience the information is fill-able on this computer form on the website above).

1. The name of the HOA: Dearing Farms Homeowners' Association, Inc.
2. **A copy of the Name Reservation certificate from the Office of the Secretary of State must be attached.**
3. Unless otherwise stated, this is a nonprofit corporation which has Members.

This form was prepared by: (type name and full address)

Tommy B. Majors IV
The Majors Law Firm, LLC
270 Doug Baker Blvd., STE 700-201
Birmingham, AL 35242

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4. The name of the Registered Agent: The Majors Law Firm, LLC

The entity ID # of the registered agent if the agent is an entity/organization/business – AL ID # 322 - 077
Satisfies requirement that entity/organization must be a registered business in Alabama per 10A-1-5.31.

5. Street (**No PO Boxes**) address in Alabama of Registered Agent (must be where registered agent is located):

270 Doug Baker Blvd., STE 700-201, Birmingham, AL 35242

Mailing address of Registered Agent in Alabama (if different from street address): _____

6. Purpose for which corporation is formed: Homeowners' Association – Nonprofit Corporation; the purpose includes the transaction of any lawful business for which HOAs may be incorporated in Alabama under Title 35, Chapter 20 of the Code of Alabama.

7. Period of duration shall be perpetual unless stated otherwise by an attached exhibit.

8. The name of the Incorporator: Ryan C. Medo

Address of Incorporator: 9 Office Park Circle, Suite 215, Birmingham, AL 35223

Attach a listing if more Incorporators need to be added (type "see attached" in the name line).

9. The number of Directors constituting the initial Board of Directors is 3. The initial Directors names and addresses must be listed in this Certificate of Formation.

Director's Name: Ryan C. Medo

Address of Director: 9 Office Park Circle, Suite 215, Birmingham, AL 35223

Director's Name: Robert F. Ashurst

Address of Director: 9 Office Park Circle, Suite 215, Birmingham, AL 35223

Director's Name: Wes Davis

Address of Director: 120 Bishop Circle, Pelham, AL 35124

Attach listing if more Directors need to be added (type "see attached" in the name line for the first Director on this form).

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The filing of the Certificate of Formation of the HOA is effective immediately on the date filed by the Judge of Probate or at **the delayed filing date** (cannot be prior to the filing date of the Judge of Probate) specified in this filing. [10A-1-4.12] If a delayed effective date is not desired do not complete the information in this item.

The undersigned specify ____ / ____ / ____ as the delayed effective date (must be on or after the date filed in the office of the county Judge of Probate, but no later than the 90th day after the date this instrument was signed) and the time of filing to be ____ : ____ ☐ AM or ☐ PM. (cannot be noon or midnight – 12:00)

In addition to this Certificate of Formation, as required by Ala. Code 1975, §35-20-5(2) and the Administrative Rules adopted by the Secretary of State, you are required to file separately with the Secretary State the Supplement to Certificate of Formation and the following documents:

1. **Articles of Incorporation (Certificate of Formation)**
2. **By-laws, resolutions, or other governing documents of the association**
3. **The original covenants, conditions, or restrictions adopted by the association.**
4. **Other information or documents required by Alabama Code 1975 §35-20-5(c) and the Supplement to Certificate of Formation form.**

Additional Signatures May Be Attached

08 11/17/2017

Date (MM/DD/YYYY)

Signature as required by 10A-1-3.04

Ryan C. Medo

Typed Name of Above Signature

Incorporator

Typed Title/Capacity to Sign under 10A-1-3.04

John H. Merrill
Secretary of State

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P.O. Box 5616
Montgomery, AL 36103-5616

STATE OF ALABAMA

**I, John H. Merrill, Secretary of State of Alabama, having custody of the
Great and Principal Seal of said State, do hereby certify that**

pursuant to the provisions of Title 10A, Chapter 1, Article 5, Code of Alabama
1975, and upon an examination of the entity records on file in this office, the
following entity name is reserved as available:

Dearing Farms Homeowners' Association, Inc.

This name reservation is for the exclusive use of The Majors Law Firm, 4320
Eagle Point Pkwy, Birmingham, AL 35242 for a period of one year beginning
April 27, 2017 and expiring April 27, 2018



RES757543

**In Testimony Whereof, I have hereunto set my
hand and affixed the Great Seal of the State, at the
Capitol, in the city of Montgomery, on this day.**

April 27, 2017

Date

A handwritten signature in cursive script that reads "J. H. Merrill".

John H. Merrill

Secretary of State