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941044-WS

FORM 7
PAGE 1 OF 2

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

NAME OF SYSTEM: BAYVIEW EAST CONDOMINIUM ASSOC, INC

PHYSICAL ADDRESS OF SYSTEM: 53 BAY HEIGHTS AVE, W.
ENGLEWOOD, FLORIDA 34223

MAILING ADDRESS (IF DIFFERENT): SAME AS ABOVE

COUNTY: CHARLOTTE

PRIMARY CONTACT PERSON:

NAME: ROY J. RUSSELL, DIRECTOR & TREASURER

ADDRESS: 53 BAY HEIGHTS AVE, W., UNIT # 205
ENGLEWOOD, FL. 34223

PHONE #: (813) 474-8152

ACK NATURE OF APPLICANT'S BUSINESS ORGANIZATION: (CORPORATION, PARTNERSHIP, SOLE PROPRIETOR, ETC.) NON-PROFIT CORPORATION

AFA _____
APP 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:

CMU _____
CTR _____ 1. The corporation, association, or cooperative is nonprofit.

EAG _____
LEG Edmond 2. Service will be provided solely to members who own and control it.

LIN _____
OPC _____ 3. The system provides (CHOOSE THE ONE THAT IS APPLICABLE):
Water only _____
Wastewater only X
Both _____

SEC _____
WAS Carol BAYVIEW EAST CONDOMINIUM ASSOC, INC. will do the billing for such service.

QTH _____
5. The service area is located at: SERVICE AREA IS LIMITED TO A 20 UNIT CONDOMINIUM COMPLEX AT ABOVE ADDRESS.

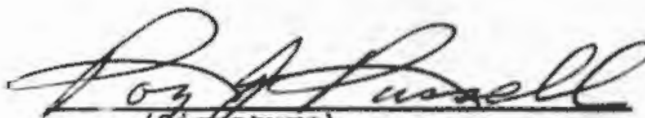
DOCUMENT NUMBER-DATE
12144 DEC-58
FPSC-RECORDS/REPORTING

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.

ROY J. RUSSELL ON BEHALF
OF BAYVIEW EAST CONDOMINIUM ASSOC. NOV. 29, 1994
(Applicant please print or type) (Date)

 DIRECTOR & TREASURER
(Signature) (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.

9:30 AM

JUN 5 1981

DECLARATION OF CONDOMINIUM

OF

BAYVIEW EAST, A CONDOMINIUM

BUDDY C. ALEXANDER
CLERK OF CIRCUIT COURT
CHARLOTTE COUNTY, FLORIDA

668 PG 1286

81 532496

81 539161

KNOW ALL MEN BY THESE PRESENTS: That 20TH CENTURY DEVELOPMENT COMPANY, called Developer, for itself, its successors, grantees and assigns, does this 5TH day of JUNE, 1981, submit to condominium ownership pursuant to the laws of the Statutes of the State of Florida, the real estate owned by Developer in fee simple situated in Charlotte County, Florida, and legally described on Exhibit 1 attached hereto.

O.R. 673 PG 1715

1. NAME AND ADDRESS: The name by which the condominium property is to be identified is: BAYVIEW EAST, A CONDOMINIUM. The address of the condominium is 53 Bay Heights Avenue, Englewood, Florida 33533.

2. IDENTIFICATION OF EACH UNIT: The condominium shall consist of twenty (20) units located in one building of three floors above parking. There will be seven (7) units on the first level above parking, numbered 201 through 207; seven (7) units on the second level above parking, numbered 301 through 307; and six (6) units on the third level above parking, numbered 401 through 406.

The legal description of a unit in the Condominium shall be:

Unit _____, BAYVIEW EAST, A Condominium, according to the Declaration of Condominium recorded in Official Record Book _____, Page _____ of the Public Records of Charlotte County, Florida.

RECORDED IN
OFFICIAL RECORDS

81 JUL 31 AM 49

BUDDY C. ALEXANDER
CLERK OF CIRCUIT COURT
CHARLOTTE COUNTY, FLORIDA

RECORD VERIFIED - Buddy C. Alexander, Clerk

By Joan Keeney

RECORD VERIFIED - Buddy C. Alexander, Clerk

[Signature]
C.A.

LEGAL DESCRIPTION OF THE REAL PROPERTY SITUATED
IN CHARLOTTE COUNTY, FLORIDA, SUBMITTED
TO CONDOMINIUM OWNERSHIP AS
BAYVIEW EAST, A CONDOMINIUM
BY 20TH CENTURY DEVELOPMENT COMPANY, DEVELOPER

G.R.

673 PC 1741 ✓

The South Half of Lot 1 and all of Lot 2, Block B, Sunset Bay Subdivision, according to plat thereof recorded in Plat Book 2 at Page 63 of the Public Records of Charlotte County, Florida;

G.R. 668 PC 1292

Also described as:

Begin at the intersection of the South R/W line of Bay Heights Avenue (25 feet R/W) and the Southerly line of Lot 2, Block "B", "SUNSET BAY" Subdivision, recorded in Plat Book 2, Page 63, Public Records of Charlotte County, Florida; thence Southwesterly along said Southerly lot line, 437 feet, more or less, to the Point of intersection of said Southerly lot line, and the Southeasterly extension of an existing seawall along the Southwesterly side of said Lot 2; thence Northwesterly along the line of said seawall, extended Southeasterly, a distance of 5.0 feet; Thence continue Northwesterly along the said seawall 122.03' ±; Thence Northeasterly 273.40 feet to the Southerly R/W line of Bay Heights Avenue (25' R/W); Thence Easterly along said R/W 214.8 feet to the P.O.B.

LESS the following described portion of Lot 2, Block "B", "SUNSET BAY" Subdivision according to the plat thereof:

Begin at the intersection of the South R/W line of Bay Heights Ave. (25 ft. R/W) and the Southerly line of Lot 2, Block B, Sunset Bay Sub., recorded in Plat Book 2, Page 63, Public Records of Charlotte County, Florida; thence Southwesterly along said Southerly lot line, 437 ft.; more or less, to the Point of intersection of said Southerly lot line, and the Southeasterly extension of an existing seawall along the Southwesterly side of said Lot 2; thence Northwesterly along the line of said seawall, extended Southeasterly, a distance of 5.0 feet; thence Northeasterly 87 feet, more or less, to a point on an existing seawall on the Easterly side of a boat basin, said point being 10 feet, measured perpendicular, from said Southerly line of Lot 2; thence Northeasterly, parallel to said Southerly line of Lot 2, and 10 feet therefrom, a distance of 334.72 feet to the Point of intersection of said line, and the Southerly R/W line of Bay Heights Ave.; thence Easterly along said R/W line, 16.26 feet to the Point of Beginning.

All lying and being in Section 6, Township 41 South, Range 20 East, Charlotte County, Florida.

EXHIBIT 1

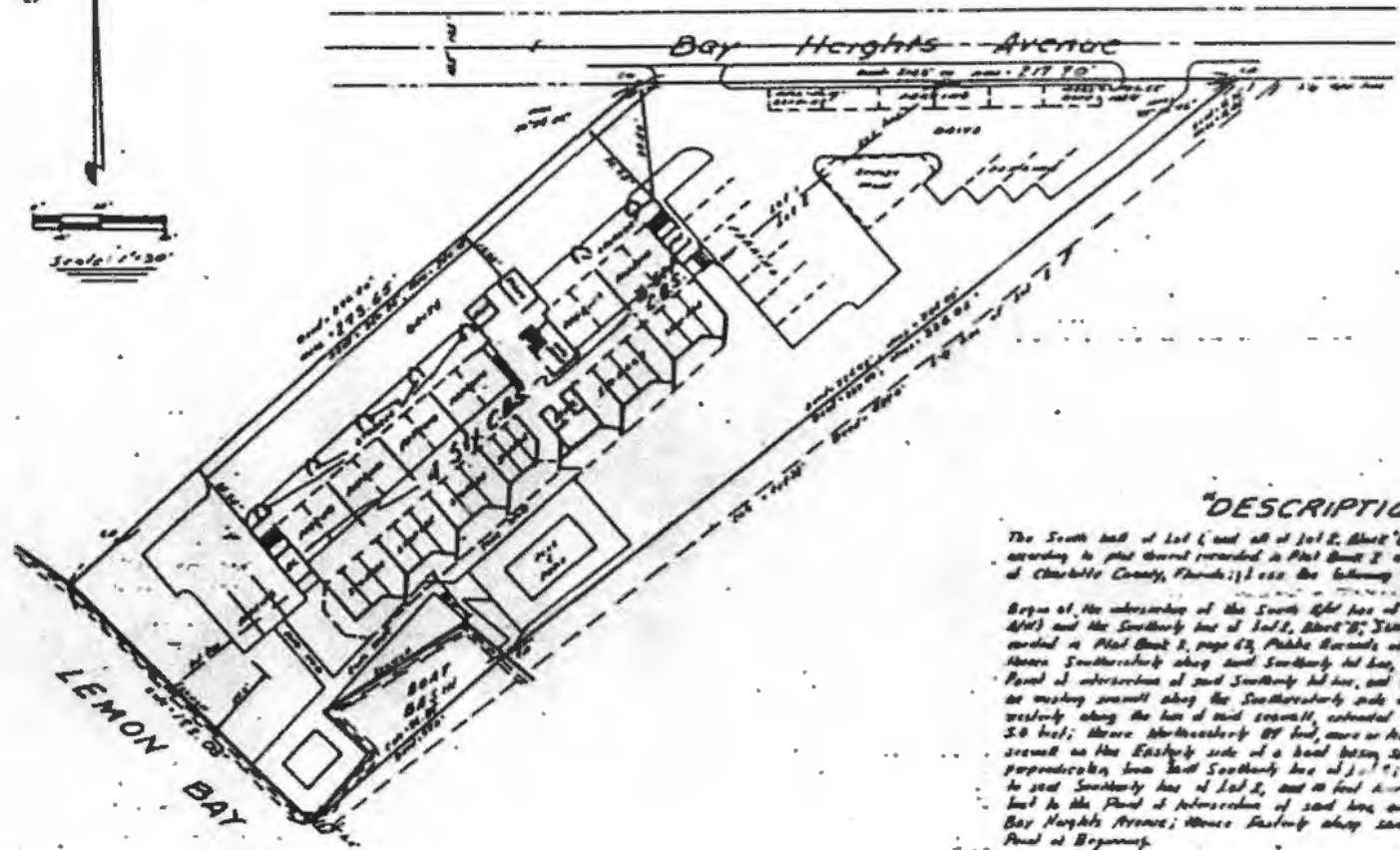
"BAYVIEW EAST"

A CONDOMINIUM

Section 6, Township 41 South, Range 20 East
County of Charlotte State of Florida

U.T. 668 RE 1293

U.R. 673 RE 1742



"DESCRIPTION"

The South half of Lot C, and all of Lot E, Block "C", SUNSET BAY Subdivision, according to plat thereof recorded in Plat Book 2 of page 63 of the Public Records of Charlotte County, Florida; is the following described portion of said Lot C:

Begin at the intersection of the South 1/4th line of Bay Heights Avenue (25 feet wide) and the South half of Lot C, Block "C", SUNSET BAY Subdivision, recorded in Plat Book 2, page 63, Public Records of Charlotte County, Florida; thence Southwesterly along said Southwesterly lot line, 457 feet more or less, to the Point of intersection of said Southwesterly lot line, and the Southwesterly extension of an existing street along the Southwesterly side of said Lot C; thence Northwesterly along the line of said street, extended Southwesterly, a distance of 30 feet; thence Northwesterly 87 feet, more or less, to a point on an existing street on the Eastern side of a dead ending dead end being 10 feet, measured perpendicular from said Southwesterly line of Lot C; thence Northwesterly parallel to said Southwesterly line of Lot C, and to said intersection, a distance of 338 feet to the Point of intersection of said line and the Southwesterly lot line of Bay Heights Avenue; thence Eastwesterly along said lot line, 14.16 feet to the Point of Beginning.

It being and being in Section 6, Township 41 South, Range 20 East, Charlotte County, Florida.

LEMONDE SURVEYING, INC.
2017 S. 20th Avenue, Trail
Yonkers, Florida

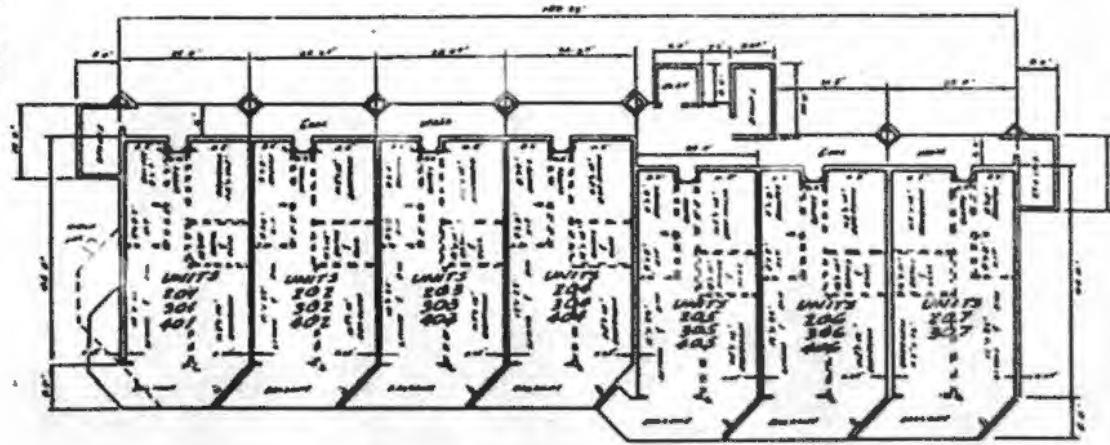
"BAYVIEW EAST"

A CONDOMINIUM

Section 6, Township 41 South, Range 20 East
County of Charlotte State of Florida

O.R. 668 PC 1294

O.R. 673 PC 1743



TYPICAL 2ND, 3RD & 4TH FLOORS

SCALE: 1" = 16'-0"

Unit Boundaries

- A) The Upper and Lower Boundaries of the Apartment shall be the following boundaries extended to an intersection with the Perimetrical boundaries.
 - 1) Upper Boundaries: the horizontal plane of the undecorated finished ceiling.
 - 2) Lower Boundaries: the horizontal plane of the undecorated finished floor.
- B) The Perimetrical Boundaries of each Unit are the vertical planes of the undecorated finished surfaces of the walls bounding the Units extended to intersect with each other and with the Upper and Lower Boundaries. Each Unit shall include the balcony.

NOTE: Elevations refer to M.S.L. Datum as of this date.

Surveyor's Certificate

I, the Undersigned, a Professional Land Surveyor, duly Authorized to practice under the Laws of the State of Florida, hereby certifies that construction of the improvements described and shown are substantially complete so that the Survey, Plat Plan and Graphic Description of said improvements, together with the provisions of the Declaration of Condominium is a correct representation of the improvements described, and there can be determined therefrom the identifying, location and dimensions of the Common Elements, the Limited Common Elements, and of each Condominium Unit.

ELEVATIONS

1 st Fl. Parking Top Floor Elevation	+ 0.75
1 st Fl. Ceiling Top Floor Elevation	+ 0.25
1 st Fl. Ceiling Top Floor Elevation	+ 12.52
2 nd Fl. Ceiling Top Floor Elevation	+ 12.70
2 nd Fl. Ceiling Top Floor Elevation	+ 12.70
3 rd Fl. Ceiling Top Floor Elevation	+ 12.70
3 rd Fl. Ceiling Top Floor Elevation	+ 12.70
4 th Fl. Ceiling Top Floor Elevation	+ 12.70
4 th Fl. Ceiling Top Floor Elevation	+ 12.70

LEMONDE SURVEYING, INC.

 DANIEL E. LEMONDE, P.L.S.
 FLORIDA CERTIFICATE NO. 7000

Date of Survey:
5-18-81

LEMONDE SURVEYING, INC.
 2015-B South Tamiami Trail
 Venice, Florida

ARTICLES OF INCORPORATION

OF

O.R. 668 PC1295

BAYVIEW EAST CONDOMINIUM ASSOCIATION, INC.

O.R. 673 PC1744

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 BAYVIEW EAST CONDOMINIUM ASSOCIATION, INC.

ARTICLE 2

Purpose

The purpose for which the Association is organized is to provide an entity pursuant to Florida Statutes for the operation of the condominium located in Charlotte County, Florida, and known as BAYVIEW EAST, A Condominium.

ARTICLE 3

Powers

The Association shall have all of the common law and statutory powers of a corporation not for profit under the laws of the State of Florida; all of the powers and duties set forth in the Condominium Act of the State of Florida, and all of the powers and duties reasonably necessary to operate the condominium pursuant to the condominium documents.

ARTICLE 4

Members

G.R. 668 PG 1296

The owners of each of the units in BAYVIEW EAST, A CONDOMINIUM, as shown by the public records of Charlotte County, Florida, are by reason of such ownership, members of the Association. Upon the termination of the condominium, those persons who are members of the Association at the time of such termination shall continue to be members of the Association.

G.R. 673 PG 1745

In all matters involving the Association, there shall be one vote for each of the units in the Condominium.

ARTICLE 5

Board of Administration

The affairs of the Association shall be managed by a Board of Administration consisting of five (5) directors.

The directors shall exercise all the duties and powers of the Association as provided by the common law and statutory powers of a corporation not for profit under the laws of the State of Florida, the Condominium Act, Declaration of Condominium, these Articles and the Bylaws.

The 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 vacancy on the Board of Directors may be filled in the manner provided by the Bylaws. Except as may be provided by statute, the first election of directors by members of the Association other than Developer of this condominium shall not be held until after the Developer has closed the sale of all of the units of the condominium, or until

Developer elects to terminate its control of the condominium until after January 1, 1988, whichever occurs first. The directors named in these Articles shall serve until their successors are elected by the members other than the Developer; any vacancies in the Board of Administration occurring before the time for the election of directors by the members other than Developer, shall be filled by the Developer.

O.R. 673 PG 1748

668 PG 1297

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

Ronald A. DeAnna	8750 Midnight Pass Road Sarasota, Florida 33581
John J. Lyons	Suite 1111 Sarasota Bank Building Sarasota, Florida 33577
Robert W. Beaudry	Suite 1111 Sarasota Bank Building Sarasota, Florida 33577

ARTICLE 6

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 address of the officers who shall serve until their successors are designated by the board of directors are as follows:

President:	Ronald A. DeAnna 8750 Midnight Pass Road Sarasota, Florida 33581
Secretary-Treasurer	John J. Lyons Suite 1111 Sarasota Bank Building Sarasota, Florida 33577

ARTICLE 7

Indemnification

D.R. 673 PG 1747 ✓

S.A. 668 PG 1298

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 and liabilities are incurred; provided that in the event of a settlement 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

Bylaws

The first Bylaws 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 Bylaws.

ARTICLE 9

Amendments

O.R. 668 PC 1299

Amendments to these Articles of Incorporation shall be adopted by two-thirds vote of the members of the Association.

Amendments to the Articles of Incorporation may be adopted at only special or general meetings of the members of the Association after notice and the call of the meeting as provided in the Bylaws. Members may vote either in person or by proxy at the meeting considering the amendment or they may express approval or disapproval in writing provided such written expression is delivered to the Secretary at or prior to the meeting at which the resolution is to be considered.

O.R. 673 PC 1748

No amendment to the Articles of Incorporation may change the qualifications for membership, voting rights or property rights of the members unless the amendment is approved in writing by all of the members and all record owners of mortgages upon units. No amendment shall be made that is in conflict with the laws of the State of Florida or the declaration of condominium of BAYVIEW EAST.

In the event of an amendment to the Articles of Incorporation, a copy, certified to by the Secretary of the State shall be recorded in the public records of Charlotte County, Florida.

ARTICLE 10

Term

The term of the Association shall be perpetual.

ARTICLE 11

Subscribers

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

G.R. 668 PG 1300

Ronald A. DeAnna 8750 Midnight Pass Road
Sarasota, Florida 33581

John J. Lyons Suite 1111 Sarasota Bank Building
Sarasota, Florida 33577

Robert W. Beaudry Suite 1111, Sarasota Bank Building
Sarasota, Florida 33581

G.R. 673 PG 1749

IN WITNESS WHEREOF the subscribers have affixed their signatures
this ____ day of _____, 1980.

RONALD A. DEANNA

JOHN J. LYONS

ROBERT W. BEAUDRY

STATE OF FLORIDA
COUNTY OF SARASOTA

RONALD A. DEANNA, JOHN J. LYONS and ROBERT W. BEAUDRY,
appeared before me, and after being duly sworn they acknowledged
that they executed the foregoing Articles of Incorporation for
the purposes expressed in the Articles.

WITNESS my hand and official seal this ____ day of _____,
1980.

Notary Public
My Commission Expires:

CERTIFICATE DESIGNATING PLACE OF BUSINESS OR
DOMICILE FOR THE SERVICE OF PROCESS WITHIN THIS
STATE, NAMING AGENT UPON WHOM PROCESS MAY BE SERVED

D.R. 668 PG 1301

In pursuance of Florida Statutes, the following is submitted
in compliance with said Statute: D.R. 673 PG 1750 ✓

That BAYVIEW EAST CONDOMINIUM ASSOCIATION, INC., desiring to
organize under the laws of the State of Florida with its principal
office, as indicated in the Articles of Incorporation in the
County of Charlotte, State of Florida, has named RONALD A. DEANNA,
located at 8750 Midnight Pass Road, Sarasota, Florida 33581, as
its agent to accept service of process within this State.

Having been named to accept service of process for the above
stated corporation, the place designated in this certificate, I
hereby accept to act in this capacity, and agree to comply with
the provisions of said Statute relative to keeping open said
office.

RONALD A. DEANNA

B Y L A W S

BAYVIEW EAST CONDOMINIUM ASSOCIATION, INC.

A corporation not for profit
under the laws of the State of Florida D.R. 668 PC 1302

I. IDENTITY. These are the Bylaws of BAYVIEW EAST
CONDOMINIUM ASSOCIATION, INC., called Association throughout the
Condominium documents, a corporation not for profit formed under
the laws of the State of Florida. The Articles of Incorporation
were filed in the Office of the Secretary of State of the State
of Florida on D.R. 673 PC 1751

The Association has been formed for the purpose of administering
the Condominium, BAYVIEW EAST, A CONDOMINIUM, pursuant to the
Condominium Act of the State of Florida.

(a) The office of the Association shall be at the
Condominium, BAYVIEW EAST, A CONDOMINIUM.

(b) The fiscal year of the Association shall be the
calendar year.

(c) The seal of the corporation shall bear the name of
the corporation, the word "Florida", the words "Corporation not
for profit" and the year of incorporation.

II. MEMBERSHIP IN THE ASSOCIATION. The unit owners of
BAYVIEW EAST, A CONDOMINIUM, are the members of the Association.

III. MEETINGS OF THE ASSOCIATION MEMBERS: There shall be
an annual meeting of the unit owners held on the 2nd Monday of
the month of January at 10:00 in the morning at the Condominium,
or such other place as the directors shall designate; provided,

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however, if that date is a legal holiday, the meeting shall be held at the same hour of the next day which is not a holiday. The purpose of the meeting shall be to elect directors and to transact any other business authorized to be transacted by the members.

O.R. 673 PG 1752

O.R. 668 PG 1303

(a) Special members' meetings shall be held whenever called by the President or Vice President or by a majority of the Board of Directors, and must be called by such officers upon receipt of a written request from members entitled to cast one-third of the votes of the entire membership. A special meeting for the purpose of recall of members of the Board of Administration shall be called upon receipt of written request for such a meeting from 10% of the members.

(b) At least 14 days prior to a meeting of the members of the Association, a written notice of such meeting shall be given to each unit owner and shall be posted in a conspicuous place on the condominium property.

(c) Notice of the annual meeting shall be sent by ordinary mail to each unit owner, unless the owner waives in writing the right to receive the notice by mail. The post office

certificate of mailing and the minutes of the meeting of members and Board of Administration shall be retained by the Secretary for not less than seven (7) years. These items shall be kept in a book and made available to members and their representatives at reasonable times.

D.R. 668 PG 1304

(d) Unit owners may waive notice of any meetings. The unit owners may take any action authorized by the Condominium documents or the Condominium Act by written agreement, without the need of holding a meeting.

D.R. 673 PG 1753 ✓

(e) All notices of meetings shall state the place, date, and hour of the meeting, and the matters to be considered. No action may be taken by the members with respect to matters not described in the notice of meeting. Notices are deemed mailed when deposited in the United States Mail with sufficient postage attached, addressed to the member at his address as appears in the records of the Association.

(f) A quorum at members' meetings shall consist of the persons entitled to cast a majority of the votes of the entire membership. The acts approved by a majority of the votes needed at a meeting at which a quorum is present shall constitute the acts of the members, except when approval by a greater number of members is required by the Declaration of Condominium or the Condominium Act.

IV. VOTING. In any meeting or in any agreement by the members, the owners of units shall be entitled to cast one vote for each unit owned. Ownership of a unit shall be established by

Public Records of Charlotte County, Florida. Joint owners of a unit shall agree upon one person to cast the ballot for the unit. If the owners are unable to agree, no vote shall be counted for the unit. The Association may assume that a person purporting to vote on behalf of a unit owner jointly is authorized by the owners to act in their behalf. A corporation shall designate a person to cast the ballot for the corporation. The directors may require from the corporation a resolution establishing the authority of such person to vote. Votes may be cast in person or by proxy.

(a) The current edition of Roberts Rules of Order shall govern the conduct of the business of the meetings of the members and of the directors with respect to matters not covered by the Condominium documents and the laws of the State of Florida.

(b) The order of business at the annual members' meeting, and when practicable at other members' meetings, is as set forth below:

ORDER OF BUSINESS

- (1) Calling of the roll and certifying of proxies.
- (2) Proof of notice of meeting or waiver of notice.
- (3) Reading and disposal of any unapproved minutes.
- (4) Reports of officers.
- (5) Reports of committees.
- (6) Election of inspectors of election.
- (7) Election of directors.
- (8) Unfinished business.
- (9) New business.
- (10) Adjournment.

O.R. 668 PG 1306

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V. DEVELOPER'S RIGHTS: Notwithstanding any other provisions of these Bylaws or the Condominium documents, Developer reserves the right to manage the affairs of the Condominium and to operate the Association until such time as the unit owners are entitled to elect the majority of the members of the Board of Administration of the Association as provided by the Condominium Statute.

O.R. 673 PG 1755 ✓

VI. BOARD OF ADMINISTRATION: The administration of the Association and the operation of the condominium property shall be by a Board of Administration of five (5) members.

(a) Members of the Board of Administration shall be elected at the annual meeting, shall serve without compensation for a term of one (1) year and until their successor has been elected, and may be recalled and removed from office with or without cause by the vote or agreement in writing of the majority of the unit owners. Vacancies on the Board of Administration shall be filled by election by the members.

(b) The Board of Administration shall act as the nominating committee for directors for the coming year. The committee shall nominate five (5) directors for presentation to the membership at the annual meeting. Additional nominations may be made from the floor. Election shall be by ballot (unless dispensed by majority consent) and by plurality of the votes cast. Each person voting is entitled to cast his vote for each of as many nominees as there are vacancies to be filled. There shall be no cumulative voting.

O.R. 668 N. 1307

(c) Until a majority of the directors are elected by the members other than the Developer of the condominium under the circumstances provided by the Condominium Act, neither the first directors of the Association or any directors replacing them nor any other directors named or elected by the Developer shall be subject to removal by the members other than the Developer. The first directors and the directors replacing them may be removed by the Developer.

O.R. 673 PG 1758 ✓

VII. MEETINGS OF BOARD OF ADMINISTRATION. The organization meeting of the newly elected Board of Administration shall be held within ten (10) days of their election at such place and time as shall be fixed by the directors at the meeting at which they are elected, no further notice being necessary. Regular meetings of the Board of Administration may be held at such time and place as shall be determined from time to time by the majority of the directors. Notice of regular meetings shall be given to each director personally by mail, telephone or telegraph and shall be transmitted at least three days prior to the meeting. Meetings of the Board of Administration shall be open to all unit owners. Adequate notice of all meetings shall be posted conspicuously on the Condominium property at least 48 hours in advance, except in an emergency.

(a) Special meetings of the Board of Administration may be called by the President and must be called by the Secretary at the written request of any two directors.

(b) Any director may waive notice of a meeting before or after the meeting. The attendance of a director at a meeting

constitutes waiver of notice unless the purpose of the attendance was to object to the meeting as not being lawfully called.

(c) The majority of the Board of Administration shall constitute a quorum for the transaction of the business at any meeting of the directors, and a majority of those present at the meeting at which there is a quorum present shall constitute the acts of the Board of Administration.

(d) Each director shall serve without compensation for acting as a director. A director may not serve the Association in some other capacity and receive compensation for such service.

VIII. POWERS AND DUTIES OF BOARD OF ADMINISTRATION. All of the powers and duties of the Association existing under the Condominium documents and the laws of the State of Florida for the operation of the condominium shall be exercised exclusively by the Board of Administration and its designated agents, contractors, and employees. No unit owner shall have authority to act for the Association by reason of being a unit owner.

IX. OFFICERS OF THE ASSOCIATION. The executive officers of the Association shall be the President, Vice-President, each of whom must be a director, a Treasurer, a Secretary and such additional officers and committee chairmen as shall be established by the Board of Directors. The executive officers shall be elected annually by the Board of Administration and may be removed with or without cause by a majority of the Directors at any meeting.

D.R. 668 PG 1308

D.R. 673 PG 1757 ✓

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(a) The President shall be the chief executive officer of the Association. That person shall have all the powers and duties usually vested and associated in the office of President, including by way of clarification and not limitation, presiding at the meetings of the membership, and the appointment of committees and committee chairmen. O.R. 668 PG 1309

(b) The Vice-President shall exercise the powers and perform the duties of the President in the absence or disability of the President. That person shall assist the President and exercise such other powers and perform such other duties as shall be prescribed by the Directors. O.R. 673 PG 1758

(c) The Secretary shall keep the minutes of all proceedings of the directors and the members. That person shall attend to the serving of all notices to the members and directors and other notices required by law. That person shall have custody of the seal of the Association and shall affix it to instruments requiring a seal when duly signed. That person shall keep the records of the Association, except those of the Treasurer, and shall perform all other duties incident to the office of secretary of an association and as may be required by the directors or the President.

(d) The Assistant Secretary shall exercise the powers and perform the duties of the Secretary in the absence or disability of the Secretary.

(e) The Treasurer shall have custody of all property of the Association, including funds, securities and evidences of indebtedness. That person shall keep books of account for the

Association in accordance with good accounting practices, which, together with substantiating papers, shall be made available to the Board of Administration for examination at reasonable times. That person shall submit a treasurer's report to the Board of Administration at reasonable intervals and shall perform all other duties incident to the office of treasurer. O.R. 668 PG 1310

(f) The compensation of all officers and employees of the Association shall be fixed by the directors. The provision that directors shall not be paid fees shall not preclude the employment of a director as an employee of the Association or preclude the contracting with a director for the management of a condominium for compensation. O.R. 673 PG 1759

X. FISCAL MANAGEMENT. The Board of Administration shall have the duty to determine and collect the assessments necessary to pay the expenses of the operation, maintenance, repair, or replacement of the common elements, the cost of carrying on the powers and duties of the Association and any other expenses of the Condominium designated as common expenses by the Condominium documents and the Condominium Statutes of the State of Florida.

(a) The Board of Administration shall adopt a budget for the common expenses for the coming year at a meeting open to the unit owners. A copy of the proposed budget and notice of the meeting at which the budget is to be adopted shall be mailed to the unit owners not less than thirty (30) days prior to the meeting at which the budget will be adopted. As an alternative to adopting a budget, the Board of Administration shall propose a budget to a unit owner as provided by the condominium statute.

Nothing contained herein shall limit the right of the unit owners to consider and enact a budget as provided by the condominium statute. U.R. 668 PG 1311 ✓

(b) The budget adopted by either the Board of Administration or the unit owners, as the case may be, shall provide assessments for each unit for the coming year. Assessments are made for a year in advance, and are payable in installments, quarterly. Installments of assessments not paid within fifteen (15) days after the date due, shall bear interest from the date due, until paid, at the rate of 10% per annum, or the maximum interest allowed by law, whichever is greater. In addition, the Association shall be entitled to collect reasonable attorney's fees, costs and expenses incident to the collection of assessments or the preparation, recording or enforcement of any lien for assessments, together with a collection fee of \$25.00. In the event installments are not paid within thirty (30) days of the date when due, the Board of Administration may accelerate payment of the balance of the installments of assessments, and declare the entire assessment for the year due and payable.

(c) Special assessments may only be made by the Association after approval by a majority of the units in the condominium.

(d) The provisions of these Bylaws with respect to a budget and a determination of common expenses shall not be applicable so long as there is agreement by the Developer that the common expenses of the Condominium imposed upon the unit owners would not increase over a stated dollar amount and Developer

U.R. 673 PG 1760 ✓

was obligated itself to pay any amount of common expenses incurred during that period and not produced by assessments at the guaranteed level receivable from the other unit owners.

G.R. 668 PC 1312

(e) The unit owner, regardless of how title is acquired, including a purchaser at a judicial sale, shall be liable for all assessments coming due while he is the unit owner. Also, the grantee in a voluntary conveyance shall be jointly and severally liable with the grantor for unpaid assessments. Liability for assessments may not be avoided by the waiver of use or enjoyment of the common elements or abandonment of the unit. The Association has a lien upon each condominium parcel for any unpaid assessments, interest, costs, and reasonable attorney's fees incurred in the collection of the assessments or enforcement of the lien.

G.R. 673 PC 1761

(f) When the mortgagee of any mortgage of record obtains title by foreclosure or deed in lieu of foreclosure, such acquirer of title shall not be liable for the share of common expenses and special assessments pertaining to the particular unit or chargeable to the former owner which became due prior to acquisition of title, unless the unpaid expenses or assessments are secured by a lien recorded prior to the recording of the foreclosed mortgage.

(g) Notwithstanding the provisions of these Bylaws for the collection of assessments, during the time that the Developer has agreed that the assessments for common expenses imposed upon the unit owners would not increase over a stated dollar amount, the provisions set forth in these Bylaws with respect to the

determination of the amount of assessments for common expenses shall not apply. The provisions applicable to the collection of common expenses do apply.

O.R. 668 PC 1313

XI. INDEMNIFICATION OF OFFICERS, DIRECTORS, AGENTS AND EMPLOYEES.

The Association does indemnify any person acting as a director, officer, agent or employee of the Association, or who was serving at the request of the Association, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by such person in connection with such action, suit or proceeding, including any appeal thereof, if such person acted in good faith and in a manner he reasonably believed to be in, or not opposed to, the best interests of the Association, and with respect to any criminal action or proceeding, had no reasonable cause to believe that his conduct was unlawful. This provision shall be subject to provisions of Florida Statute 607.014. The Association may purchase and maintain insurance to protect against its liability as indemnitor.

O.R. 673 PC 1762

XII. AMENDMENT OF BYLAWS. These Bylaws may be altered, amended, repealed, and new Bylaws may be adopted in place thereof, by vote of the owners of two-thirds of the units after notice as provided by these condominium documents and the condominium statute. No modification, amendment or alteration of the Bylaws shall be valid unless set forth in or annexed to a recorded amendment to the Declaration of Condominium.

XIII. RULES AND REGULATIONS. The Board of Administration may from time to time adopt rules and regulations concerning

the possession and use of the condominium property including, by way of description and not limitation, the parking and placing of vehicles and items of personal property on the parking areas, use of lawns and other portions of the common elements. Unit owners, their guests and persons using the condominium property with their permission, shall abide by the rules and regulations established by the Board of Administration. In the event the Association must institute legal action to enforce such rules and regulations, or enforce any of the other obligations imposed upon the unit owners by the condominium documents or the condominium statutes, the offending unit owner shall be liable to the Association for reasonable attorney's fees, costs and expenses of such action.

O.R. 668 PC 1314

O.R. 673 PC 1763

The foregoing were adopted as the Bylaws of BAYVIEW EAST CONDOMINIUM ASSOCIATION, INC., a corporation not for profit, by the Developer, incorporators and members of the Association at a meeting held on the _____ day of _____, 1980.

Secretary

Approved:

President