

Proposed Declaration Changes

12/19/20

Bocce Ball Court (Changes to all 8 Declarations)

Article 3, Section 3.6(c) – Commonly Used Facilities. (The following amendment was already made and needs to be recorded):

The Condominium includes ground level parking areas for automobiles located on easements granted to Unit Owners for that purpose; roads for ingress and egress; various gardens, and landscaping; a Bocce Ball Court and other facilities which are *part* of the common elements; and shall include, without limitation, any interest in any real or personal property acquired by demise, grant or otherwise.

Article 10, Section 10.3 – Recreational Facilities. The following paragraph needs to be amended to include the Bocce Ball Court that was already approved and added to Section 3.6(c) of the Declaration:

All recreational facilities, including any swimming pool, tennis court, Bocce Ball Court, recreation room, patio or appurtenant facilities located on the condominium property and all recreational facilities located outside the condominium property, shall be used only for the purposes for which they were intended and shall be subject to the rules and regulations of the Condominium Association.

Recreation Facility (Changes to all 8 Declarations)

Following are the recommended changes to Article 5:

5.1 Recreation Facility Restaurant & Tennis Club. The real property, consisting of a restaurant and tennis club, described as Parcels 1 and 2 in Exhibit “A” attached hereto and made a part hereof are not declared condominium and are not made a part of the common elements of this condominium. The real property described therein as Parcels 1 and 2 has constructed thereon a Recreation Facility consisting of a restaurant/clubhouse of approximately five thousand five hundred (5,500) square feet, ~~a swimming pool of approximately eight hundred (800) square feet,~~ and seven (7) four (4) tennis courts. This real property and the improvements constructed thereon will be conveyed to JUPITER BAY CONDOMINIUM ASSOCIATION, INC., a Florida Corporation not-for-profit, and will be held by such Association for the use and benefit of its Members.

5.2 West Recreation Facility. The remaining property described therein as Parcels 1 and 2 includes a swimming pool of approximately eight hundred (800) square feet, a pool cabana, restroom and spa.

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~~These are common elements of the condominium, and The only expenses attributable to the recreational facilities described in this paragraph for which the Unit Owners will be assessed for are those common expenses attributable to maintenance and repair of the these facilities-swimming pool. This common expense is and shall be identified as a “Class B” expense line item on the Condominium Association Operating Budget. The maintenance of the balance of the facilities will be paid by those Unit Owners electing to use the facilities by paying membership fees in accordance with a Membership Agreement.~~

5.3 East Recreation Facility. In addition to the facilities described above, the pool, cabana, bath, and two tennis...

Consent to Action (Changes to all 8 Declarations)

Article 12, Section 12.1. – Resolution. The Consent to Action option for amending the Declaration needs to be added to this Section as follows:

A resolution for the adoption of a proposed Amendment may be proposed by either the Board of Directors of the Association or by the members of the Association. Directors and members not present in person or by written proxy at the meeting considering the Amendment may express their approval in writing, provided such approval is delivered to the Secretary at or prior to the meeting. In lieu of a meeting, a proposal (Consent to Action) to amend the Declaration can be mailed, after Board member approval, to all Association owners of record for their review and approval. Except as elsewhere provided, such approvals must be either by...

Defense of Foreclosure (Changes to all 8 Declarations)

Article 7, Add Section 7.8 – Defense of Foreclosure. Include the ability to collect attorney “defense of foreclosure” fees for units in foreclosure that are not delinquent in paying the association’s assessments:

When foreclosure action is taken against a condominium unit for reasons other than unpaid assessments (e.g., for mortgage default or unpaid taxes), the Association has the right to charge reasonable attorney fees associated with defending the Association’s interest.

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Pet Control (Changes to all 8 Declarations)

Article 10, Section 10.9 – Pets. The first sentence of the paragraph needs to be amended, and a second sentence added, as follows:

A maximum of two domestic household pets not to exceed twenty (20) pounds are permitted. An exception to the weight restriction may be granted for service animals required by occupants with a physical or mental impairment that substantially limits their major life activities or for emotional support when approved by a medical doctor.

Vehicle Parking (Changes to all 8 Declarations)

Article 10, Section 10.4 – Loud Vehicles or Machines. Proposed amendment to this Section is as follows, with one version that just allows passenger vans and sports utility vehicles and a second version (shown below) that includes standard pickup trucks:

Resident, or guest of resident, automobiles, standard unmodified pickup trucks, passenger vans, and sports utility vehicles (whether classified as truck or passenger vehicle) are allowed on Association property. No other trucks, vans, pickup, tractors, trailers, motorcycles, recreational vehicles, mobile homes, or buses or loud or noisy vehicles, machines or device shall be used, operated, stored or parked in any unit, parking area, street, or other portion of the condominium property; provided, however, that this provision shall not preclude the use of delivery trucks or other trucks, equipment or machinery necessary for the maintenance, care or protection of the condominium property or any construction activities during the period of constructing any unit contemplated by this Declaration or an amendment hereto.

Rental Terms (Individual Declaration change)

Article 10, Add Section 10.1(a) – Unit Rentals. Proposed addition of this Section is as follows:

An application form completed and signed by the applicant(s) must be submitted to the management office for approval prior to occupancy, together with a copy of the original lease or sales contract. Leasing or renting of a condominium unit by a unit owner is permitted only if the lease period for any lessee is for at least thirty (30) days or one calendar month, whichever is less. In addition, a unit owner is permitted to lease or rent his or her unit for a lease period for any lessee of at least ten (10) days during the holidays of

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Thanksgiving, Christmas and Easter (any such ten-day lease period must include either Thanksgiving, Christmas Day, or Easter Sunday). All applicants for sale or lease or any other transfer of the interest in a unit must be reviewed and approved in advance, in writing by the Association.

Transfer Fees (Individual Declaration change)

Article 10, Add Section 10.1(b) – Transfer Fees. Proposed addition of this Section is as follows:

The Association shall collect a transfer fee, which shall be an amount determined by the Board from time to time, in accordance with applicable law. A \$100.00 transfer fee is required for the sale of a unit, and a non-refundable processing fee of \$75.00 is required for the lease of a unit. All tenants, including returning tenants unless they are occupying pursuant to a renewal right in a previously approved lease, are required to file a rental application form and pay the \$75.00 processing fee. Applications for leases will not be approved if there are any current violations of the governing documents or rules related to such unit or if an owner is more than ten (10) days delinquent in the payment of maintenance fees, assessments or fines. Moreover, applications for leases will not be approved if there are reasonable grounds to believe that the proposed lessee would not likely be able to meet the obligations of the lease or that the proposed lessee or guests pose a risk to the community.

Guests of Owner, unless they are in residence with the owner, or are immediate family members of the owner, are required to pay a \$25.00 processing fee. Residents who claim "Guest of Owner" status will not be processed by the management office until confirmation has been received from the unit owner.

Proposed Bylaw amendments are applicable to all 8 associations.

Bylaw Amendment Approvals

Article 12, Section 12.2 – Resolution. Proposed amendment to Paragraph (b) to conform to Florida statutes as follows:

(b) after control of the Association has been turned over to Unit Owner's other than the Developer, by not less than ~~eighty percent (80%)~~ two-thirds of the votes of the Members of the Association represented at a meeting at which a quorum has been attained.

Annual Audited Financial Report Due Date

Article 9, Section 9.13 – Accounting Records and Reports. Change second paragraph of this section of the Association's bylaws to conform to Florida statutes:

Within ninety (90) ~~sixty (60)~~ days following the end of the fiscal year, the association shall contract for the preparation and completion of an audited financial report for the preceding fiscal year. Within 21 days after the final audited financial report is completed and received by the association, but not later than 120 days after the end of the fiscal year, the association ~~Board~~ shall mail, or furnish by personal delivery, to each Unit Owner, a copy of the financial report or a notice that a copy of the financial report will be mailed or hand delivered to the unit owner, without charge, upon receipt of a written request from the unit owner ~~complete financial report of actual receipts and expenditures for the previous twelve (12) months~~. The report shall show the amount of receipts by accounts and receipt classifications and shall show the amount of expenses by accounts and expense clarifications, including, if applicable, but not limited to, the following...