

LAW OFFICES OF  
**RAYBURN, LERNER & TREUHAFT**  
*a partnership of professional associations*

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Reply to: Dunedin

March 30, 1994

Board of Directors  
The Landings of Clearwater  
Condominium Association, Inc.  
15500 Evergreen Avenue  
Clearwater, FL 34622-3020

RE: AMENDMENTS

Dear Board of Directors:

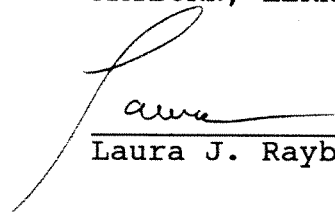
The Condominium Act requires that assessments be not less frequent than quarterly, which means assessments may not be semi-annual. Furthermore, your Declaration specifically provides that assessments are due and payable monthly. In order to collect assessments on a quarterly basis, it would be necessary to amend Article XVII of your Declaration of Condominium. I have prepared such a proposed amendment, and you will find it enclosed herewith.

Also enclosed herewith are the other revisions to the proposed amendments which we discussed.

After you have reviewed these matters, please call me to discuss how you wish to proceed. Thank you.

Sincerely,

RAYBURN, LERNER & TREUHAFT



\_\_\_\_\_  
Laura J. Rayburn

LJR:anm  
Enclosures

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**SCHEDULE OF AMENDMENTS  
TO  
DECLARATION OF CONDOMINIUM  
FOR  
THE LANDINGS OF CLEARWATER**

1. Article XVII of the Declaration of Condominium is amended to read as follows:

"The association shall have the power and authority to levy assessments from time to time as may be necessary to operate the association and to provide for the payment of all common expenses. All assessments shall be due and payable ~~monthly~~ quarterly to the association by the members automatically and ~~without notice on the first day of each calendar month~~ pursuant to notice of the Board of Directors. Any assessment more than ~~sixty (60)~~ ten (10) days past due shall bear interest at the higher of the legal rate on judgments or twelve percent (12%) per annum from the date due thereof until paid. Joint owners of a hangar unit shall be jointly and severally liable for any assessment against their unit. Should any assessment remain unpaid for ~~sixty (60)~~ ten (10) days after due ~~notice of the same~~, then the Board of Directors or the Treasurer of the association may send notice of the default of such delinquent owner(s) ~~by certified mail, return receipt requested~~, to the last address furnished by such owner(s) to the association. If the default continues for an additional ~~thirty (30)~~ fifteen (15) days after such notice, then the Board of Directors shall, without further notice or demand, take such action as it deems necessary to collect the amount so due. As is provided in Paragraph XI, any such unpaid assessments for common expenses, together with attorneys' fees and other costs necessarily incurred in the collection of the same, shall be secured by a lien against the condominium parcel against which it is made upon its recording in the Public Records in Pinellas County, Florida."

2. Article XX, Section 7, of the Declaration of Condominium is amended to read as follows:

"Reasonable regulations concerning the use of the condominium property may be made and amended from time to time by the Board of Directors of the Association. ~~All regulations and amendments thereto shall be approved by a vote of not less than seventy-five percent (75%) of all unit owners.~~ Copies of such regulations and amendments thereto shall be furnished by the Association to all unit owners ~~and residents~~ of the condominium upon request."

3. Article XX, Section 13 of the Declaration of Condominium is amended to read as follows (substantial rewording; see Section

13, Article XX, for present text):

"Units may only be utilized in a manner consistent with the provisions of the lease agreement with Pinellas County recorded at O.R. Book 5849, Page 533, Public Records of Pinellas County, Florida, and any amendments thereto.

No unit owner shall make any additions or alterations to the interior of the unit without the prior consent of the Board of Directors, nor shall a unit owner permit or suffer anything to be done or kept in a unit which will obstruct the rights of unit owners, or materially increase the rate of insurance upon the condominium property over the rate applicable for its intended use.

A unit owner shall not store any personal property upon the common elements or commit or permit any nuisance, immoral or illegal act to be maintained or committed in or about his or her unit or upon the condominium property.

A unit owner shall be responsible for violations by his or her guests, licensees or invitees, as well as his or her own violations, and the costs to the association to obtain compliance for any violation shall be assessed to the unit owner."

**BY-LAWS OF  
THE LANDINGS OF CLEARWATER CONDOMINIUM ASSOCIATION, INC.**

**ARTICLE I**

These are the By-Laws of The Landings of Clearwater Condominium Association, Inc. (hereinafter the Association), a corporation not-for-profit under the laws of the State of Florida and organized for the purpose of administering that certain condominium located in Pinellas County, Florida and known as The Landings of Clearwater Condominium. The principal office of the Association shall be at 15500 Evergreen Road, Clearwater, Florida 34622, or at such other place as may be designated by the Board of Directors. The seal of the Association shall bear the name of the corporation, the word "Florida", the words "corporation not-for-profit" and the year of incorporation.

**ARTICLE II**

The fiscal year of the Association shall be the calendar year.

**ARTICLE III**

Section 1. The annual meeting of the members shall be held on the date and at the place and time determined by the Board of Directors from time to time, provided that there shall be an annual meeting every calendar year and no later than 14 months after the last annual meeting.

Section 2. Special meetings of the members may be called by the President or by a majority of the Board of Directors of the Association, and must be called by the President or Secretary upon receipt of a written request from at least twenty percent (20%) of the members of the Association entitled to vote at the meeting. Requests for a meeting by the members shall state the purpose for the meeting, and the business conducted at any special meeting shall be limited to the matters stated in the notice for it.

Section 3. Notice of any annual or special meeting of the members shall be mailed to each unit owner, or delivered personally, at least 14 days prior to such meeting, and shall be posted in a conspicuous place on the condominium property at least 14 continuous days preceding the annual or special meeting.

Section 4. A quorum at meetings of members shall consist of persons entitled to cast, either in person or by proxy, one-third

(1/3) of the votes of the entire membership.

Section 5. The acts approved by the majority of the votes present in person or by proxy at a meeting at which a quorum is present shall be binding on all unit owners for all purposes, unless a larger percentage of votes is required in the Declaration of Condominium, the Articles of Incorporation or these By-Laws.

Section 6. If a unit is owned by more than one natural person, the owners must designate one of themselves to vote on behalf of the unit. If a unit is owned by a corporation or partnership, a written designation shall be filed with the Secretary of the Association and signed by the President or Vice-President of the corporation or a partner of the partnership.

Section 7. Votes may be cast in person or by limited proxy. Each proxy shall set forth the name of the person voting by proxy and the name of the person authorized to vote the proxy for him or her. Each proxy shall contain the date, time and place of the meeting for which the proxy is given. The proxy shall be effective only for the specific meeting for which originally given and any lawfully adjourned meetings. No proxy shall be valid for a period longer than ninety (90) days after the date of the first meeting for which is was given, and it may be revoked at any time at the pleasure of the unit owner executing it. The proxy shall be signed by the unit owner or owners (if more than one) or by the appropriate officer or partner of a corporation or partnership.

Section 8. The unit owners may waive their right to receive notice of any meeting, whether annual or special, by a writing signed by them to that effect. The waiver shall be filed with the Secretary of the Association either before, at or after the meeting for which the waiver is given.

Section 9. The minutes of all meetings of unit owners shall be kept in a book available for inspection by unit owners or their authorized representatives, and Board members, at any reasonable time.

Section 10. An agenda of the items to be considered at meetings of members shall be determined by the Board of Directors.

#### ARTICLE IV

Section 1. The affairs of the Association shall be managed by a Board consisting of five (5) directors, who shall be elected in the manner set forth in Chapter 718, Florida Statutes, as amended from time to time. Said directors shall also be subject to recall as set forth in Chapter 718, Florida Statutes, as amended from time to time.

Section 2. Directors shall be elected by a plurality of the votes cast and shall serve a term of three years each. Any vacancies occurring during the term of a director shall be filled by appointment by the remaining directors.

#### ARTICLE V

Section 1. The Board of Directors shall hold an organizational meeting following each election within ten (10) days of the date of their election, at a place and time determined by the directors at the meeting at which they were elected. Notice of such organizational meeting shall be posted as required by Chapter 718, Florida Statutes.

Section 2. All regular meetings of the Board of Directors shall be held at a time and place determined by the Board of Directors, and notice thereof shall be posted as required in Chapter 718, Florida Statutes.

Section 3. A quorum at the meeting of directors shall consist of a majority of the entire Board of Directors. There shall be no voting by proxy at any meeting of the Board of Directors. However, a director may join in the action of a meeting by signing and concurring in the minutes of that meeting. Such concurrence shall not constitute the presence of that director for the purposes of determining a quorum.

Section 4. The Board shall propose an annual budget and provide notice of its budget meeting pursuant to the requirements of Chapter 718, Florida Statutes. The budget shall be prepared as required in Chapter 718, and adopted by the Board of Directors, without a vote of the members. However, members shall vote at a members' meeting on the question of whether to waive reserves or fund less than the mandated amounts under Chapter 718, Florida Statutes.

Section 5. The Board of Directors shall have all the powers, duties and responsibilities set forth in Chapter 718, Florida Statutes, the Declaration of Condominium for The Landings of Clearwater, and the Articles of Incorporation for The Landings of Clearwater Condominium Association, Inc.

Section 6. The Board of Directors shall have the authority to impose a transfer fee or a fine, pursuant to the requirements of Chapter 718, Florida Statutes.

#### ARTICLE VI

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Section 1. There shall be a President of the Association who shall

be the chief executive officer of the Association. He or she shall have all of the powers and duties that usually are vested in the office of President of an Association, including, but not limited to, the power to appoint committees from among the members to assist in the conduct of the affairs of the Association as he or she in his or her discretion may determine appropriate. He or she shall preside at all meetings of the Board.

Section 2. There shall be a Vice-President of the Association who shall exercise the powers and perform the duties of the President in the absence or disability of the President. He or she shall also assist the President and exercise those other powers and perform those other duties as shall be prescribed by the Directors.

Section 3. There shall be a Secretary of the Association who shall keep the minutes of all proceedings of the Directors and the members. He or she shall attend to the serving of all notices to the members and Directors and other notices required by law. He or she shall have custody of the seal of the Association and shall affix it to instruments requiring the seal when duly signed. He or she shall keep the records of the Association, except those of the Treasurer, and shall perform all other duties incident to the office of the Secretary of an Association and as may be required by the Directors or the President.

Section 4. There shall be a Treasurer of the Association who shall have custody of all property of the Association, including funds, securities and evidences of indebtedness. He or she 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 Directors for examination at reasonable times. He or she shall submit a Treasurer's report to the Board at reasonable intervals and shall perform all other duties incident to the office of Treasurer. All money and other valuable effects shall be kept for the benefit of the Association in such depositories as may be designated by a majority of the Board.

Section 5. The officers shall be elected by the Board of Directors and shall serve without compensation.

## **ARTICLE VII**

Section 1. The Board of Directors shall adopt a budget for the common expenses of the Association in advance of each fiscal year at a special meeting of the Board called for that purpose at least forty-five (45) days before the end of each fiscal year. Notice of such special meeting shall be provided to members as required in Chapter 718, Florida Statutes, as amended from time to time.

Section 2. The proposed annual budget of common expenses shall be

detailed and shall show the amounts budgeted by accounts and expense classifications, as required by Chapter 718, Florida Statutes, as amended from time to time. The budget as proposed may be challenged by the members in accordance with the procedures set forth in Chapter 718, Florida Statutes, as amended from time to time.

Section 3. The Association shall maintain accounting records including, but not limited to, (1) a record of all receipts and expenditures and (2) an account for each unit, designating in the name and current mailing address of the unit owner, the amount of each assessment, the dates and amounts in which the assessments came due, the amount paid on the account and the balance due.

Section 4. The Board of Directors shall mail or furnish by personal delivery to each unit owner a complete financial report of actual receipts and expenditures for the previous twelve months, as required by Chapter 718, Florida Statutes, as amended from time to time.

Section 5. The fidelity bonding requirements of Chapter 718, Florida Statutes, as amended from time to time, shall be at the expense of the Association.

#### **ARTICLE VIII**

Section 1. Assessments shall be made against the unit owners not less frequently than quarterly, in the discretion of the Board of Directors. The requirements of the Declaration of Condominium for The Landings of Clearwater and Chapter 718, Florida Statutes, as amended from time to time, shall govern the manner of making assessments.

Section 2. Special assessments for common expenses that cannot be paid from the annual assessment for common expenses shall be made by the Board of Directors after fourteen (14) days' notice given to the unit owners. These assessments shall be paid at the times and in the manner that the Board may require in the notice of assessment.

Section 3. If the annual assessment proves to be insufficient, the budget and assessments may be amended at any time by the Board of Directors. Unpaid assessments for the remaining portion of the year for which an amended assessment is made shall be payable in as many equal installments as there are installment payment dates remaining in the budget year as of the date of the amended assessment.



**ARTICLE IX**

Section 1. In the case of a violation (other than the non-payment of an assessment) by a unit owner of any of the provisions of the Condominium Act, the Declaration of Condominium for The Landings of Clearwater, the Articles of Incorporation for The Landings of Clearwater Condominium Association, Inc., these By-Laws or any lawfully adopted rules and regulations, the Association by direction of its Board of Directors, shall give notice of such violation, and if the violation shall continue for a period of ten (10) days from the date of the notice, the Association shall have the right to treat the violation as an intentional and material breach of the provision cited in the notice. The Association may, but is not required, to file an action to remedy such violation.

Section 2. Any unit owner may bring an action against another unit owner for any violation as defined hereinabove, at his or her own expense.

Section 3. In any action brought pursuant to the provisions of this Article, the prevailing party is entitled to recover its reasonable attorneys fees and costs.

**ARTICLE X**

Section 1. These By-Laws may be amended in the following manner:

A. 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.

B. An amendment may be proposed either by a majority of the Board of Directors or by not less than one-third (1/3) of the members of the Association. The amendment shall be adopted if it is approved by a majority of the votes of the entire membership of the Association.

Section 2. A copy of each amendment shall be attached to a certificate certifying that the amendment was duly adopted as an amendment of the Declaration and By-Laws. The certificate shall be executed by the President or Vice-President and attested by the Secretary of the Association with the formalities of a deed. The amendment shall be effective when the certificate and a copy of the amendment are recorded in the Public Records of Pinellas County and a copy thereof made available to unit owners.

The foregoing were adopted as the By-Laws of The Landings of Clearwater Condominium Association, Inc. on this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

The Landings of Clearwater Condominium Association, Inc.

By: \_\_\_\_\_  
President

Attest:  
\_\_\_\_\_  
Secretary