

BYLAWS  
of the  
DEL MAR ASSOCIATION, INC.

1. IDENTITY.

These are the Bylaws of DEL MAR ASSOCIATION, INC., called Association in the Bylaws, a corporation not for profit under the laws of the State of Florida, the Articles of Incorporation of which have been filed in the office of the Secretary of State. The Association has been organized for the purpose of operating condominiums to be established by VISTA PROPERTIES OF VERO BEACH, INC., a Florida corporation, hereinafter called the Developer, upon the land described in such Articles of Incorporation, as amended; and it is anticipated that nine (9) separate condominium apartment buildings will be established by said corporation upon such land.

1.1 The office of the Association will be at Town of Indian River Shores, Florida.

1.2 The fiscal year of the Association will be from May 1 of each year to the following April 30. (As amended in 1988)

1.3 The seal of the corporation will bear the name of the corporation, the word "Florida", the words "Corporation not for profit", and the year of incorporation, an impression of which follows:

2. MEMBERS' MEETINGS.

✓ The members of the Association will be the owners of the apartments of said condominiums.

2.1 The annual members' meeting will be held at 1:30 P.M., Eastern Standard Time, on the 1st Wenesday in March of each year for the purpose of electing directors and transacting any other business authorized to be transacted by the members; provided, however, if that day is a legal holiday, the meeting will be held at the same hour on the next day that is not a legal holiday.

2.2 Special Members' meetings will be held whenever called by the 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.

2.3 Notice of all members' meetings stating the time and place and the objects for which the meeting is called shall be given by the President or Secretary or Assistant Secretary unless waived in writing. Such notice will be in writing to each member at his address as it appears on the books of the association and will be mailed not less than twenty (20) nor more than sixty (60) days prior to the date of the meeting. Proof of such mailing will be given by affidavit of the person giving the notice. Notice of a meeting may be waived before or after the meeting.

See 3.5

2.4 A Quorum at members' meetings will consist of persons entitled to cast a majority of the votes of the entire membership. The acts approved by a majority of the votes present at a meeting at which a quorum is present will constitute the acts of the members, except when approval by a greater number of members is required by the Declarations of Condominium, the Articles of Incorporation or these Bylaws.

2.5 Voting.

a. The owner of each apartment will be entitled to one vote; and if one owner owns more than one apartment he will be entitled to one vote for each apartment owned.

b. If an apartment is owned by one person, his right to vote will be established by the record title to his apartment. If an apartment is owned by more than one person, or is under lease, the person entitled to cast the vote for the apartment will be designated by a certificate signed by all of the record owners of the apartment and filed with the Secretary or Assistant Secretary of the Association. If an apartment is owned by a corporation, the person entitled to cast the vote for the apartment will be designated by a certificate signed by the President and attested by the Secretary of the Corporation and filed with the Secretary or Assistant Secretary of the Association. Such certificates will be valid until revoked or until superseded by a subsequent certificate or until a change in the ownership of the apartment concerned. A certificate designating the person entitled to cast the vote of an apartment may be revoked by any owner of an apartment. If such a certificate is not on file, the vote of such owners will not be considered in determining the requirement for a quorum nor for any other purpose.

2.6 Proxies. Votes may be cast in person or by proxy. A proxy may be made by any person entitled to vote and will be valid only for the particular meeting designated in the proxy and must be filed with the Secretary or Assistant Secretary before the appointed time of the meeting or any adjournment of the meeting. A proxy may only be given by a person who is entitled to cast the vote to another person who is entitled to cast

a vote. A proxy cannot be given to an attorney, a non-owner or an owner who is not entitle to cast a vote, except as provided by Florida Statutes. (As amended in 1988)

2.7 Adjourned Meetings. If any meeting of members cannot be organized because a quorum has not attended, the members who are present, either in person or by proxy, may adjourn the meeting from time to time until a quorum is present.

2.8 The order of business at annual members' meetings and as far as practical at other members' meetings, will be:

- a. Election of chairman of the meeting
- b. Calling of the roll and certifying of proxies
- c. Proof of notice of meeting or waiver of notice
- d. Reading and disposal of any unapproved minutes
- e. Reports of officers
- f. Reports of committees
- g. Election of Directors
- h. Unfinished business
- i. New business
- j. Adjournment

2.9 Proviso. Provided however, that until the Developer has completed all of the contemplated improvements and has closed the sales of all of the apartments of all nine (9) condominium apartment building established by it upon said land (as anticipated) or until it elects to terminate its control of the Association, or until December 31, 1977, whichever first occurs, the proceedings of all meeting of members of the Association will have no effect unless approved by the Board of Directors.

### 3. DIRECTORS.

✓ 3.1 Membership. The affairs of the Association shall be managed by a Board of not less than nine (9) Directors. No person may be elected a Director unless he or she is a member of the Association or is the spouse of a member of the Association. (As amended in 1988)

3.2 Election of directors will be conducted in the following manner:

- a. Election of directors will be held at the annual members' meetings.
- b. (This subsection provided for the appointment of a nominating committee, and was amended in 1976. Subsequently, Florida Statute 61B-23.0021

**(3) prohibited such committees, and permitted the appointment of search committees to encourage qualified persons to become candidates for the board.)**

c. The election will be by ballot (unless dispensed by unanimous consent) and by a plurality of the votes cast, each person voting being entitled to cast his votes for each of as many nominees as there are vacancies to be filled. There will be no cumulative voting.

✓ d. Except as to vacancies provided by removal of directors by members, vacancies in the Board of Directors occurring between annual meetings of members will be filled by the remaining directors.

✓ e. Any director may be removed by concurrence of two-thirds (2/3) of the votes of the entire membership at a special meeting of the members called for that purpose. The vacancy in the Board of Directors so created will be filled by the members of the Association at the same meeting.

f. **(This subsection is not in effect, because it only deals with matters prior to the first election of directors, and is no longer relevant.)**

3.3 At the annual members' meeting held on the first Wednesday in March of 1977, the nine (9) persons receiving the highest number of votes shall be elected as directors of the Association. The three (3) persons receiving the highest number of votes shall be elected for a term of three (3) years. The next three (3) persons receiving the next highest number of votes shall be elected for a term of two (2) years, and the next three (3) persons receiving the next highest number of votes shall be elected for a term of one (1) year. Thereafter, as the term of each three directors expires, three directors shall be elected at the members' annual meeting to serve for a period of three (3) years. Each director shall serve from the first day of May in the year in which elected until the thirtieth day of April in the year in which his term expires or until he is removed in the manner elsewhere provided. **(As amended in 1976)**

3.4 The organizational meeting of each newly-elected Board of Directors will 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 were elected; and no further notice of such organizational meeting will be necessary.

3.5 Regular meetings of the Board of Directors may be held at such time and place as will be determined, from time to time, by a majority of the directors. Notice of regular meetings will be given to each director, personally or by mail, telephone or telegraph, at least three (3) days prior to the day named for each meeting. **(Florida Statute 718.112 (c), enacted subsequently, however, requires that a notice "...shall be posted conspicuously on the condominium property at least 48 continuous hours**

See 23

preceding the meeting except in an emergency.”)

3.6 Special meetings of the directors may be called by the President and must be called by the Secretary or Assistant Secretary at the written request of one-third (1/3) of the directors. Not less than three (3) days' notice of the meeting will be given personally or by mail, telephone or telegraph, which notice will state the time, place and purpose of the meeting. (Florida Statute 718.112 (c), enacted subsequently, however, makes provision for emergency actions without prior notice.)

notice to whom?

3.7 Waiver of Notice. Any director may waive notice of a meeting before or after the meeting and such waiver will be deemed equivalent to the giving of notice.

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3.8 A quorum at directors' meetings will consist of a majority of the entire Board of Directors.

3.9 Adjourned meetings. If at any meeting of the Board of Directors there is less than a quorum present, the majority of those present may adjourn the meeting from time to time until a quorum is present. At any adjourned meeting any business that might have been transacted at the meeting as originally called may be transacted without further notice.

3.10 Joinder in meeting by approval of minutes. The joinder of a director in the action of a meeting by signing and concurring in the minutes of that meeting will constitute the presence of such director for the purpose of determining a quorum.

3.11 The presiding officer of directors' meetings will be the chairman of the Board of Directors if such an officer has been elected; and if none, the President will preside. In the absence of the presiding officer, the directors present will designate one of their number to preside.

3.12 The order of business at directors' meetings will be:

- a. Calling of roll
- b. Proof of due notice of meeting
- c. Reading and disposal of any unapproved minutes
- d. Reports of officers and committees
- e. Election of officers
- f. Unfinished business
- g. New business
- h. Adjournment

3.13 Directors' fees will not be paid.

4. POWERS AND DUTIES OF THE BOARD OF DIRECTORS.

All of the powers and duties of the Association will be exercised exclusively by the Board of Directors, its agents, contractors or employees, subject only to approval by apartment owners when such is specifically herein or elsewhere required. It is hereby recognized that a power of the Board of Directors is to contract for and maintain and implement facilities and services which the Board in its discretion deems necessary for this COMMUNITY to qualify for EXEMPTION THREE of the ACT, as more fully explained in the ADMINISTRATIVE RULES. It is furthermore a duty of the Board of Directors to take whatever steps are reasonably necessary, subject only to limitations of the Declaration of Condominium, Articles of Incorporation and Bylaws and the Condominium Act, for the COMMUNITY to qualify for EXEMPTION THREE of the ACT, as more fully explained in the ADMINISTRATIVE RULES. (As amended 3-9-89)

5. OFFICERS.

✓ 5.1 The executive officers of the Association will be a President, who will be a director, a Vice President, a Secretary and a Treasurer, all of whom will be elected annually by the Board of Directors and who may be peremptorily removed by vote of the directors at any meeting. Any person may hold two or more offices except that the President shall not also be the Secretary. The Board of Directors from time to time will elect such other officers and designate their powers and duties as the Board of Directors shall find to be required to manage the affairs of the Association.

5.2 The President will be the chief executive officer of the Association. He will have all of the powers and duties usually vested in the office of President of an association, including but not limited to the power to appoint committees from among the members from time to time, as he, in his discretion, may determine appropriate to assist in the conduct of the affairs of the Association.

5.3 The Vice President in the absence or disability of the President will exercise the powers and perform the duties of the President. He will exercise the powers and perform the duties of the President. He will also assist the President generally and exercise such other powers and perform such other duties as shall be prescribed by the directors.

5.4 The Secretary will keep the minutes of all proceeding of the directors and the members. He will attend to the giving and serving of all notices to the members and directors and other notices required by law. He will have custody of the seal of the Association and affix it to instruments requiring a seal when duly signed. He will keep the records of the Association, except those of the Treasurer, and will perform all other duties incident to the office of Secretary or the Association and as may be required by the directors or the President.

5.5 The Treasurer will have custody of all property of the Association, including funds, securities and evidences of indebtedness. He will keep the books of the Association in accordance with good accounting practices; and he will perform all other duties incident to the office of Treasurer.

5.6 No compensation will be paid to officers of the Association.

## 6. FISCAL MANAGEMENT.

The separate condominiums established by the Developer upon the land described in the Articles of Incorporation will, in fiscal matters, be managed as a single entity; separate accounts need not be maintained for the separate condominiums; and all sums collected from assessments may be co-mingled in a single fund, or divided into more than one (1) fund, as determined by the Board of Directors. However, such fiscal management will be governed by the provisions of any agreements made by the Association for the management and operation of the condominium, during the terms of such agreements.

In the event such agreements are not made, or if they do not contain provisions for fiscal management, or at the termination of any such agreements, fiscal management will be as set forth in the Declarations of Condominium and these Bylaws supplemented by the following:

6.1 Accounts. The receipts and expenditures of the Association will be credited and charged to such accounts as shall be appropriate. All expenditures will be common expenses.

6.2 Budget. Copies of the budget and proposed assessments will be transmitted to each member on or before March 1 preceeding the fiscal year for which the budget is made. If the budget is amended subsequently, a copy of the amended budget will be furnished to each member. (As amended in 1986)

6.3 Proviso. Provided, however, that until the Developer has completed all of the contemplated improvements and has closed the sales of all of the apartments of all nine (9) condominium apartment buildings established by it upon said land (as anticipated) or until it elects to terminate its contract of the Association, or until December 31, 1977, whichever first occurs, the Board of Directors may omit from the budget all allowances for contingencies and reserves.

6.4 Assessments. Assessments against the apartment owners for their shares of the items of the budget will be made for the fiscal year annually in advance on or before April 20 preceeding the year for which the assessments are made. Such assessments will be due in equal monthly installments on the first day of each month of the year for which

the assessments are made. If an annual assessment is not made as required, an assessment will be presumed to have been made in the amount of the last prior assessment and monthly installments on such assessment will be due upon each installment payment date until changed by an amended assessment. In the event the annual assessment proves to be insufficient, the budget and assessments may be amended at any time by the Board of Directors; and the unpaid assessment for the remaining portion of the fiscal year for which the amended assessment is made will be due in equal monthly installments on the first day of each month remaining in the year for which such amended assessment is made. (As amended 12/18/86)

6.5 Acceleration of assessment installments upon default. If an apartment owner shall be in default in the payment of an installment upon an assessment, the Board of Directors may accelerate the remaining installment of the assessment upon notice to the apartment owner, and then the unpaid balance of the assessment will come due upon the date stated in the notice, but not less than ten (10) days after delivery of the notice to the apartment owner, or not less than twenty (20) days after the mailing of such notice to him by registered or certified mail, whichever shall first occur.

6.6 Assessments for emergencies. Assessments for common expenses of emergencies that cannot be paid from the annual assessments for common expenses will be made only after notice of the need for such is given to the members. After such notice and upon approval by more than one-half (1/2) of the members, the assessment will become effective, and it will be due after thirty (30) days notice in such manner as the Board of Directors of the Association may require in the notice of assessment.

6.7 The depository of the Association will be such bank or banks as shall be designated from time to time by the directors and in which the moneys of the Association will be deposited. Withdrawals of moneys from such accounts will be only by checks signed by such persons as are authorized by the directors.

## 7. PARLIAMENTARY RULES.

Roberts' Rules of Order (latest edition) will govern the conduct of Association meeting when not in conflict with the Declaration of Condominium, Articles of Incorporation or these Bylaws.

## 8. AMENDMENTS.

These Bylaws may be amended in the following manner:

8.1 Notice of the subject matter of a proposed amendment will be included in the notice of any meeting at which a proposed amendment is considered.

8.2 A resolution adopting 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 proxy at the meeting considering the amendment may express their approval in writing, providing such approval is delivered to the Secretary at, or prior, to the meeting. Except as elsewhere provided, such approvals must be either by:

(a.) not less than sixty percent (60%) of the entire membership of the Board of Directors and by not less than sixty percent (60%) of the votes of the entire membership of the Association; or

(b) not less than seventy-five percent (75%) of the entire membership of the Association.

**(Subsections 8.2(a) and 8.2(b) as amended in 1976 as per the Amendment to the Declaration of Condominium)**

**(c) (This subsection is not in effect, because it only deals with matters prior to the first election of directors, and is no longer relevant.)**

8.3 Notwithstanding the foregoing to the contrary, the following special provisions shall govern amendments to these Bylaws:

(a) No amendment will unlawfully discriminate against any member; and

(b) No amendment will affect or impair the validity or priority of any mortgage covering any apartment, or affect or impair the rights of a lessor under any leases made by the Association; and

(c) Upon the vote of a majority of the full Board of Directors and the vote of two-thirds of the voting interests of the members in attendance in person and by proxy at an Owners' meeting, any one or more of the following amendments to the Bylaws may be approved and become effective:

(1) Any amendment which is necessary to enable the Community to attain or retain EXEMPTION THREE of the ACT.

(2) Any amendment which is necessary to refine those amendments approved by the Association relating to the ACT and/or ADMINISTRATIVE RULES.

(3) Any amendment which is necessary to delete any or all amendments approved by the Association relating to the ACT and/or ADMINISTRATIVE RULES.

**(4) Any amendment which may be required due to regulations adopted from time to time by the Federal National Mortgage Association (FNMA).  
(As amended 3/9/89)**

The forgoing were adopted as the Bylaws of DEL MAR ASSOCIATION, INC., a corporation not for profit under the laws of the State of Florida, at the first meeting of the Board of Directors.

**Signed by: Darrell Moss, Secretary**

**Approved by: Ronald Ewing, President**

## INDEX OF AMENDMENTS TO DOCUMENTS

### Articles of Incorporation:

<u>Section</u>	<u>Date</u>	<u>Description</u>
2	1972	Purposes
3	1978	Powers

### Bylaws:

<u>Section</u>	<u>Date</u>	<u>Description</u>
1.2	1988	Defines Fiscal Year
2.3	1976	Defines Notice of Members Meetings
2.6	1988	Proxy Requirements
3.1	1988	Requirements for Board of Directors
3.2(b)	1976	Nominating Committees (Prohibited by Florida Law Later)
3.3	1976	Terms of Directors
4.5	1992	Powers and Duties of Board of Directors
6.2	1988	Distribution of Budget
6.4	1988	Assessments
8.2(a)	1976	Vote Percentages for Board and Members
8.2(b)	1976	Vote Percentages for Members Only
8.3	1988	Amendments to the Bylaws

### Declarations of Condominium:

<u>Section</u>	<u>Date</u>	<u>Description</u>
4.14	1989	Definition of "ACT" (Fair Housing Amendments)
4.15	1989	Definition of "ADMINISTRATIVE RULES"
4.16	1989	Definition of "COMMUNITY"
4.17	1989	Definition of "EXEMPTION THREE"
4.5	1992	Defines Common Elements
4.6(e)	1989	Expands Definition of Common Expenses
7	1973	Long Term Lease Terminated in 1977
8	1977	Management Agreement Terminated
16(a)	2002	Nature of Apartment Unit
16(b)	2002	Minimum Age of Residents (from 13 to 21)
16(c)	2002	Restrictions on Visitors under 21
16(g)	1986	Parking Spaces
16(k)	1992	Rules and Regulations
17.1(a)	2002	Restriction on Unit Sales
17.1(b)	1991	Restriction on Leases
17.1(f)	2002	Transfer Fee
17.2(a)(5)	1992	Orientation Meeting
17.2(b)(1)	1992	Certificate of Approval of Unit Sale
17.2(b)(2)	1992	Certificate of Approval of Unit Lease
18.4	2002	New Section permits levy of fines
19.2(a)	1976	Vote on Amendments Reduced from 75% to 60%
19.2(b)	1976	Membership-only Vote at 75%
22	1989	FAIR HOUSING ACT

**IMPORTANT NOTICE TO OWNERS OF DEL MAR ASSOCIATION, INC.**

The amendments set forth below are an integral part of the documents of the Del Mar Association, and must be furnished, along with the original documents (Declaration of Condominium, Bylaws, Articles of Incorporation, and Rules and Regulations) in connection with the sale or other transfer of a unit.

Copies of these amendments, which have been recorded at the County Courthouse, may be obtained at the Del Mar Association office from the Association Manager.

**AMENDMENTS TO DOCUMENTS OF DEL MAR ASSOCIATION, INC.**

<b>YEAR RECORDED</b>	<b>BOOK</b>	<b>PAGE</b>	<b>SECTIONS, ARTICLES, AND PARAGRAPHS AMENDED</b>
1972	417	85	Article 2 of Articles of Incorporation
	416	28	Section 7 of Dec. of Condo. (Long Term Lease Agreement) *
	416	51	Section 8 of Dec. of Condo, ( Management Agreement) *
1973	437	240	Recorded Dec of Condo for Bldg H (As an example)
1976	537	852	Bylaws 2.3, 3.1, 3.2(b), 3.3, 8.2, and Art. 19.2 of Declaration of Condo
1978	553	443	Article 3 of Articles of Incorporation
1988	814	2220	Bylaws 1.2, 2.6, 3.1, 6.2, 6.4, and Articles 16.G and 17.1F of Declaration Of Condo **
1989	827	1506	Bylaws 4 and 8.3, and Articles 4.6(e), 4.14, 4.15, 4.16, 4.17, 16(b), 16(c), and 22 of the Declaration. of Condominium. (Fair Housing Act)
1992	923	1492	Articles 4.5, 16k, 17.1a, 17.1f, 17.2a(5), 17.2b(1), 17.2b(2) of the Declaration of Condo.
2002	1473	2712	Articles 16(a), 16(b), 16(c), 17.1(a), 17.1(f), and 18.4 of the Declaration of Condo.
2004	1706	685	Articles 16(j) and 17.1(b) of Dec. of Condo (90 day leases)

\* Both Agreements have long been terminated, and are no longer a part of the official documents.

\*\* The amendments of 1988 were actually made in 1986, but because they failed to properly reference the original filings of the Declaration of Condominium for each of the 9 buildings, they had to be rewritten and re-recorded at the Indian River County Courthouse.

INFORMATION ON AMENDMENTS

A. Amendment Filings

<u>Date</u>	<u>Changes</u>
August 11, 1972	Articles of Incorporation
July 27, 1973	Declaration of Condominium ( Long-Term Lease )
December 8, 1976	By-Laws and Declaration of Condominium
January 27, 1978	Articles of Incorporation
December 18, 1986	By-Laws and Declaration of Condominium

B. Index of changes by amendment number

<u>By-Laws</u>	<u>changed</u>	<u>Declaration</u>	<u>changed</u>
1.2	1986	7 (see note A below)	1973
2.3	1976		
2.6	1986	16.G	1986
3.1	1976		
	1986	17.1(F)	1986
3.2(b)	1976		
3.3	1976		
5.2	1986	<u>Articles of Incorporation changed</u>	
6.4	1986		
8	1976	2 (see note B below)	1972
8(a)	1976		
8(b)	1976	3 (see note C below)	1978

Note A. The amendment for H Building is shown here. All other buildings amendments are similar in wording and date of filing.

Note B. The purchase of the clubhouse and land used for recreational purposes by Del Mar Association, Inc. supersedes this agreement.

Note C. The last seven lines of this article was determined unenforceable by the Department of Business Regulation, Bureau of Condominiums, 1983.

Note D. If you need to have a copy of the entire Declaration made, you may skip having the following reproduced:

1. Management agreement ( 11 pages ) This agreement was cancelled in 1977.
2. The long-term lease ( 23 pages ) The lease will only become effective again should Del Mar Association, Inc. default on our two mortgages.

**CERTIFICATE OF AMENDMENT TO THE  
DECLARATIONS OF CONDOMINIUM FOR ALL  
OF THE VISTA DEL MAR APARTMENT BUILDINGS,  
CONDOMINIUMS OF THE DEL MAR ASSOCIATION, INC.**

WHEREAS, the DECLARATIONS OF CONDOMINIUM for all of the Vista Del Mar Apartment Buildings, Condominiums, together with Exhibits, were duly recorded in the Public Records of Indian River County, Florida, as follows:

Vista Del Mar Apartment Building A, A Condominium, Official Record Book 417, Page 01;

Vista Del Mar Apartment Building B, A Condominium, Official Record Book 418, Page 939;

Vista Del Mar Apartment Building C, A Condominium, Official Record Book 419, Page 01;

Vista Del Mar Apartment Building D, A Condominium, Official Record Book 416, Page 938

Vista Del Mar Apartment Building E, A Condominium, Official Record Book 431, Page 187

Vista Del Mar Apartment Building F, A Condominium, Official Record Book 434, Page 362

Vista Del Mar Apartment Building G, A Condominium, Official Record Book 449, Page 01

Vista Del Mar Apartment Building H, A Condominium, Official Record Book 143, Page 63

Vista Del Mar Apartment Building I, A Condominium, Official Record Book 437, Page 333

Whereas, the approvals of the Board of Directors and of the membership of the Del Mar Association, Inc. having been obtained by vote of the Directors at a duly called and held meeting on 2001, and by vote of the Association Members by written ballots counted on 2001, the Board of Directors and the Members of the Association did vote, pursuant to the provisions of Article 19 of the Declarations of Condominium, to amend those Declarations in the various particulars set forth in Exhibit "1" attached hereto;

Whereas, the amendments and this Certificate shall be recorded in the Public Records of Indian River County, Florida;

NOW THEREFORE, THE DECLARATIONS OF CONDOMINIUM FOR ALL OF THE VISTA DEL MAR APARTMENT BUILDINGS, CONDOMINIUMS, are hereby amended in the particulars as stated in Exhibit "1" attached hereto, effective on the date when recorded in the Public Records of Indian River County, Florida. Except as otherwise amended hereby, the Declaration of Condominium shall remain unchanged and in full force and effect.

**EXHIBIT "1"**

**AMENDMENTS TO DECLARATIONS OF CONDOMINIUM**

**Sections 16 and 17: Use Restriction (leases) and Maintenance of Community Interest**

Section 16(j) is amended to read as follows

**16(j) After approval of the Board of Directors of the Association elsewhere required, entire apartments may be leased for periods of not less than ninety (90) days, provided the occupancy is only by the lessee, his visitors and guests. No rooms may be rented and no transients accommodated.**

Section 17.1(b) is amended to read as follows:

**17.1(b) No apartment owner may lease his apartment without the approval of the Board of Directors of the Association. No leases will be for a period of less than ninety (90) days. No sub-leasing is permitted.**

CERTIFICATE OF ADOPTION OF AMENDMENTS

WE HEREBY CERTIFY that the attached amendments were duly adopted as Amendments to the DECLARATIONS OF CONDOMINIUM FOR ALL VISTA DEL MAR APARTMENT BUILDINGS, CONDOMINIUMS by amending the above-mentioned Declarations; and that the membership of the Board of Directors and that the ASSOCIATION did vote and approve same as is required by the governing Condominium Documents for the Condominiums.

DATED THIS 19<sup>th</sup> day of MARCH, 2004.

WITNESSES:

DEL MAR ASSOCIATION, INC.

[Signature]  
[Signature]

BY: [Signature]  
President,

ATTEST: [Signature]  
Secretary

STATE OF FLORIDA

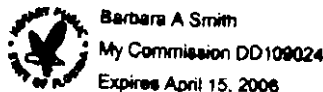
COUNTY OF INDIAN RIVER

I HEREBY CERTIFY that on this 19<sup>th</sup> day of MARCH 2004,

before me personally appeared F. PAUL COLCELLA, President, and JOHN T. O'NEIL, JR., Secretary of the DEL MAR ASSOCIATION, INC., a Florida not-for-profit Corporation, to me known to be the individuals and officers described in and who executed the aforesaid Certification as their free act and deed as such duly authorized officers; and that the official seal of the Corporation is duly affixed, and the instrument is the act and deed of the Corporation.

WITNESS my signature and official seal at Vista Del Mar, Indian River Shores, State of Florida, the day and year last aforesaid.

[Signature]  
Notary Public, State of Florida



**EXHIBIT "1"**

**AMENDMENTS TO DECLARATIONS OF CONDOMINIUM**

1. Section 16(a) is amended to read as follows:

16(a) Each of the apartments will be occupied as a single family private dwelling by its owner or his tenant, their visitors and guests, and for no other purpose. No apartment may be divided to increase the number of rooms or subdivided into a smaller unit nor any portion sold or otherwise transferred without first amending this Declaration to show the changes in the apartments affected.

2. Section 16(b) is amended to read as follows:

16(b) No person under twenty one (21) years of age will be permitted to reside in any of the apartments of this condominium except that persons under the age of twenty one (21) years may be permitted to visit an apartment as provided for in Section (c) next below. Since this amendment is in essence a clarification of the original Declarations, the effective date of this amendment is the date on which the particular Declaration was originally recorded.

3. Section 16 (c) is amended to read as follows:

16 (c) Persons under twenty one (21) years of age may visit the apartments for a period of time not to exceed thirty (30) days in any given calendar year. Such visitation periods shall not be cumulative from year to year. Only overnight visitations shall be considered in the aforesaid computations; so by way of example, if an underage person visits overnight, two (2) days of visitation shall be computed; if an underage person visits during the day only and does not stay overnight, no days of visitation shall be computed. Since this amendment is in essence a clarification of the original Declaration, the effective date of this amendment is the date on which the particular Declaration was originally recorded.

4. Section 17.1(a) is amended to read as follows:

17.1(a) No apartment owner may dispose of an apartment or any interest in an apartment without the approval of the Board of Directors of the Association. No person under the age of 55 can purchase an apartment.

5. Section 17.1(f) is amended to read as follows:

17.1(f) A transfer fee of not more than one hundred dollars (\$100.00) payable to the Association, will be charged for each purchase, new lease or other transfer of an apartment. However, if a lease is a renewal of a previous lease within a period of two consecutive years, no transfer fee will be charged.

6. Section 18.4 - NEW - is added to the Declaration of Condominium:

18.4 The Association may levy reasonable fines against an apartment owner for the failure of that owner, its occupant, lessee or guest to comply with any provision of the Declaration, the Association Bylaws or reasonable Rules of the Association. Such fines may only be levied after the Association has complied with the conditions set forth in the Florida Statutes, with respect to maximum amount, as well as to notice and opportunity for hearing.



STATE OF FLORIDA  
DEPARTMENT OF BUSINESS REGULATION

THE JOHNS BUILDING  
725 SOUTH BRONOUGH STREET  
TALLAHASSEE, FLORIDA 32399-1030

Bob Martinez, Governor  
E. James Kearney, Secretary

January 16, 1987

Richard E. Coates, Director  
Division of Florida Land  
Sales, Condominiums and  
Mobile Homes

Mr. Al Banscher  
Del Mar Association, Inc.  
5400 North A-1-A  
Vero Beach, Florida 32960

RE: VISTA DEL MAR - 1S94136  
ASSOCIATION NO. 1A01186

Dear Mr. Banscher:

You are hereby notified that we have completed our examination of the amendments submitted January 9, 1987 (received in this office on January 12, 1987). The amendments are now considered proper for filing purposes pursuant to Rule 7D-17.06, F.A.C.

This notification shall not relieve the developer of any responsibility under Chapter 718 of the Florida Statutes or the rules promulgated by the Division.

Sincerely,

A handwritten signature in cursive script that reads 'R. Inman Hartsfield'.

R. Inman Hartsfield  
Real Estate Development Specialist  
Examination Section  
Bureau of Condominiums

RIH/kb

13-07

485504  
ARTICLES OF AMENDMENTS  
OF

DEL MAR ASSOCIATION, INC  
A FLORIDA CORPORATION NOT FOR PROFIT

RECORD & RETURN TO  
LAWRENCE A. BARTLEY  
579 BEACHLAND BLVD.  
VERO BEACH, FLA. 32903

We, the undersigned, Frederick Dugle, President and Albert Rescher, Assistant Secretary of Del Mar Association, Inc., a Florida Corporation not for profit, do hereby certify that the following amendments to the By-Laws and Declaration of Condominium, were approved by members of said Corporation on December 2, 1986 and April 8, 1985 pursuant to the Articles of Incorporation.

A. Amendments to By-Laws:

1. Paragraph 1.2 of the By-Laws is amended to read as follows:

The fiscal year of the Association will be the calendar-year from May 1 of each year to the following April 30.

2. Paragraph 6.2 is amended to read as follows:

Copies of the budget and proposed assessments will be transmitted to each member on or before December 1 March 1 preceding the fiscal year for which the budget is made. If the budget is amended subsequently, a copy of the amended budget will be furnished to each member

3. Paragraph 6.4 of the By-Laws is amended to read as follows:

Assessments against the apartment owners for their shares of the items of the budget will be made for the calendar fiscal year annually in advance on or before December 20 April 20 preceding the year for which the assessments are made. Such assessments will be due in equal monthly installments on the first day of each month of the year for which the assessments are made. If an annual assessment is not made as required, an assessment will be presumed to have been made in the amount of the last prior assessment and monthly installments on such assessment will be due upon each installment payment date until changed by an amended assessment. In the event the annual assessment proves to be insufficient, the budget and assessments may be amended at any time by the Board of Directors; and the unpaid assessment for the remaining portion of the calendar fiscal year for which the amended assessment is made will be due in equal monthly installments on the first day of each month remaining in the year for which such amended assessment is made.

107110

# State of Florida

DEPARTMENT OF STATE • DIVISION OF CORPORATIONS

I certify that the following is a true and correct copy of Amendment to Articles of Incorporation of DEL MAR ASSOCIATION, INC., a Florida corporation not for profit, filed on February 8, 1978, as shown by the records of this office.

The charter number of this corporation is 723324.

1978 FEB 15 PM 2:07  
L. M. ...  
L. M. ...  
L. M. ...

GIVEN under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the 9th day of February, 1978

*James A. Smathers*  
SECRETARY OF STATE



ARTICLES OF AMENDMENT

OF

DEL MAR ASSOCIATION, INC.

DEL MAR ASSOCIATION, INC., under its corporate seal and acting by its President and Secretary, does hereby certify that at a special meeting of the members of DEL MAR ASSOCIATION, INC., held on January 25, 1978, the members of the Association voted upon and duly adopted by a vote of in excess of ninety-one (91%) percent of the votes of the entire membership of the Association a resolution amending the Articles of Incorporation of this corporation, so that thereafter shall be added to ARTICLE 3, Powers, of said Articles of Incorporation, as Subsection (m.), the following, to-wit:

ARTICLE 3

Powers

m. To own and hold fee simple title to land in reasonable proximity to the condominium properties upon which recreational facilities, entrance ways, walkways, parking areas, and like facilities are or may be constructed for the benefit of all condominium apartment owners in Vista Del Mar Condominium, their guests, invitees and tenants, and to manage, control and maintain the same. The Association shall assess each condominium apartment located in Vista Del Mar Condominium for its prorata share of the costs and expenses for the operation and maintenance of said facilities based upon each apartment's prorata share of the common expenses as set forth in the Declaration of Condominium, and shall assess each condominium apartment for its one-two hundred forty-sixth (1/246) share of any monthly mortgage payment required to be paid by the Association to acquire said facilities, and all said assessments shall be deemed a common expense as defined by the Declaration of Condominium for Vista Del Mar Condominium.

That the above constitutes the sole amendment to said Articles of Incorporation.

IN WITNESS WHEREOF, the undersigned President and Secretary of this corporation have executed these Articles of Amendment this 27th day of January, 1978.

DEL MAR ASSOCIATION, INC.

BY Richard M. Colwell  
President

ATTEST:  
Edith M. Lacey  
Secretary

WITNESSES:  
Barbara Blodgett  
Margaret D. Hunt  
As to corporate officers

(CORPORATE SEAL)

STATE OF FLORIDA

COUNTY OF INDIAN RIVER

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared RICHARD M. COLLINS and EDITH M. LOWRY, well known to me to be the President and Secretary respectively of the corporation named in the foregoing Articles of Amendment of Del Mar Association, Inc., and that they severally acknowledged executing the same freely and voluntarily under authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 27th day of January, 1978.

*Barbara Blanford*  
Notary Public. State of Florida at  
Large. My Commission Expires:  
9/28/78



174472

OFFICIAL RECORD

BOOK 537 PAGE 852

CERTIFIED COPY OF RESOLUTION AMENDING  
DECLARATION OF CONDOMINIUM OF VISTA DEL MAR APARTMENTS  
Town of Indian River Shores, Florida

We, PIERRE MARTINET, President, and VERA MYERS, Secretary, hereby certify that the following resolutions were adopted at a special meeting of the Board of Directors of Del Mar Association, Inc., a Florida corporation, held on the 7th day of October, 1976, and at a meeting of the members of the Del Mar Association, Inc., a Florida corporation, held on the 4th day of November, 1976.

RESOLVED, that Paragraph 2.3, of the Bylaws of Del Mar Association, Inc., be amended to read as follows:

Notice of all members' meetings stating the time and place and the objects for which the meeting is called shall be given by the President or Secretary or Assistant Secretary unless waived in writing. Such notice will be in writing to each member at his address as it appears on the books of the association and will be mailed not less than twenty (20) days nor more than sixty (60) days prior to the date of the meeting. Proof of such mailing will be given by affidavit of the person giving the notice. Notice of a meeting may be waived before or after the meeting.

RESOLVED, that Paragraph 3.1 of the Bylaws of Del Mar Association, Inc., be amended to read as follows:

Membership. The affairs of the Association shall be managed by a Board of not less than nine (9) directors. No person may be elected a director unless he or she is a member of the Association.

RESOLVED, that Paragraph 3.2(b) of the Bylaws of Del Mar Association, Inc., be amended to read as follows:

A nominating committee of five (5) members of the Association shall be appointed by the Board of Directors not less than forty-five (45) days prior to the annual members' meeting. The committee shall nominate one (1) person for each director's term then expiring. Other nominations for such directorship may be made from the floor.

RESOLVED, that Paragraph 3.3 of the Bylaws of Del Mar Association, Inc., be amended to read as follows:

At the next annual members' meeting to be held on the first Wednesday in March of 1977, the nine (9) persons receiving the highest number of votes shall be elected as directors of the Association. The three (3) persons receiving the highest number of votes shall be elected for a term of three (3) years. The next three (3) persons receiving the next highest number of votes shall be elected for a term of two (2) years, and the next three (3) persons receiving the next highest number of votes shall be elected for a term of one (1) year. Thereafter, as the term of each three directors expires, three directors shall be elected at the member's annual meeting to serve for a period of three (3) years. Each director shall serve from the first day of May in the year in which elected until the thirtieth day of April in the year in which his term expires or until he is removed in the elsewhere provided.

RESOLVED, that Article 19.2 of the Declaration of Condominium be amended to read 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 proxy at the meeting considering the amendment may express their approval in writing, provided that such approval is delivered to the Secretary at, or prior to, the meeting. Except as elsewhere provided, such approvals must be either by:

(a) not less than sixty percent (60%) of the entire membership of the Board of Directors and by not less than sixty percent (60%) of the votes of the entire membership of the Association; or

(b) not less than seventy-five percent (75%) of the votes of the entire membership of the Association.

RESOLVED, that Paragraph 8.2 of the Bylaws of Del Mar Association, Inc., be amended to read as follows:

A resolution adopting 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 proxy at the meeting considering the amendment may express their approval in writing, providing such approval is delivered to the Secretary at, or prior, to the meeting. Except as elsewhere provided, such approvals must be either by:

(a) not less than sixty percent (60%) of the entire membership of the Board of Directors and by not less than sixty percent (60%) of the votes of the entire membership of the Association; or

(b) not less than seventy-five percent (75%) of the entire membership of the Association.

We further certify that the attached writing is a true copy of Resolutions amending the Bylaws of Del Mar Association, Inc., which said Bylaws were recorded in the public records of Indian River County, Florida, as part of the Declaration of Condominium for the following condominium buildings and amending the following Declarations of Condominium which were recorded in the public records of Indian River County, Florida, as follows, to-wit:

Declaration of Condominium of Vista Del Mar Apartment Building "A", Official Record Book 417, at Page 01.

Declaration of Condominium of Vista Del Mar Apartment Building "B", Official Record Book 418, at Page 939.

Declaration of Condominium of Vista Del Mar Apartment Building "C", Official Record Book 419, at Page 01.

Declaration of Condominium of Vista Del Mar Apartment Building "D", Official Record Book 416, at Page 938.

Declaration of Condominium of Vista Del Mar Apartment Building "E", Official Record Book 431, at Page 187.

Declaration of Condominium of Vista Del Mar Apartment Building "F", Official Record Book 431, at Page 281.

Declaration of Condominium of Vista Del Mar Apartment Building "G", Official Record Book 449, at Page 01.

Declaration of Condominium of Vista Del Mar Apartment Building "H", Official Record Book 437, at Page 240.

Declaration of Condominium of Vista Del Mar Apartment Building "I", Official Record Book 437, at Page 333.

at a special meeting of the Board of Directors of Del Mar Association, Inc., on October 7, 1976, and at a meeting of the members of Del Mar Association, Inc., held on November 4, 1976, in accordance with the requirements of the Bylaws of Del Mar Association, Inc., for its amendments and in accordance with the requirements of the foregoing Declarations of Condominium, for their amendment, and that the adoption of the resolutions appear upon the minutes of the above mentioned meetings and are unrevoked.

EXECUTED at Vero Beach, Indian River County, Florida, this

8<sup>th</sup> day of DECEMBER, 1976.

DEL MAR ASSOCIATION, INC.

BY

Pierre Martinet  
Pierre Martinet, President

ATTEST:

Vera Myers  
Vera Myers, Secretary

WITNESSES

Paul Allen

Donald J. Francis

STATE OF FLORIDA

COUNTY OF INDIAN RIVER

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared PIERRE MARTINET and VERA MYERS, well known to me to be the President and Secretary respectively of the corporation named in said instrument, and that they severally acknowledged executing the above in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid, this 6<sup>th</sup> day of December, 1976.

*Raymond P. Smith*  
Notary Public, State of Florida at  
Large. My Commission Expires:  
NOTARY PUBLIC STATE OF FLORIDA  
COMMISSION EXPIRES



This instrument prepared by:

Charles R. McKinnon, Esq.  
P. O. Box 760  
Vero Beach, Florida 32960

*CR*

OFFICIAL RECORD

CERTIFICATE OF AMENDMENT  
OF  
DECLARATION OF CONDOMINIUM

THIS IS TO CERTIFY THAT:

1. The attached writing is a true copy of a resolution amending the Declaration Of Condominium of VISTA DEL MAR APARTMENT BUILDING H, A CONDOMINIUM, recorded in Official Record Book 437, pages 240 through 332 of the public records of Indian River County, Florida. Said resolution was duly adopted by all of the directors of DEL MAR ASSOCIATION, INC., a Florida not for profit corporation, at a meeting held on July 19, 1973, in accordance with the requirements of said Declaration Of Condominium for its amendment.

2. The adoption of this resolution appears upon the minutes of said meeting and it is unrevoked.

3. That the first election of directors of DEL MAR ASSOCIATION, INC. has not been held.

DATED THIS 27<sup>th</sup> day of July, 1973.

In the presence of:

DEL MAR ASSOCIATION, INC.

Donald F. Spooner

By Ronald E. Ewing  
President

Leida P. Stelinger

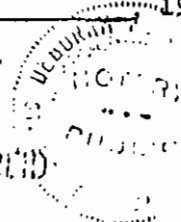
Attest: Darrell F. Moss  
Secretary

STATE OF FLORIDA  
COUNTY OF

Before me personally appeared RONALD E. EWING and DARRELL F. MOSS, President and Secretary respectively of DEL MAR ASSOCIATION, INC. to me well known, and they acknowledged before me that they executed the foregoing instrument as such officers of said corporation; and I further certify that I know the said individuals making said acknowledgment and the individuals described in and who executed said instrument.

WITNESS my hand and official seal this 27<sup>th</sup> day of July, 1973.

THIS DOCUMENT PREPARED BY  
PHILIP H. HEAD, JR.  
COE, PROBERT AND HEAD  
258 NORTH AVENUE  
PALM BEACH FLORIDA

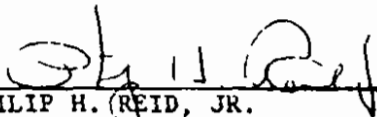


Donald F. Spooner  
Notary Public

Notary Public, State of Florida at Large  
Commission Expires June 30, 1975

I HEREBY CERTIFY that the attached document is  
a true copy of the Declaration of Condominium of VISTA  
DEL MAR APARTMENT BUILDING H, A CONDOMINIUM, dated  
May 16, 1973, and recorded on May 18, 1973  
in Official Record Book 437, Pages 240 through  
332, of the public records for Indian River County,  
Florida.

DATED the 24th day of May, 1973.

  
\_\_\_\_\_  
PHILIP H. REID, JR.  
Notary Public  
State of Florida at Large  
My commission expires: Nov 26 1975

RESOLUTION

On motion duly made and adopted by all of the directors of DEL MAR ASSOCIATION, INC., a Florida not for profit corporation, the following resolution was adopted:

RESOLVED That the Declaration Of Condominium of VISTA DEL MAR APARTMENT BUILDING H, A CONDOMINIUM, recorded in Official Record Book 437, pages 240 through 332 of the public records of Indian River County, Florida be amended by substituting the following for Article 7 of said Declaration Of Condominium:

7. LONG TERM LEASE.

The Association (as Lessee) has entered into a Long Term Lease (ninety-nine (99) years) with the Developer (as Lessor), which lease demises the premises situated in Indian River County, Florida described in Exhibit C. The Developer has constructed and installed, or will construct and install, recreational facilities upon said premises. Such facilities are for the use of the Association, its members, the owners and occupants of all apartments of said nine (9) separate condominiums, the visitors and guests of such owners and occupants, and for the use of others (as set forth in said Long Term Lease). The Association has agreed to pay rent under said Long Term Lease, adjustable at five (5) year intervals to coincide with the purchasing power of the beginning amount, and to pay all taxes, insurance and maintenance charges for the demised premises. Such rent and other expenses are apportioned among the apartments as set forth in said Lease.

The Lessor has retained a lien against the condominium property and against each apartment, as set forth in said Long Term Lease, for the purpose of securing the payment of such rent and expenses. In the event any apartment owner fails to pay his share of rent and other expenses, the Lessor, among other remedies allowed, may foreclose its lien against the apartment for which payment is not made.

All monies due and to become due under the provisions of said Long Term Lease, including rent and all other items specified in said Lease, are and will continue to be for the full term of said Lease, a common expense of this condominium in an amount equal to the total sum thereof attributable to the apartments of this condominium under said Lease.

The Long Term Lease referred to herein has been recorded in the public records of Indian River County, Florida and a copy thereof is attached as Exhibit F. Each apartment

owner by the acceptance of a deed to his apartment, whether from the Developer or otherwise, agrees to be bound by its terms and conditions and agrees to pay his share of the monies due, pursuant to and in the amount specified in said Long Term Lease. It will be mandatory for the apartment owners to make such payments.

000001

FILED FOR RECORD  
BOOK AND PAGE ABOVE  
RECORD VERIFIED  
1973 JUL 31 PM 2:33  
RALPH HARRIS  
CLERK OF CIRCUIT COURT  
HIGHLAND RIVER CO. FLA.  
*Harris*

OFFICIAL RECORD

-2-

BOOK 443 PAGE 629

CERTIFICATE OF AMENDMENT

THIS IS TO CERTIFY:

(A) That on July 31, 1972 there were no members of DEL MAR ASSOCIATION, INC.

(B) That the following is a true copy of a resolution, amending the Articles Of Incorporation of DEL MAR ASSOCIATION, INC., which resolution was duly adopted by said association on July 31, 1972:

RESOLVED, that the Articles Of Incorporation of DEL MAR ASSOCIATION, INC. be amended by substituting the following for Article 2 thereof:

ARTICLE 2

Purpose

2.1. The purpose for which the Association is organized is to provide an entity pursuant to the Condominium Act, which is Chapter 711, Florida Statutes 1971, for the operation of condominiums to be established by VISTA PROPERTIES OF VERO BEACH, INC., a Florida corporation, hereinafter called the Developer, upon the following lands:

The South 765.0 feet of Government Lot 8, Section 19, lying East of State Road A-1-A less the South 38.80 feet thereof; and that part of Government Lot 1, Section 20, lying East of the above described parcel to the mean high water mark of the Atlantic Ocean, all lying and being in Township 32 South, Range 40 East, Town of Indian River Shores, County of Indian River, State of Florida, including all littoral rights pertaining thereto.

LESS, however, the following:

Start at a concrete marker located at the point of intersection of the North line of the South 765.0 feet of Government Lot 8; Section 19, Township 32 South, Range 40 East and the easterly right of way of A-1-A; said concrete marker being shown on the Plat of Vista Del Mar as recorded in Plat Book 8, page 47 of the Indian River County, Florida Public Records; Thence run North 89°52'29" East along said North line of the South 765.0 feet of Government Lot 8 for a distance of 940.0 feet to a concrete marker as shown in said plat; Thence Run South 13°40'00" East (along a line shown as the Bluffline on said Plat) for a distance of 185.23 feet to a point; Thence run North 89°52'29" East along a line parallel to said North line of the South 765.0 feet of Government Lot 8 and 180.08 feet South of same as measured

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AUG 1 1972  
INDIAN RIVER COUNTY  
FLORIDA

at right angle thereto for a distance of 120 feet, more or less, to the mean high water mark of the Atlantic Ocean; said point being the point of beginning; Thence return South 89°52'29" West along the previously described line for a distance of 120 feet, more or less, to the point on the Bluffline, said point being 185.23 feet South 12°40'00" East of the previously described concrete marker; Thence run South 71°52'29" West for a distance of 217.89 feet to a point on the easterly right-of-way of the road right of way as dedicated in above mentioned plat of Vista Del Mar; Thence run South 23°07'31" East along said right of way for a distance of 135.0 feet to a point; Thence run North 66°52'29" East for a distance of 198.37 feet to a point on the previously referred to Bluffline as shown on the recorded Plat of Vista Del Mar; Thence run North 89°52'29" East along a line parallel to the first call in this description for a distance of 120 feet more or less, to the mean high water mark of the Atlantic Ocean; Thence meander said mean high water mark in a northwesterly direction for a distance of 117 feet, more or less, to the point of beginning.

It is anticipated that nine (9) separate condominium apartment buildings will be established by the Developer upon said land.

2.2. The Association will make no distribution of income to its members, directors or officers.

EXECUTED at Stuart, Florida, this 11<sup>th</sup> day of August, 1972.

DEL MAR ASSOCIATION, INC.

Executed in the presence of:

*Ronald E. Ewing*  
*Donald Y. Spence*

By *Ronald E. Ewing*  
 President

STATE OF FLORIDA )  
 COUNTY OF MARTIN ) SS.

Before me personally appeared RONALD E. EWING, President of DEL MAR ASSOCIATION, INC., to me well known, and he acknowledged before me that he executed the foregoing instrument as such officer of said corporation; and that he affixed thereto the official seal of said corporation; and I FURTHER CERTIFY that I know the said person making said acknowledgment to be the individual described in and who executed the said instrument.

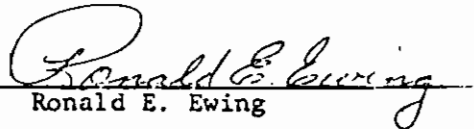
WITNESS my hand and official seal this 11<sup>th</sup> day of August, 1972.

*Donald Y. Spence*  
 Notary Public  
 State of Florida at Large  
 My commission expires  
 12/31/1973

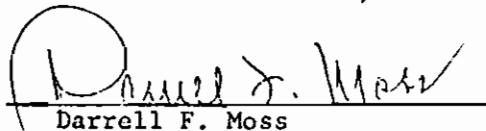
APPROVAL AND CONSENT

We, the undersigned, being all of the directors of DEL MAR ASSOCIATION, INC., a Florida corporation not for profit, hereby consent to the amendment of the Articles Of Incorporation of said Association, in the manner set forth in the foregoing Certificate Of Amendment.

A resolution providing for said amendment was adopted at a special meeting of the Board of Directors of said Association on July 31, 1972. A copy of such resolution is set forth in the foregoing Certificate Of Amendment.

  
Ronald E. Ewing

  
Robin D. Bishop

  
Darrell F. Moss

4. Paragraph 7.6 of the By-Laws is amended to read as follows:

Votes may be cast in person or by proxy. A proxy may be made by any person entitled to vote and will be valid only for the particular meeting designated in the proxy and must be filed with the Secretary or Assistant Secretary before the appointed time of the meeting or any adjournment of the meeting. A proxy may only be given by a person who is entitled to cast the vote to another person who is entitled to cast a vote. A proxy cannot be given to an attorney, a non-owner or an owner who is not entitled to cast a vote, except as provided by Florida Statute.

5. Paragraph 3.1 of the By-Laws is amended to read as follows:

The affairs of the Association shall be managed by a Board of not less than nine (9) Directors. No person may be elected a Director unless he or she is a member of the Association or is the spouse of a member of the Association.

B. Amendments to the Declaration of Condominium

1. Article 16.G of the Declaration of Condominium is amended to read as follows:

Automobiles may be parked in the parking areas of the condominium property adjacent to or near the apartment building, but only in accordance with the regulations of the Association. One parking space, which will be a covered space if constructed by the Developer, will be designated for use by the occupants of each apartment and the remaining spaces will only be used by those persons specified by the Association. No other vehicles and objects, including but not limited to trucks, bicycles, motorcycles, trailers and boats, will be parked or placed upon any portion of the condominium property unless permitted by the Association.

2. Article 17.1? (new rule) is added to the Declaration of Condominium:

A transfer fee of fifty dollars ( \$50.00 ) will be made in connection with the sale, lease, sublease or other transfer of a unit. However, if the lease is a renewal of a lease or a sublease with the same lessee or sublessee, no charge will be made. The charge is made for each approval if unrelated people wish to lease or sublease a unit.

IN WITNESS WHEREOF, these Articles of Amendments are executed for the corporation by its officers and its corporate seal affixed and acknowledged by them on this 18<sup>th</sup> day of December 1986.

DEL MAR ASSOCIATION, INC.

BY: Frederick Dugle  
Frederick Dugle  
President

BY: Albert Bansch  
Albert Bansch  
Assistant Secretary

( corporate seal )

Joyce B. Rice  
Betty B. D'Armitta  
As to both parties

1986 DEC 19 PM 4:01  
NOTARY PUBLIC  
STATE OF FLORIDA  
JAMES W. WRIGHT  
INDIAN RIVER COUNTY, FLA.  
OF  
James W. Wright

STATE OF FLORIDA  
COUNTY OF INDIAN RIVER

BEFORE ME personally appeared FREDERICK DUGLE, or President and ALBERT BANSCHER as Assistant Secretary, known to me to be the individuals described in and who executed the foregoing instrument as President and Assistant Secretary of DEL MAR ASSOCIATION, INC., a Florida corporation not for profit, and they acknowledged to and before me that they executed said instrument as President and Assistant Secretary respectively, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that it was affixed to said instrument by due and regular corporate authority and that said instrument is the free act and deed of said corporation.

WITNESS my hand and affixed seal this 18<sup>th</sup> day of December 1986.

Rebecca S. Manned  
Notary Public, State of Florida  
at Largo. My commission expires:

Notary Public State of Florida at Largo  
My Commission Expires Aug. 14, 1989  
Issued By Iowa Notarial Ins. Co.