

*This instrument prepared by:*

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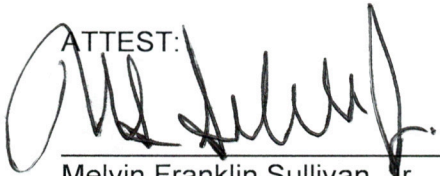
**CERTIFICATE OF APPROVAL OF AMENDMENTS TO  
THE DECLARATION OF CONDOMINIUM OF WHITLEY BAY, A CONDOMINIUM**

The undersigned authorities hereby certify that the Members of Whitley Bay Condominium Association, Inc. ("Condominium") have duly adopted the attached amendments to the Declaration of Condominium of Whitley Bay, a Condominium ("Declaration"), as originally recorded in the Public Records of Brevard County at O.R. Book 5163, Page 2334, and subsequently amended at O.R. Book 5236, Page 1552 et seq., O.R. Book 6344, Page 528 et seq., and O.R. Book 8828, Page 129 et seq., all of the Official Records of Brevard County, Florida.

The attached amendments were approved in accordance with Section 617.0701(4), Fla. Stat., and Article XIII of the Declaration, as amended, by the affirmative vote of at least forty-three (43) of the sixty-four (64) total units on all measures, representing at least fifty-one (51%) percent of the total units in the condominium. Such approvals were obtained from members who executed a written consent without a meeting, accumulated between June 24, 2022 and July 27, 2022.

Witness our hands and seals this 11 day of October, 2022.

ATTEST:

  
Melvin Franklin Sullivan, Jr.,  
Vice President

"Association"  
Whitley Bay Condominium Association, Inc.

By   
Stan H. Bowers, President

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of X physical presence or \_\_\_\_\_ online notarization, this 11 day of October, 2022, by Stan H. Bowers and Melvin Franklin Sullivan, Jr., as President and Vice President, respectively, of Whitley Bay Condominium Association, Inc., a Florida not-for-profit corporation, on behalf of the corporation. They are personally known to me or have produced \_\_\_\_\_ as identification.

(SIGN)

My Commission Expires: July 6, 2025

(PRINT)

Notary Public, State of Florida at Large



# AMENDMENTS TO THE DECLARATION OF CONDOMINIUM OF WHITLEY BAY, A CONDOMINIUM

Proposed additions shown in **bold underlining**

Proposed deletions shown in ~~strikeouts~~

Omitted but unaffected provisions are represented by \* \* \*

\* \* \*

## ARTICLE XXXIV. ASSOCIATION MAINTENANCE STANDARDS

It is mandatory that the Association, in carrying out its responsibilities under this Article XXXIV, comply with the following minimum standards, requirements and guidelines:

A. The Board shall cause all Utilities and Utility systems forming a part of the Common Elements **that are deemed to be its responsibility pursuant to Article IX of this Declaration or as otherwise required by Florida Statute** to be maintained properly and in good condition, and effect **complete** repairs thereto as needed. ~~It is mandatory that the Board cause all water and/or sewer infrastructure to be inspected at least annually by .~~ **The water and/or sewer infrastructure shall be inspected periodically as determined by the Board or otherwise required by law or insurance regulations, but not less frequently than every five years, by the Association's Maintenance Personnel, meaning any maintenance personnel employed by the Association, any maintenance committee established by the Board, or any third party contracted with approval of the Board for such purpose (hereinafter collectively referred to as "Maintenance Personnel"). The results of this inspection shall be reported to the Board, and if any defects are noted and deemed to be beyond the capability of the Association's Maintenance Personnel, the Board shall consult with a licensed and qualified contractor, engineer or architect, or other such professional with expertise in the construction and/or maintenance of such water/sewer infrastructure, or utilize city or county resources to recommend appropriate corrective actions for consideration and approval by the Board.**

B. It is mandatory that the Board cause all drainage systems, landscape installations, and irrigation systems within the Common Elements to be inspected **at least annually on periodically as determined by the Board, but not less frequently than every five years, by the Association's Maintenance Personnel, as described herein.** In particular, ~~the Board shall inspect for~~ **said Maintenance Personnel shall advise the Board of** any misaligned, malfunctioning or non-functional sprinkler or blocked drainage

grates, basins, lines and systems, which circumstances could cause damage to the Condominium Property. **If any defects are noted and deemed to be beyond the capability of the Maintenance Personnel, the Board shall hire an appropriate** ~~It is mandatory that at least one such inspection each year shall be performed by a licensed and qualified contractor, engineer or architect,~~ **or other such professional** with expertise in the construction and maintenance of such drainage and landscape installations **to recommend appropriate corrective actions for consideration and approval by the Board.**

**C.** Without limiting the foregoing, all landscaping shall be maintained in accordance with the following minimum maintenance standards, **and exceptions to this policy must be approved in writing by a majority of Board members:-**

1. Lawn and ground cover shall be kept mowed and/or trimmed regularly;
2. Planting shall be kept in a healthy and growing condition;
3. Fertilization, cultivation, spraying and tree pruning shall be performed as part of the regular landscaping program;
4. Stakes, guides, and ties on trees shall be checked regularly to ~~insure~~ **ensure** the correct function of each; ties shall be adjusted to avoid creating abrasions or girdling of the trunk or stem;
5. Damage to planting shall be repaired and corrected within thirty (30) days of occurrence; and
6. Irrigation systems shall be kept in sound working condition; adjustments, replacement or malfunctioning parts and cleaning of systems shall be an integral part of the regular landscaping program.

**C.D.** It is mandatory that the Board cause all hardscape, paved areas and internal streets within the Condominium Property **that are deemed to be its responsibility** to be inspected **periodically as determined by the Board or as otherwise required by law or insurance regulations, but not less frequently than every five years,** at least annually by **Maintenance Personnel, as described herein.** **If any defects are noted and deemed to be beyond the capability of the Association Maintenance Personnel to correct, the Board shall hire an appropriate** a licensed and qualified contractor, engineer or architect, **or other such professional** with expertise in the construction and maintenance of such hardscape and paved areas **to recommend appropriate corrective actions for consideration and approval by the Board.**

**D.E.** It is mandatory that the Board cause all waterscape or water features within the Common Elements (including, but not necessarily limited to, the swimming pool and spa), to be inspected **periodically as determined by the Board or as otherwise required by**

law or insurance regulations, but not less frequently than once per year, each year by and regularly maintained by the association Maintenance Personnel. If any defects are noted and deemed to be beyond the capability of the Association Maintenance Personnel to correct, the Board shall hire an appropriate a licensed and qualified contractor, engineer, or architect, or other such professional with expertise in the construction and maintenance of such waterscape and water features to recommend appropriate corrective actions for consideration and approval by the Board.

E.F. It is mandatory that the Board cause the structures and roofs of all improvements within the Condominium Property to be inspected periodically as determined by the Board or as otherwise required by law or insurance regulations, but not less frequently than once per year, by Association Maintenance Personnel, as described herein. If any defects are noted and deemed to be beyond the capability of the association Maintenance Personnel to correct or evaluate, the Board shall hire an appropriate each year by a licensed and qualified contractor, engineer, or architect with expertise in the construction and maintenance of such structures and roofs to recommend appropriate corrective actions for consideration and approval by the Board.

F.G. It is mandatory that the Board carry out such other periodic inspections, and obtain such other reports, as may be prudent and appropriate as determined by the Board, or as otherwise required by law or insurance regulations. In each instance in which a contractor, engineer, architect or other professional with expertise in a specific area is engaged to conduct an investigation or inspection, such expert shall promptly provide a written report thereof to the Board. The written report shall identify all items of maintenance or repair which either requires current action by the Association, or which will need further review, inspection or analysis. The Board shall, in each case, cause any and all necessary or prudent repairs to be promptly undertaken and completed, to prevent avoidable deterioration or property damage.

G.H. This Section XXXIV is intended only to provide specific minimum maintenance and inspection requirements in particular areas, and shall in no way limit the Association's general responsibility with respect to maintenance in a prudent manner, designed to prevent avoidable deterioration or property damage.

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