

**Tamarac BY-THE-GULF, INC.**  
**A Not For Profit Corporation**  
**Governing Documents**

**Contents:**

**ARTICLES OF INCORPORATION**

**SUBDIVISION DEED RESTRICTIONS**

**BYLAWS**

**Date of Issue: September 12, 2014**

**Revised October 2018**

**These are important Documents for ALL Lot Owners in Tamarac By-The-Gulf, Inc. Subdivision. DO NOT DISCARD. It is recommended that these documents be kept in a safe place, with other legal documents concerning your lot and house.**

**TAMARAC BY-THE-GULF, INC.**

**CORPORATION DOCUMENTS:**

**SECTION: #1**

# State of Florida

Department of State



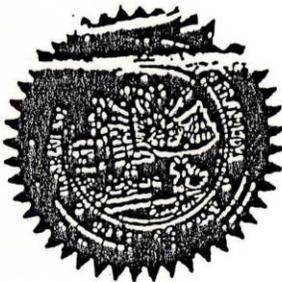
I, Richard (Dick) Stone, Secretary of State of the State of Florida,  
Do Hereby Certify That the following is a true and correct copy of

Certificate of Incorporation  
of

TAMARAC BY-THE-GULF OWNER AND/OR RESIDENT ASSOCIATION, INC.

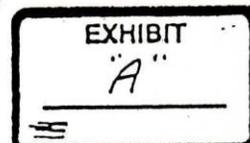
a corporation not for profit organized and existing under the Laws of the  
State of Florida, filed on the 12th day of March,  
A.D., 19 71, as shown by the records of this office.

Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital,  
this the 15th day of March,  
A.D. 19 71.



*Richard (Dick) Stone*

Secretary of State



ARTICLES OF INCORPORATION  
of  
TAMARAC BY-THE-GULF OWNER  
AND/OR RESIDENT ASSOCIATION, INC.

We, the undersigned, hereby associate ourselves together for the purpose of becoming incorporated under the laws of the State of Florida, applicable to corporations not for profit, under the following Charter:

ARTICLE I - NAME

The name of the corporation shall be TAMARAC BY-THE-GULF OWNER AND/OR RESIDENT ASSOCIATION, INC. and it is to be located in the County of Pinellas, Florida.

ARTICLE II - PURPOSE

The purpose for which this corporation is formed is to stimulate social and recreational activities among the people residing in Tamarac By-The-Gulf.

This corporation is also organized for the purpose of all the residents of Tamarac By-The-Gulf so that they may take an active part in civic and community affairs. Further to protect the interest and rights of the membership of this organization.

To purchase, lease, hold, sell, mortgage or otherwise acquire or dispose of real or personal property; to enter into, make, perform or carry out contracts of every kind with any person, firm, corporation or association; to do any acts necessary or expedient for carrying on any and all the activities and pursuing any and all of the objects and purposes set forth in this certificate of incorporation, and not forbidden by the laws of the State of Florida.

This corporation shall have the right to receive gifts and bequests of both real and personal property of any nature whatsoever.

In general, to have all powers conferred upon a non-profit corporation by the laws of the State of Florida, except as herein prohibited or forbidden by the By-Laws of this corporation.

MAR 12 3 54 PM 1971  
FILED  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

ARTICLE III - MEMBERSHIP

Membership in this corporation shall be limited to those persons owning property or residing in Tamarac By-The-Gulf. Any eligible person may apply for membership by application to the Board of Directors. The By-Laws of the corporation may make such other and further provisions for the admission of members, not inconsistent with the provisions of this Article, as are considered necessary or advisable.

ARTICLE IV - EXISTENCE

This corporation shall have perpetual existence unless sooner dissolved by law.

ARTICLE V - SUBSCRIBERS

The names and addresses of the original subscribers are hereinafter set forth:

Mrs. Emma Nyce  
9114 141st Street North  
Seminole, Florida 33540

Mr. Jacob J. Worz  
9258 141st Street North  
Seminole, Florida 33540

Mr. Jess J. Franco  
14075 94th Place North  
Seminole, Florida 33540

ARTICLE VI - OFFICERS

The officers of this corporation shall be a President, Vice-President, Treasurer, Corresponding Secretary and Recording Secretary, who will be elected for a term of one year at the annual meeting of this Association.

ARTICLE VII - FIRST OFFICERS

The names and addresses of the officers who shall manage the affairs of the corporation until their successors are elected and have accepted their offices are:

President	Mrs. Emma Nyce	9114 141st Street North Seminole, Florida
Vice President	Mr. Jacob J. Worz	9258 141st Street North Seminole, Florida
Treasurer	Mr. Jess J. Franco	14075 94th Place North Seminole, Florida
Corresponding Secretary	Mrs. Mary Livingstone	9157 140th Way North Seminole, Florida
Recording Secretary	Miss Magrethe Honore'	9020 140th Way North Seminole, Florida

ARTICLE VIII - BOARD OF DIRECTORS

The Board of Directors of this corporation shall consist of four regional Directors to be elected by the membership of this organization, and the President, Vice President, Treasurer, Immediate Past President, Corresponding Secretary and Recording Secretary. These members of the Board shall be voting members. In addition thereto, there shall be three non-voting members of the Board of Directors and they shall be the Chairman of the Civic Committee, Chairman of the Activities Committee and Chairman of the Community Relations Committee. The Board of Directors may increase the regional Directors from four to six at their discretion.

The names and addresses of the first Board of Directors who shall serve until the first election thereof are:

Mr. Alvin J. Gheen  
14067 90th Avenue North  
Seminole, Florida 33540

Mr. Jerry Moccia  
14037 90th Avenue North  
Seminole, Florida 33540

Mr. Edward Sonnheim  
14119 88th Avenue North  
Seminole, Florida 33540

Mr. Lee B. Sloan  
9213 140th Way North  
Seminole, Florida 33540

Such other officers as are necessary to transact business shall be selected by an affirmative vote or a majority of the members of the Board of Directors constituting a quorum for the transaction of business.

ARTICLE IX - BY-LAWS

The By-Laws of this corporation are to be made, altered or rescinded by the members of the Board of Directors subject to the approval of the members of the corporation, and may be changed from time to time.

ARTICLE X - AMENDMENTS

The Constitution may be amended by two-thirds of the eligible members present and voting at a regular or special meeting. A copy of the proposed amendment must be delivered by mail to each home not less than thirty (30) days prior to

the meeting at which such proposed changes are to be presented for action by the membership.

ARTICLE XI - BUSINESS

The business and general policies of this corporation shall be transacted and formulated by the Board of Directors within the authority as set out in the charter of this corporation.

WITNESS the hands and seals of the subscribers in St. Petersburg, Pinellas County, Florida, this 1 day of March, 1971.

Emma a Nyce (SEAL)  
EMMA NYCE

Jacob J. Worz (SEAL)  
JACOB J. WORZ

Jess J. Franco (SEAL)  
JESS J. FRANCO

STATE OF FLORIDA }  
COUNTY OF PINELLAS } ss:

Before me, the undersigned authority, personally appeared EMMA NYCE, JACOB J. WORZ and JESS J. FRANCO, to me well known to be the subscribers to the foregoing ARTICLES OF INCORPORATION OF TAMARAC BY-THE-GULF OWNER AND/OR RESIDENT ASSOCIATION, INC. who, being by me first duly sworn, acknowledged that they signed the same for the purposes therein expressed.

WITNESS my hand and seal at St. Petersburg, Pinellas County, Florida, this 1 day of March, A. D., 1971.

[Signature]  
Notary Public

My Commission expires:

Notary Public, State of Florida at Large  
My Commission Expires 12/31/1975  
Bonded by American Fire & Casualty Co.

# STATE OF FLORIDA

DEPARTMENT OF STATE



I, RICHARD (DICK) STONE, Secretary of State of the State of Florida, do hereby certify that the following is a true and correct copy of

Certificate of Amendment to Articles of Incorporation of TAMARAC BY-THE-GULF OWNER AND/OR RESIDENT ASSOCIATION, INC., a corporation not for profit organized and existing under the Laws of the State of Florida, changing its corporate name to TAMARAC BY-THE-GULF, INC., and deleting ARTICLE VIII, filed on the 18th day of March, A. D., 1974, as shown by the records of this office.



GIVEN under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the 18th day of March, A.D., 1974.

*Richard (Dick) Stone*  
SECRETARY OF STATE

AMENDMENT TO ARTICLES OF INCORPORATION  
OF  
TAMARAC BY-THE-GULF OWNER AND/OR RESIDENT ASSOCIATION,

2 14 PM '74  
STATE  
SECRET  
FLORIDA

ILED

KNOW ALL MEN BY THESE PRESENTS, The undersigned President and Recording Secretary of this Corporation, do hereby certify that on the 7th day of February, 1974, the following resolution was approved by the Board of Directors of this Corporation, and that on the 11th day of March, 1974, pursuant to notices properly given in accordance with the Articles of Incorporation, the following resolution was also approved by the members of this Corporation in the manner required by Article X of the present Articles of Incorporation:

BE IT THEREFORE RESOLVED, that the Articles of Incorporation of TAMARAC BY-THE-GULF OWNER AND/OR RESIDENT ASSOCIATION, INC., are hereby amended as follows:

(1) The name of this corporation is hereby amended to be "TAMARAC BY-THE-GULF, INC."

(2) The purposes for which this Corporation was formed, in addition to the purposes set forth in the original Articles of Incorporation, are as follows:

(a) To administer the operation and management of the subdivision commonly referred to as Tamarac By-The-Gulf, in Pinellas County, Florida;

(b) To undertake performance of the acts and duties incident to the administration of the operation and management of the subdivision commonly referred to as Tamarac By-The-Gulf in accord with the terms and provisions and authorizations contained in the Articles of Incorporation and the By-Laws of the Corporation, and those certain documents entitled "Behring West, Inc., a Florida corporation, Use and Building Restrictions Deed relating to", as recorded in O. R. Book 2592, Pages 702 through 715 inclusive; O. R. Book 2769, Pages 624 through 637 inclusive; O. R. Book 2813, Pages 345 through 358 inclusive; O. R. Book 3015, Pages 385 through 390 inclusive, Public Records of Pinellas County, Florida with

LAW OFFICES OF

Fisher, Sauls, Adcock & Keough, P.A.

FLORIDA NATIONAL BANK BLDG.  
ST. PETERSBURG, FLORIDA 33701

7843 SEMINOLE BLVD.  
SEMINOLE, FLORIDA 33542

said documents hereinafter referred to as "Use and Building Restrictions".

(c) To operate as a non-profit corporation for the benefit of its Members and make no distributions of income to Members, Directors or Officers.

(3) The Corporation, in addition to powers granted to it under its original Articles of Incorporation and the statutes of the State of Florida as they now exist or hereafter may exist, shall have the following additional powers:

(a) To make and establish reasonable Rules and Regulations to govern the members in the subdivision commonly known as Tamarac By-The-Gulf;

(b) To contract for all or a part of the management and maintenance responsibilities which the Corporation received under those certain documents entitled Use and Building Restrictions.

(4) A new Article shall be included, entitled "INDEMNIFICATION" and shall provide as follows:

Every Director and Officer shall be indemnified by the corporation against all expenses and liabilities, including counsel fees imposed or incurred in connection with proceedings to which he may be a party by reason of his being or having been a Director or Officer, except where he is guilty of willful misfeasance or malfeasance; provided that, in the event of any claim for reimbursement or indemnification based upon a settlement, the indemnification shall not apply unless the settlement was approved by the Board of Directors.

(5) The following provisions of Article VIII of the original Articles of Incorporation are hereby deleted:

"In addition thereto, there shall be three non-voting members of the Board of Directors and they shall be the Chairman of the Civic Committee, Chairman of the Activities Committee and Chairman of the Community Relations Committee. The Board of Directors may increase the regional Directors from four to six

LAW OFFICES OF  
FISHER, SAULS, ADCOCK & KEOUGH P.A.  
FLORIDA NATIONAL BANK BLDG.  
ST. PETERSBURG, FLORIDA 33701

at their discretion."

(6) The last sentence of Article VIII is deleted and in its place and stead the following is substituted:

"Such other officers as are necessary to transact the business shall be selected by an affirmative vote of a majority of the members of the Board of Directors constituting a quorum for the transaction of business."

IN WITNESS WHEREOF, the undersigned, being the President and the Recording Secretary of said Corporation, do hereby execute this document on the 11<sup>th</sup> day of MARCH, 1974.

TAMARAC BY-THE-GULF OWNER AND/OR RESIDENT ASSOCIATION, INC.

By Edward B. Sonnheim  
President

Attested by:

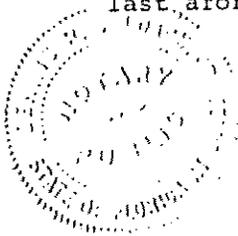
(corporate seal)

Mary B. Murray  
Recording Secretary

STATE OF FLORIDA  
COUNTY OF PINELLAS

BEFORE ME, personally appeared EDWARD B. SONNHEIM and MARY B. MURRAY, as President and Recording Secretary of TAMARAC BY-THE-GULF OWNER AND/OR RESIDENT ASSOCIATION, INC., to me well known and known to me to be the individuals described in and who executed the foregoing instrument, and they severally acknowledged to and before me that they executed such instrument as such officers of said Corporation, and that the seal affixed to the foregoing instrument is the corporate seal of the 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 official seal in the County and State last aforesaid, this 11<sup>th</sup> day of MARCH, 1974.



[Signature]  
Notary Public - State of Florida  
My commission expires:

Notary Public, State of Florida at Large  
My Commission Expires Aug. 26, 1976  
Issued by American Fire & Casualty Co.

LAW OFFICES OF

FISHER, SAULS, ADCOCK & KEOUGH P.A.

FLORIDA NATIONAL BANK BLDG.  
ST. PETERSBURG, FLORIDA 33701

This Instrument Prepared  
By and Return to:  
Joseph M. Murphy, Esquire  
DeLoach, Hofstra & Cavonis, P.A.  
8640 Seminole Blvd.  
Seminole, FL 33772  
#6566.38221 Tamarac By-The-Gulf, Inc.

KEN BURKE, CLERK OF COURT  
AND COMPTROLLER PINELLAS COUNTY, FL  
INST# 2018352686 11/02/2018 10:23 AM  
OFF REC BK: 20321 PG: 760-762  
DocType:CTF RECORDING: \$27.00

**CERTIFICATE OF AMENDMENT  
TO THE ARTICLES OF INCORPORATION  
OF TAMARAC BY-THE-GULF, INC.**

THIS IS TO CERTIFY THAT:

1. The Amended and Restated Use and Building Restrictions of Tamarac By-The-Gulf, Inc., is recorded in O.R. Book 11877, Pages 1180, et seq., Public Records of Pinellas County, Florida.
2. The Plat pertaining to Tamarac By-The-Gulf is recorded in Plat Book 63, Pages 12 and 13, Public Records of Pinellas County, Florida.
3. The plat for Tamarac By-The-Gulf First Addition is recorded in Plat Book 63, Page 57, Public Records of Pinellas County, Florida.
4. The plat for Tamarac By-The-Gulf Second Addition is recorded in Plat Book 63, Pages 74 and 75, Public Records of Pinellas County, Florida.
5. The plat for Tamarac By-The-Gulf Third Addition is recorded in Plat Book 64, Page 28, Public Records of Pinellas County, Florida.
6. The attached Resolution No. 2018-01 was duly adopted by the Board of Directors of TAMARAC BY-THE-GULF, INC., and by the membership of TAMARAC BY-THE-GULF, INC., at a meeting duly held on August 3, 2018, 2018, in accordance with the requirements of the Amended and Restated Use and Building Restrictions for Tamarac By-The-Gulf, Inc., Tamarac By-The-Gulf First Addition, Tamarac By-The-Gulf Second Addition, and Tamarac By-The-Gulf Third Addition.

Executed at Pinellas County, Florida, on this 23 day of October, 2018.

TAMARAC BY-THE-GULF, INC.

By: Valdis Silins  
Valdis Silins, Its President

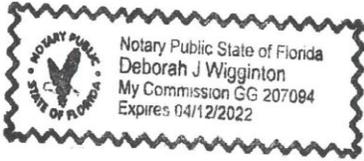
Attest: Dorothy J. Pletzer  
Dorothy J. Pletzer, Its Secretary

Thomas J. Grayson  
Witness

Catherine L. Ehlers  
Witness

STATE OF FLORIDA  
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 23<sup>RD</sup> day of OCTOBER, 2018, by VAL SILINS and DOROTHY PLETZER, as President and Secretary, respectively, of TAMARAC BY-THE-GULF, INC., a Florida non-profit corporation, on behalf of the corporation. They are personally known to me or ~~have produced~~ as identification.



Deborah J Wigginton  
(Signature of Notary)

DEBORAH J. WIGGINTON

(Name of notary, printed or stamped)

Notary Public  
GG 207094

(Serial Number, if any)

**RESOLUTION NO. 2018-01 AMENDING THE ARTICLES OF  
INCORPORATION OF TAMARAC BY-THE-GULF, INC. (AS AMENDED)**

1. RESOLVED, THAT ARTICLE X is hereby deleted in its entirety and replaced with the following:

The Articles of Incorporation may be amended by two-thirds of the eligible members voting in person or by proxy on a one vote per lot basis at a regular or special meeting. A copy of the proposed amendments must be delivered by mail to the owners of each home not less than thirty (30) days prior to the meeting at which such proposed changes are to be presented for action by the membership.

2. RESOLVED, THAT, the remaining terms, provisions, and conditions of the Articles of Incorporation of Tamarac By-The-Gulf, Inc. are hereby ratified, confirmed, and approved.

Dated: October 23, 2018

TAMARAC BY-THE-GULF INC.

By: Valdis Silins  
Valdis Silins, President

Attest: Dorothy J. Pletzer  
Dorothy J. Pletzer, Secretary

**TAMARAC BY-THE-GULF, INC.**

**SUBDIVISION DEED RESTRICTIONS**

**SECTION: #2**

# **TAMARAC By-The-Gulf, Inc.**

## **Amended and Restated Use and Building Restrictions**

The following are the Amended and Restated Use and Building Restrictions for: Tamarac By-The-Gulf, according to the plat thereof recorded in Plat Book 63, Pages 12 and 13; Tamarac By-The-Gulf First Addition, according to the plat thereof recorded in Plat Book 63, Page 57; Tamarac By-The-Gulf Second Addition, according to the plat thereof recorded in Plat Book 63, Pages 74 and 75; and Tamarac By-The-Gulf Third Addition, according to the plat thereof recorded in Plat Book 64, Page 28, all of the Public Records of Pinellas County, Florida. Same amend and restate in their entirety the Use and Building Restrictions recorded in: O.R. Book 2592, Pages 702, et seq.; O.R. Book 2769, Pages 624, et seq.; O.R. Book 2813, Pages 345 et seq.; and O.R. Book 3015, Pages 385, et seq., all of the Public Records of Pinellas County, Florida, as previously amended.

### **1. ASSOCIATION**

The owner of each lot within the Subdivision shall be a member of Tamarac By-The-Gulf, Inc., a Florida nonprofit corporation, hereinafter referred to as "Association." A true and correct copy of the Articles of Incorporation of the Association, together with the Amendment thereto, is attached hereto as Exhibit "A" and incorporated by reference herein. A true and correct copy of the By-Laws of the Association is attached hereto as Exhibit "B" and incorporated by reference herein.

### **2. THE COMMITTEE**

**A.** For the purpose of maintaining the Subdivision as an area of highstandards, the Association reserves for itself the right and power to control the type, kind and character of the buildings, structures and other improvements to belaced on the foregoing-described lands. The owner or occupant of each and every lot, by acceptance of title thereto, shall not permit a structure of any kind to be placed, erected or altered upon any of the foregoing-described lands unless and until the plans and specifications thereof and the plot plan thereof have been submitted to and approved in writing by an Architectural Committee (the Committee) as hereinafter provided, before any construction is begun. No structure shall be placed, erected or altered on any lot until construction plans and specifications and a plot plan showing location of the structure upon the lot shall have been approved by the Committee.

**B.** The members of the Committee shall be appointed as provided in the By-Laws of the Association.

### **3. RESIDENTIAL USE** –

All lots in the Subdivision and all lots enlarged or recreated by the shifting of location of side property lines, are restricted to the use of a single family home, its household, servants and guests. Only one residence building may be built on one lot. Buildings accessory to the use of one family may be erected provided such accessory buildings do not furnish accommodations for an additional family and provided further that written approval for such accessory buildings shall be first obtained from the Committee. No building shall exceed twenty-five (25) feet in height measured from the crown of the street upon which such building fronts.

**4. AGE LIMITATION ON RESIDENTS** - In accordance with the Fair Housing Amendments Act of 1988, the Community is to provide Housing for Older Persons. In order to effectuate this, the following restrictions are in effect. At all times when any person is in occupancy of any lot, at least one (1) person fifty-five (55) years of age or older must occupy said lot. Persons under the age of fifty-five years (55) but over the age of eighteen (18) years of age may occupy and reside in a lot as long as at least one person is fifty-five (55) years of age when occupying the lot. Persons under the age of eighteen (18) years of age may not occupy or reside in any residence or lot. Notwithstanding this restriction, the Board of Directors of the Association shall have the authority to allow hardship exceptions to this provision in the event of death or disability of the owner or proper occupant of the lot, so long as at least eighty percent (80%) of the lots subject to these restrictions are occupied in the manner described above. Owners of lots who desire to sell or lease the lot shall be required to disclose the age(s) of the occupants(s) of the lot to the Association at least ten (10) days prior to any change in occupancy. A prospective purchaser or tenant of a lot shall be required to personally appear before the Registration Committee of the Association and provide said committee with written evidence of the age of each person who shall occupy the lot. For purposes of this restriction, a person is not deemed to 'occupy and reside in any residence or lot' unless said person occupies or resides in any residence or lot for more than thirty (30) days in any calendar year. In the event of a violation of the restrictions contained herein, the Association shall have the authority to bring such legal action as may be necessary in order to enforce the provisions thereof. In any such action, the prevailing party shall be entitled to recover reasonable attorney's fees and costs.

### **5. NO TRADE. BUSINESS OR PROFESSIONAL ETC.** –

No trade, business, professional or any other type of commercial activity shall be carried on upon any of the foregoing-described lands.

**6. LEASES** - No lot shall be leased or subleased for a term of less than six (6) months, in the event that a lot owner leases his lot, said lot owner shall be responsible for ensuring his tenant(s)' and sub-tenant(s)' compliance with these Restrictions.

## **7. LAWNS, LANDSCAPING, FENCES, HEDGES, CLOTHES**

### **POLES, ANTENNAS AND PARKING**

All yard areas of lots in the foregoing-described lands shall be grassed and kept as a lawn which shall extend to the pavement line. For purposes of the preceding sentence, the term 'grassed' shall mean planted in grass, flowers, shrubs, or trees. No graveled or black-topped or paved parking strips are permitted except as previously approved in writing by the Committee. No fences or hedges shall be permitted anywhere within the subdivision except as approved in writing by the Committee. Outdoor clothes drying activities and outside antennas not over fifteen (15) feet are hereby restricted to the rear yards and, in the case of corner lots, to that portion of the rear yards thereof which is more than twenty-five (25) feet from the street right-of-way. All clothes poles shall be capable of being lifted and removed by one person in one minute's time. All garbage and trash containers and oil and gas tanks must be placed and maintained in such a manner that same are not visible from the street. No sign of any nature whatsoever shall be erected or displayed upon any of the foregoing-described lands except where express prior written approval of the size, shape, content and location thereof has been obtained from the Committee. The parking or storage of automobiles except upon paved areas is prohibited. The overnight parking or storage of trucks or commercial vehicles in excess of one-half ton rated capacity is prohibited. The overnight parking of vehicles of any kind upon public right-of-way is prohibited. The parking or storage of boats and boat trailers is prohibited within the subdivision.

## **8. RESERVATIONS FOR LAWN, SPRINKLER SYSTEM AND EXTERIOR BUILDING MAINTENANCE, ETC.**

(A)**Sprinkler System** - The Association reserves to itself the right to construct, maintain and operate a sprinkler system, water, sewer and other public utilities (systems) over, through and upon all of the foregoing-described lands, and the owners of said lands shall be liable to the Association for the reasonable cost of operation and maintenance of said systems. Each owner shall be further liable to the Association for the full reasonable cost of all required repairs to that portion of said sprinkler system lying within and upon such owner's lot, as well as the cost of maintaining and repairing such water, sewer and other public utilities systems.

**(B) Lawn Maintenance and Spraying** - The Association reserves to itself the right to enter over, through and upon all of the foregoing-described lands for the purpose of maintaining and caring for the lawns or any portion thereof located thereon. Nothing in this Subparagraph (B) shall be construed as imposing an obligation upon the Association to maintain and care for the said lawns, and the extent of any such maintenance and care, and when the same shall be undertaken, shall be determined solely by the Association, and the lot owners shall be liable for the cost of all such maintenance and care from time to time performed by the Association upon such owners' lots. "Maintenance and care" within the meaning of the Subparagraph (B) shall include mowing, trimming, edging, fertilizing and spraying of lawns. Each owner shall be responsible for the maintenance, care, trimming and removal of waste, flowers, hedges, trees and other plantings on their lot. Should a lot owner fail to maintain the lot to the high standards of the Association, the Association in its sole discretion may perform the above yard maintenance upon such lot and the lot owner shall be liable to the Association for the full cost of the maintenance performed. No lot owner shall plant any vegetation which impedes the Association's ability to maintain and care for the lawn of said owner's lot. In the event that a lot owner violates this provision, the Association shall have the right, at the sole cost and expense of the lot owner, to remove said vegetation.

**(C) Exterior Building Maintenance** - The Association reserves to itself the right to enter upon all the foregoing-described lands and structures located thereon for the purpose of conducting a periodic program of exterior building painting, including but not limited to repainting of exterior walls, shutters, trim, eaves and roofs, or any portion thereof. Nothing in this Subparagraph (C) shall be construed as imposing an obligation upon the Association to conduct such periodic program of exterior building painting from time to time performed by the Association upon such owners' land.

**(D) Maintenance of Streets, Etc.** - The owners of all lands are hereby made liable to the Association for the reasonable cost of maintaining easements, streets and right-of-way in the Subdivision, and the cost of such maintenance shall be included in the monthly maintenance charge as established in Paragraph 10 hereafter.

**(E) Liens** - The lot owners further agree that such charges shall constitute a lien or charge upon such owners' lots which may be foreclosed in equity in the same manner as is provided for the foreclosure of mortgages upon real property, and, furthermore, the owners agree that such charges, when established and made by the Association shall constitute a special assessment lien which shall be enforceable by the Association against the land of said owner in the same manner as is provided for the enforcement of special assessment liens for local improvements under the Laws of Florida, and as the same may be amended from time to time hereafter.

## **9. RECREATION FACILITIES: OPERATION AND**

**MAINTENANCE: LIENS, COSTS, ETC.** - The owner of each lot in the Subdivision is made liable to the Association for the cost (including taxes) of its operation, maintenance and repair of the recreation and parking facilities located upon the following described lands, to wit:

Tract R of Tamarac by-the-Gulf, according to Plat thereof recorded in Plat Book 63, Pages 12 and 13 of the Public Records of Pinellas County, Florida.

Said cost shall be payable in equal monthly installments by each lot owner to the Association, its successors or assigns. Each owner of a lot in the Subdivision agrees that all charges made for the cost of the ownership operation, maintenance and repair of the aforesaid buildings, structures and recreational and parking facilities shall constitute a lien or charge upon such owner's lot, which may be foreclosed in equity in the same manner as is provided for the foreclosure of mortgages upon real property, and furthermore, each owner agrees that such charges, when established and made by the Association shall constitute a special assessment lien which shall be enforceable by the Association against the lot of said owner in the same manner as is provided for the enforcement of special assessment liens for local improvement under the Laws of Florida and as the same may be amended from time to time hereafter.

## **10. MAINTENANCE CHARGES AND ASSESSMENTS**

The current assessment levied by the Association to effectuate its responsibilities under Paragraphs 8 and 9 of these Restrictions and under the By-Laws of the Association, is \$140.00 per month per lot within the Subdivision. Said assessment may not be increased from one year to the next by more than 5% unless a greater increase is approved by at least sixty seven percent (67%) of the members of the Association. Any assessment not paid within ten (10) days of its due date shall be subject to a late charge, said charge to be determined from time to time by the Board of Directors of the Association. The lien for assessments(s) shall secure the assessments(s) due, late charges thereon, and any and all court costs and attorneys' fees incurred by the Association in the collection of same, whether or not legal proceedings are initiated.

## **11. RECREATION PARCEL**

The Association is the owner of the following described real property: TRACT R OF TAMARAC BY-THE-GULF, according to the plat thereof recorded in Plat Book 63, Pages 12 and 13, Public Records of Pinellas County Florida.

The Association shall hold title to said real property for the benefit of its members, and their respective lessees, guest, and invitees.

## **12. ENFORCEMENT**

These restrictions and requirements may be enforced by an action at law or in equity by any of the owners of lots in the Subdivision or by the Association or its assignee.

## **13. INVALIDITY CLAUSE**

Invalidation of any one of these covenants by a Court of competent jurisdiction shall in no wise effect any of the other covenants, which shall remain in full force and effect.

## **14. EXISTENCE OR DURATION**

The foregoing covenants, restrictions, reservations and servitudes shall be considered and construed as covenants, restrictions, reservations, servitudes, and easements running with the land, and the same shall bind all persons claiming ownership or use of any portions of said lands until the 31st day of December, A.D. 2066 (except as elsewhere herein expressly provided otherwise). Said covenants, restrictions, reservations and servitudes shall be automatically extended for a successive period of ten years unless an instrument signed by the owners of a majority of the lots in said Subdivision shall be recorded, which instrument shall alter, amend, extend, enlarge or repeal, in whole or in part, said covenants, restrictions, reservations, servitudes, and easements.

## **15. BREACH OF PROVISIONS**

The breach of any of the foregoing provisions, restrictions, or covenants shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith, for value as to any portion of said property, but said provisions, conditions, restrictions and covenants shall be binding upon and effective against any such mortgagee or trustee or owner thereof whose title thereto or whose grantor's title thereto is or was acquired by foreclosure, trustee's sale or otherwise.

## **16. RESERVATIONS**

The Association reserves unto itself title to all easements, streets and right-of-way and obligates itself to maintain such easements, streets and right-of-way in a condition in keeping with the general nature and character of the Subdivision and the restrictions herein under shall in no way appertain to such reserved portions of the Subdivision. However, in the event that any of such streets or all of same become dedicated, to the public under

circumstances where a governmental authority would assume responsibility for such maintenance of streets, then and in such event, the Association shall thereafter be relieved of its obligation to maintain such easements, streets and right-of-way.

### **17. AMENDMENT**

These Use and Building Restrictions may be amended provided that a majority of the voting interests of the members of the Association, as provided by Article IV, Section 6 of the By-Laws approve such proposed amendments by a vote at a meeting of the membership called in accordance with the By-Laws. Notice of such proposed amendments shall be posted on the bulletin board at the Clubhouse, and shall be provided to each lot owner at least thirty (30) days prior to the meeting at which the changes will be considered. One vote per lot rule will apply to amendments to the Restrictions. Absentee members may vote by absentee ballot by filing a request in writing with the Recording Secretary for an absentee ballot not more than thirty (3) days nor less than one (1) day prior to date at which such proposed amendments are to be presented for action.

### **WAIVER AND CONSENT:**

Whenever the vote of the lot owners is required or permitted by any provisions of the statutes, articles of incorporation, by-laws or these deed restrictions, to be taken in connection with any action of the Association, the vote of lot owners may be dispensed with, if a consent in writing, setting forth the action so taken, is signed by no less man a majority of the voting interests of the membership on a one vote per lot basis. Within thirty (30) days after obtaining such authorization by written consent, notice shall be given to all lot owners. The notice shall fairly summarize the material features of the authorized action.

**CERTIFICATE OF AMENDMENT  
TO USE AND BUILDING RESTRICTIONS**

**THIS IS TO CERTIFY THAT:**

1. Attached as Exhibit "1" hereto is a Resolution Amending the Amended and Restated Use and Building Restrictions for: Tamarac By-The-Gulf; Tamarac By-The-Gulf First Addition; Tamarac By-The-Gulf Second Addition; and Tamarac By-The-Gulf Third Addition, together with the exhibits thereto.
2. The plat for Tamarac By-The-Gulf is recorded in Plat Book 63, Pages 12 and 13, Public Records of Pinellas County, Florida.
3. The plat for Tamarac By-The-Gulf First Addition is recorded in Plat Book 63, Page 57, Public Records of Pinellas County, Florida.
4. The plat for Tamarac By-The-Gulf Second Addition is recorded in Plat Book 63, Pages 74 and 75, Public Records of Pinellas County, Florida.
5. The plat for Tamarac By-The-Gulf Third Addition is recorded in Plat Book 64, Page 28, Public Records of Pinellas County, Florida.
6. Exhibit "1" hereto amends the Amended And Restated Use And Building Restrictions recorded in O.R. Book 11877, Pages 1180, et seq., of the Public Records of Pinellas County, Florida.
7. Exhibit "1" was duly adopted by the Board of Directors of Tamarac By-The-Gulf, Inc., and by the membership of Tamarac By-The-Gulf, Inc., at a meeting duly held on December 8, 2003, in accordance with the requirements of the Use and Building Restrictions described above.
8. The adoption of Exhibit "1" appears upon the minutes of the above-mentioned meeting and is unrevoked.

Executed at Pinellas County, Florida, on this 15 day of DECEMBER 2003.

LAW OFFICES OF

**DeLOACH & HOFSTRA, P. A.**

8040 SEMINOLE BOULEVARD  
SEMINOLE, FL 33772

PHONE: (727) 397-5571  
FAX: (727) 393-5418

**RESOLUTION AMENDING AMENDED AND RESTATED USE AND BUILDING RESTRICTIONS FOR TAMARAC-BY-THE GULF, TAMARAC -BY-THE-GULF FIRST ADDITION, TAMARAC-BY-THE-GULF SECOND ADDITION, AND TAMARAC-BY-THE-GULF THIRD ADDITION (“RESTRICTIONS”)**

1. RESOLVED, THAT, the fourth and fifth sentences of Paragraph 4 of

Restrictions, which currently read as follows:

“Persons under the age of fifty-five years (55) but over the age of sixteen (16) years of age may occupy and reside in a lot as long as at least one person is fifty-five (55) years of age when occupying the lot. Persons under the age of sixteen (16) years of age may not occupy or reside in any residence or lot.”

are hereby amended to read as follows:

“Persons under the age of fifty-five years (55) but over the age of sixteen(16) eighteen (18) years of age may occupy and reside in a lot as long as at least one person is fifty-five (55) years of age when occupying the lot. Persons under the age of sixteen (16) eighteen (18) years of age may not occupy or reside in any residence or lot.”

2. RESOLVED, THAT, the eighth sentence of Paragraph 4 of Restrictions, which currently reads as follows:

“Said age disclosure shall be made in person by the prospective occupant(s) to the Registration Committee of the Association.”

is hereby deleted in its entirety and the following is hereby substituted therefore:

“A prospective purchaser or tenant of a lot shall be required to personally appear before the Registration Committee of the Association and provide said committee with written evidence of the age of each person who shall occupy the lot.”

LAW OFFICES OF

**DeLOACH & HOFSTRA, P. A.**

8640 SEMINOLE BOULEVARD  
SEMINOLE, FL 33772

PHONE: (727) 397-5571  
FAX: (727) 393-5418

3. RESOLVED, THAT, Paragraph. 4 of Restrictions is hereby amended to add the following:

“For purposes of this restriction, a person is not deemed to ‘occupy and reside in any residence or lot’ unless said person occupies or resides in any residence or lot for more than thirty (30) days in any calendar year.”

4. RESOLVED, THAT, Paragraph 8 of Restrictions is hereby amended to add the following:

“No lot owner shall plant any vegetation which impedes the Association’s ability to maintain and care for the lawn of said owner’s lot. In the event that a lot owner violates this provision, the Association shall have the right, at the sole cost and expense of the lot owner, to remove said vegetation.”

LAW OFFICES OF

**DeLOACH & HOFSTRA, P. A.**

8640 SEMINOLE BOULEVARD  
SEMINOLE, FL 33772

PHONE: (727) 397-5571  
FAX: (727) 393-5418

5. RESOLVED, THAT, the remaining terms, provisions, and conditions of the Restrictions are hereby ratified, confirmed, and approved.

DATED: 12/9, 2003

TAMARAC-BY-THE-GULF, INC.

By: Paul Reed  
PAUL REED, President

Attest: John J. Vogel  
JOHN J. VOGEL, Secretary

STATE OF FLORIDA

COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 9 day of December, 2003, by Paul Reed and John J. Vogel, as President and Secretary, respectively, of TAMARAC-BY-THE-GULF, INC., a not for profit Florida corporation, on behalf of the corporation. They are personally known to me or have produced \_\_\_\_\_ as identification.

Karen Green  
(Signature of Notary)



Karen Green  
MY COMMISSION # DD133165 EXPIRES  
June 30, 2005  
BONDED THRU TROY FAIR INSURANCE, INC.

\_\_\_\_\_  
(Name of notary, printed or stamped)

Notary Public

\_\_\_\_\_  
(Serial Number, if any)

Condor/tamarac-resolution to amend use restrictions

LAW OFFICES OF

**DeLOACH & HOFSTRA, P. A.**

8040 SEMINOLE BOULEVARD  
SEMINOLE, FL 33772

PHONE: (727) 397-5571  
FAX: (727) 393-5418

This Instrument Prepared  
By and Return to:  
Joseph M. Murphy, Esquire  
DeLoach, Hofstra & Cavanis, P.A.  
8640 Seminole Blvd.  
Seminole, FL 33772  
#6566.38221 Tamarac By-The-Gulf, Inc.

**CERTIFICATE OF AMENDMENT  
TO THE AMENDED AND RESTATED  
USE AND BUILDING RESTRICTIONS FOR TAMARAC  
BY-THE-GULF, TAMARAC BY-THE-GULF FIRST ADDITION,  
TAMARAC BY-THE-GULF SECOND ADDITION, AND  
TAMARAC BY-THE-GULF THIRD ADDITION ("RESTRICTIONS")**

THIS IS TO CERTIFY THAT:

1. The Amended and Restated Use and Building Restrictions of Tamarac By-The-Gulf, Inc., is recorded in O.R. Book 11877, Pages 1180, et seq., Public Records of Pinellas County, Florida.
2. The Plat pertaining to Tamarac By-The-Gulf is recorded in Plat Book 63, Pages 12 and 13, Public Records of Pinellas County, Florida.
3. The plat for Tamarac By-The-Gulf First Addition is recorded in Plat Book 63, Page 57, Public Records of Pinellas County, Florida.
4. The plat for Tamarac By-The-Gulf Second Addition is recorded in Plat Book 63, Pages 74 and 75, Public Records of Pinellas County, Florida.
5. The plat for Tamarac By-The-Gulf Third Addition is recorded in Plat Book 64, Page 28, Public Records of Pinellas County, Florida.
6. The attached Resolution No. 2018-02 was duly adopted by the Board of Directors of TAMARAC BY-THE-GULF, INC., and by the membership of TAMARAC BY-THE-GULF, INC., at a meeting duly held on August 3, 2018, 2018, in accordance with the requirements of the Amended and Restated Use and Building Restrictions for Tamarac By-The-Gulf, Inc., Tamarac By-The-Gulf First Addition, Tamarac By-The-Gulf Second Addition, and Tamarac By-The-Gulf Third Addition.

Executed at Pinellas County, Florida, on this 23 day of October, 2018.

TAMARAC BY-THE-GULF, INC.

Catherine R. Ehlers  
Witness

By: Valdis Silins  
Valdis Silins, Its President

Thomas J. Grogan  
Witness

Attest: Dorothy J. Plotzer  
Dorothy J. Plotzer, Its Secretary

STATE OF FLORIDA  
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 23<sup>RD</sup> day of OCTOBER, 2018, by VAL SILINS and DOROTHY PLETZER, as President and Secretary, respectively, of TAMARAC BY-THE-GULF, INC., a Florida non-profit corporation, on behalf of the corporation. They are personally known to me, ~~or have produced~~ as identification.



Deborah J. Wigginton  
(Signature of Notary)

DEBORAH J WIGGINTON

(Name of notary, printed or stamped)

Notary Public  
GG 207094

(Serial Number, if any)

**RESOLUTION NO. 2018-02 AMENDING THE AMENDED AND RESTATED  
USE AND BUILDING RESTRICTIONS FOR TAMARAC  
BY-THE-GULF, TAMARAC BY-THE-GULF FIRST ADDITION,  
TAMARAC BY-THE-GULF SECOND ADDITION, AND  
TAMARAC BY-THE-GULF THIRD ADDITION (AS AMENDED)**

1. RESOLVED, THAT PARAGRAPH 7, which currently reads as follows:

7. LAWNS, LANDSCAPING, FENCES, HEDGES,  
CLOTHES POLES, ANTENNAS AND PARKING

“...The overnight parking or storage of trucks or commercial vehicles in excess of one-half ton rated capacity is prohibited...”

is hereby amended to read as follows:

7. LAWNS, LANDSCAPING, FENCES, HEDGES,  
CLOTHES POLES, ANTENNAS AND PARKING

“...The overnight parking or storage of trucks or commercial vehicles in excess of ~~one-half~~ three-quarter ton rated capacity is prohibited...”

2. RESOLVED, THAT PARAGRAPH 10, which currently reads as follows:

10. MAINTENANCE CHARGES AND ASSESSMENTS

“The current assessments levied by the Association to effectuate its responsibilities under Paragraphs 8 and 9 of these Restrictions and under the By-Laws of the Association, is \$140.00 per month per lot within the Subdivision. Said assessment may not be increased from one year to the next by more than 5% unless a greater increase is approved by at least sixty seven percent (67%) of the members of the Association. Any assessment not paid within ten (10) days of its due date shall be subject to a late charge, said charge to be determined from time to time by the Board of Directors of the Association. The lien for assessment(s) shall secure the assessment(s) due, late charges thereon, and any and all court costs and attorneys’ fees incurred by the Association in the collection of same, whether or not legal proceedings are initiated.”



is hereby amended to read as follows:

10. MAINTENANCE CHARGES AND ASSESSMENTS

"The current assessments levied by the Association to effectuate its responsibilities under Paragraphs 8 and 9 of these Restrictions and under the By-Laws of the Association, is ~~-\$140.00~~ \$189.00 per month per lot within the Subdivision. Said assessment may not be increased from one year to the next by more than 5% unless a greater increase is approved by at least sixty seven percent (67%) of the members of the Association. Any assessment not paid within ten (10) days of its due date shall be subject to a late charge, said charge to be determined from time to time by the Board of Directors of the Association. The lien for assessment(s) shall secure the assessment(s) due, late charges thereon, interest, and any and all court costs and attorneys' fees incurred by the Association in the collection of same, whether or not legal proceedings are initiated."

3. RESOLVED, THAT PARAGRAPH 17, which currently reads as follows:

17. AMENDMENT

"These Use and Building Restrictions may be amended provided that a majority of the voting interest of the members of the Association, as provided by Article IV, Section 6 of the By-Laws approve such proposed amendments by a vote at a meeting of the membership called in accordance with the By-Laws. Notice of such proposed amendments shall be posted on the bulletin board at the Clubhouse, and shall be provided to each lot owner at least thirty (30) days prior to the meeting at which the changes will be considered. One vote per lot rule will apply to amendments to the Restrictions. Absentee members may vote by absentee ballot by filing a request in writing with the Recording Secretary for an absentee ballot not more than thirty (30) days nor less than one (1) day prior to date at which such proposed amendments are to be presented for action."

is hereby amended to read as follows:

17. AMENDMENT

"These Use and Building Restrictions may be amended provided that a majority of the voting interest of the members of the Association, as provided by Article IV, Section 6 of the By-Laws approve such proposed amendments by a vote at a meeting of the

---

membership called in accordance with the By-Laws. Notice of such proposed amendments shall be posted on the bulletin board at the Clubhouse, and shall be provided to each lot owner at least thirty (30) days prior to the meeting at which the changes will be considered. ~~One vote per lot rule will apply to amendments to the Restrictions. Absentee members may vote by absentee ballot by filing a request in writing with the Recording Secretary for an absentee ballot not more than thirty (30) days nor less than one (1) day prior to date at which such proposed amendments are to be presented for action.~~"

4. RESOLVED, THAT, the remaining terms, provisions, and conditions of the Use and Building Restrictions are hereby ratified, confirmed, and approved.

Dated: October 23, 2018

TAMARAC BY-THE-GULF INC.

By: Valdis Silins

Valdis Silins, President

Attest: Dorothy J. Pletzer

Dorothy J. Pletzer  
Secretary



**TAMARAC BY-THE GULF, INC.**

**GOVERNING BYLAWS**

**SECTION: #3**

BY-LAWS OF TAMARAC BY-THE -GULF, INC.

Revised October 2018

ARTICLE I  
NAME & LOCATION

The name of the corporation is TAMARAC BY-THE-Gulf, Inc., hereafter referred to as the "Association". The principal office of the Association shall be located at 9099 141<sup>st</sup> Street, Seminole, Florida 33776

ARTICLE II  
MEMBERSHIP

The owner of each lot within the Subdivision, Tamarac By-The-Gulf, according to the plat thereof recorded in Plat Book 63, Page 57; Tamarac By-The-Gulf Second Addition, according to the plat thereof recorded in Plat Book 63, Pages 74 and 75; and Tamarac By-The-Gulf Third Addition, according to the plat thereof recorded in Plat Book 64, Page 28, all of the Public Records of Pinellas County, Florida and as the same may have been amended from time to time shall be a member of the Association. Membership shall be appurtenant to and shall not be separated from ownership of any lot which is subject to assessment by the Association.

ARTICLE III  
PURPOSES

The purposes of the Association shall be as follows;

1. To stimulate social and recreational activities among the members; and
2. To actively engage in various civic affairs; and
3. Administer the operation and management of Tamarac By-The-Gulf; and
4. To undertake the performance of acts and duties incident to the administration, operation and management of said sub-division; and
5. To operate as a non-profit corporation and to make no distribution of income to members, officers or directors
6. To operate as the successor in interest of Behring West, Inc. as described in the recorded instruments described in Article II hereof.

ARTICLE IV  
MEETINGS OF MEMBERS

Section 1. Annual Meeting. The annual meeting shall be held at 7:00 P.M. on the 2<sup>nd</sup> Monday of December of each year for election of officers and directors and such other business as may come before said meeting. Notice of the annual meeting shall be given to Association members as is provided by law. If the day for the annual meeting of the members is a legal holiday, the meeting will be held on the following Monday, which is not a legal holiday.

Section 2. Special Meetings. Special meetings of the members may be called at any time by the President or by the Board of Directors or upon written request to the President by ten percent (10%) of the members of the Association. Special meetings shall be limited to the subject for which the meeting was called.

Section 3. Regular Meetings. Regular meetings of the members shall be held at 7:00 P.M. on the 3<sup>rd</sup> Monday of each month except for the months of June, July, August and December. Notice of regular meetings shall be given to Association members as provided by law. If the day for the regular meeting is a legal holiday, the meeting will be held on the following Monday which is not a legal holiday.

Section 4. Notice of Special Meetings. Written notice of each Special Meeting of the members shall be given to each member entitled to vote thereat, by, or at the direction of, the Recording Secretary or person or persons authorized to call the meeting. Such notification shall be given at least fifteen (15) and not more than thirty (30) days prior to the meeting; and may be given by either (a) delivering a copy of such notice at the address of the member appearing on the records of the Association, or (b) mailing a copy of such notice, postage prepaid, addressed to the member at such address, or a combination of both. Such notice shall specify the place, date and hour of the meeting and the purpose thereof.

Section 5. Quorum. The presence at a meeting of seventy-five (75) members entitled to cast votes thereat, shall constitute a quorum. If, however, such quorum shall not be present at any meeting, the members entitled to vote thereat shall have the power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum as aforesaid shall be present.

Section 6. Voting. Each member is entitled to one vote on in person or by limited proxy on all matters except that not more than one vote per lot shall be allowed in the following matters:

(a) Amendments to the Charter, and/or By-Laws and/or Use and Building Restrictions.

(b) Assignment by the Association to another party of the rights, duties and obligations under the "Use and Building Restrictions."

(c) Capital expenditures as provided in ARTICLE IX, Paragraph (g).

Limited proxies may be requested from the Recording Secretary.

Section 7. Amendments/Assignments/Capital Expenditures Greater Than \$10,000. Special Requirements.

a. Matters involving Amendments to these By Laws and Assignments of the duties and powers of the Association shall be presented to the membership and then decided by a voting procedure established by the Board of Directors. The voting procedure shall insure a maximum participation of the eligible voters in order to best serve the total community. Amendments and Assignments shall be approved when two-thirds (2/3<sup>rd</sup>) of the eligible voters approve the proposed question.

b. Capital expenditures exceeding more that ten thousand dollars (\$10,000) must be approved by a vote of the Board of Directors and then approved by a majority vote at a regular meeting of members the Association.

Section 8. CLUB ACCOUNT All expenditures for social and recreational activities and necessary equipment in excess of five hundred dollars (\$500.00) must first be presented to the Board of Directors for approval by a vote of the Board.

Section 9. Rules of Order. Proceedings of Association meetings not covered by the By-Laws shall be governed by Robert's Rules of Order.

## ARTICLE V

### MANAGEMENT OF THE ASSOCIATION

Section 1. Responsibilities. The affairs of the Association shall be managed by the Board of Directors.

Section 2. Assignment. Assignment by the Association to another party of substantially all of the rights, duties or obligations under the Use and Building Restrictions shall require approval by a two-thirds (2/3<sup>rd</sup>) majority vote of the members, subject to the voting restriction provided in Article IV, Section 7 b.

## ARTICLE VI

### BOARD OF DIRECTORS-SELECTION-TERM OF OFFICE

Section 1. Number and Term of Office. Each Board Member must be a member of the Association. The Board of Directors shall consist of twelve (12) persons. Five (5) members of the Board shall be elected at large, and shall be elected to serve as corporate officers of the Association as set forth elsewhere in these By- Laws. Six (6) Regional Directors shall be elected at large to serve on the Board. Finally, the immediate Past President shall serve on the Board. Said Board of Directors shall consist of the following:

**President**, as Chairperson – who shall have a vote in matters only if there shall be a tie among the other members of the Board casting votes.

**Vice-President**, as Vice-Chairperson

**Recording Secretary**

**Corresponding Secretary**

**Treasurer**

**Immediate Past President other than the incumbent President**

**Six (6) non-office holding Regional Directors**

The terms of the Regional Directors shall be for two (2) years. Each of the Regional Directors shall be elected at large to serve for the aforementioned term, or until the successor shall be elected and shall qualify. Each year, three (3) Regional Directors shall be elected at large, one (1) from each region (there being three (3) regions within said sub-division, and said regions shall be outlined on a map which shall be on file with the Recording Secretary.

Section 2. Removal. Any Regional Director may be removed from the Board, with or without cause, by a vote of the majority of members present at a regular or special meeting of the of the membership. In the event of death, resignation or removal of a Regional Director, his/her successor shall be selected by the remaining members of the Board and shall serve for the unexpired term of his/her predecessor.

Section 2a. In the event the position of Immediate Past President becomes vacant, then, same shall remain vacant for the balance of the term.

Section 3.Compensation. No Director of Officer shall receive compensation for any service he or she may render to the Association as a Director or Officer. However, any Director or Officer may be reimbursed for the actual expense incurred in the performance of his or her duties.

Section 4. Action taken without a meeting. The Directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of a *majority* of the Directors. Any action so approved shall have the same effect as though taken at a meeting of the Directors.

## ARTICLE VII

### NOMINATION AND ELECTION OF OFFICERS AND REGIONAL DIRECTORS

Section 1. Nomination Committee. Nomination for election of Officers and Regional members of the Board of Directors shall be made by the Nominating Committee. The Nominating Committee shall consist of six (6) members, two (2) from each region of Tamarac-By-The-Gulf, of which one (1) of whom shall be Chairperson. All of the members of said Nomination Committee shall be members of the Association and shall be appointed by the President at the October Board of Directors meeting.

Section 2. Report of Nominating Committee and Election. The Nominating Committee shall present its list of candidates at the November regular membership meeting and elections shall be held at the December annual membership meeting. Nominations may be made from the floor at the regular November membership meeting. Motions to close the nominations may be entertained and put to a vote when the presiding officer is satisfied that no other nomination will be made. All nominees proposed must be present at the November membership meeting and signify their willingness to serve, or shall have provided the Recording Secretary with their written consent if unable to attend. Ballots shall be secret if voting is necessary, and shall be collected, counted and tabulated by the Chairperson and members of the Nominating Committee. Results of the balloting shall be announced by the presiding officer. Elected officers and Board members shall assume their duties on January 1 of the following year. Members voting by limited proxy shall place such limited proxy in an inner envelope with no identifying markings and mailed or delivered to the Association in an outer envelope bearing identifying information reflecting the name of the member, the lot or parcel for which the vote is being cast, and the signature of the lot owner authorizing that limited proxy. Limited proxies may be requested from the Recording Secretary after the November membership meeting.

ARTICLE VIII  
MEETING OF DIRECTORS

Section 1. Regular Meetings. Regular meetings of the Board of Directors shall be held monthly except in June, July and August without notice, at such date, place and hour as may be fixed from time to time by resolution of the Board.

Section 2. Special Meetings. Special meetings of the Board of Directors shall be held when called by the President of the Association, or by any three (3) Directors, after not less than twenty-four (24) hours notice to each Director, except in the case of emergency, in which case the notice required may be waived by the President. Matters taken up at such meetings shall be limited to those specified in the call of the meeting.

Section 3. Quorum. A majority of the number of Directors shall constitute a quorum for the transaction of business.

Section 4. Notice. Notice of meetings of the Board of Directors should be made as provided by law.

ARTICLE IX  
POWERS AND DUTIES OF THE BOARD OF DIRECTORS

Section 1 Powers. The Board of Directors shall have the power:

a. To undertake performance of the acts and duties incident to the administration, operation and management of the sub-division commonly referred to as Tamarac BY-THE-Gulf in accordance with the terms, provisions and authorizations contained in those certain documents entitled "The Behring West Inc., a Florida Corporation, Use and Building Restrictions Deed relating to" as recorded in O.R. Book 2592, Page 702; O.R. Book 2769, Page 624; O.R. 2813, Page 345; O.R. Book 3015, Page 385; Public Records of Pinellas County, Florida, with said documents herein referred to as the "Use and Building Restrictions."

b. To adopt and publish rules and regulations governing the use of the recreation facility as described in the Use and Building Restrictions.

c. To exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these By-Laws, or the Articles of Incorporation.

d. To declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board of Directors, unless excused by the President.

e. To enter into contract or contracts to provide maintenance of and service to Tamarac by-the-Gulf.

f. To establish, levy and collect maintenance charges only as specified in the Use and Building Restrictions.

g. To make capital expenditures for the maintenance, repair and improvements to TAMARAC BY-THE-Gulf. Capital expenditures in excess of ten thousand (\$10,000) dollars must be approved in accordance with ARTICLE IV, Section 6, Sub-paragraph c, and ARTICLE IV, Section 7.

h. To levy fines for violation of Deed Restrictions and Tamarac Rules and Regulations published by the Board and to take appropriate action to collect fines.

Section 2 Duties. It shall be the duty of the Board of Directors to:

- a. Supervise all officers, agents and employees of the Association, and to see that their duties are properly performed.
- b. Procure and maintain liability and/or casualty insurance on real and personal property owned by the Association and also to procure fire and extended coverage insurance and liability insurance for the Recreational Area utilized by the Association.
- c. Cause all officers or employees having fiscal responsibility to be bonded as it may deem necessary.
- d. Cause the books and records of the Association to be audited each year, except when the Board of Directors, by a majority vote of the members present approve only a review. However, an audit must be conducted every three (3) years. A report of such audit shall be presented to the membership at, or before, the April membership meeting each year.
- e. Establish a Reserve Fund to pay for future major expenses of costs in relation to maintenance of roads, sewers, water lines and other contingencies.

## ARTICLE X

### OFFICERS AND THEIR DUTIES

Section 1. Enumeration of Officers. The officers of this Association shall be a President, Vice-President, Recording Secretary, Corresponding Secretary and Treasurer, and such other officers as the Board may from time to time create.

Section 2. Election of Officers. The election of officers shall take place at the annual meeting of the members.

Section 3 Term. The officers of this Association shall be elected annually by the members and each shall hold office for one (1) year unless he shall sooner resign, or shall be removed, or otherwise disqualified to serve.

Section 4 Special Appointments. The Board may elect such other officers as the affairs of the association may require, each of whom shall hold office for such period, have such authority, and perform such duties as the Board may from time to time determine.

Section 5 Resignation and Removal. Any officer may be removed from office, with or without cause, by two-thirds (2/3<sup>rd</sup>) vote of the total Board. Any officer may resign at any time giving written notice to the Board, the President, or the Recording Secretary. Such resignation shall take effect on the date of receipt of such notice or at any later date specified therein.

Section 6 Vacancies. A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer replaced. In the event the position of immediate Past President becomes vacant, then same shall remain vacant for the balance of the term.

Section 7 Duties. The duties of the officers are as follows:

President. The President shall preside at all meetings of the Board of Directors and all meetings of Members; shall see that orders and resolutions of the Board and Members are carried out; shall sign all written instruments which are required to be signed from time to time; shall appoint all committees subject to approval by the Board of Directors; shall be an ex-officio member of all Committees, except the Nominating Committee, and shall have the authority to approve essential expenditures, whether operating or capital, not to exceed five hundred dollars (\$500) in any calendar month.

Vice-President. The Vice-President shall act in the place and stead of the President in the event of his absence, inability or refusal to act; shall exercise and discharge such duties as may be required of him by the Board; shall serve on the Management Committee.

Recording Secretary. The Recording Secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of Members when required; keep the corporate seal of the Association and affix it on all papers requiring said seal; serve notice of meetings of the Board and of Members when required; keep appropriate current records showing the Members of the Association together with their addresses. The Recording Secretary shall act in the place and stead of the President in the event of the absence of both the President and Vice-President.

Treasurer. The Treasurer and Assistant Treasurer, if one is appointed, shall receive and deposit, or cause to be received and deposited, in appropriate bank or savings and loan accounts all monies of the Association as directed by the Board of Directors; keep or supervise the keeping of proper books of account; prepare monthly statements of income and expenditures to be presented to the Board of Directors and Membership at its regular meetings, including an Annual Report at the April meeting following his/her term of office; issue checks to pay duly authorized bills, signed by any two of the following officers: President, Treasurer, Vice-President or Recording Secretary, the latter two officers to sign only in the absence of either the President or Treasurer or both. Bills aggregating less than five hundred (\$500) dollars may be authorized for payment by the President. Bills in excess of such amount shall be authorized for payment by the Board of Directors or the Members pursuant to the responsibilities as set forth in Article V hereof.

Corresponding Secretary. The Corresponding Secretary shall be responsible for all correspondence of the Association and shall read the same at each meeting of the Board of Directors and shall read such correspondence as the President, in his/her discretion, shall select, at the Members' meeting; shall prepare the monthly bulletin for publication.

## ARTICLE XI

### BOOKS AND RECORDS

Section 1 Separation. The books of record of the Association shall be established and maintained so that the income and expenses of the Association relating to the social and recreational activities, and its rights and obligations under the Use and Building Restrictions shall be completely segregated by the use of a separate fund, hereafter designated as the Club Account.

Section 2 Inspection. The books and records of the Association shall be open for inspection by a member according to and as is provided by law.

## ARTICLE XII

### STANDING COMMITTEES

Section 1 The following standing committees shall be appointed by the President to act for the benefit of the Association's Members only:

1. Activities
2. Architectural
3. Block Captains
4. Charter and By-Laws
5. Economic & Finance
6. Keep in Touch
7. Management
8. Registration

The names of members of all Standing Committees and any Special Committees shall at all times be posted on the Association's bulletin board. Special Committees shall be appointed by the President from time to time for any Association purpose and for such period within the calendar year as he shall decide. All committees shall report on their activities to the Board of Directors and to the Members when the President shall so direct.

Section 2 Management Committee. The Management Committee shall have the responsibility with respect to the maintenance of Tamarac by-the-Gulf sub-division as provided for in the Use and Building Restrictions relating to the Association. The Management Committee together with the President, the Treasurer and the Economic & Finance Committee shall have the responsibility for preparing a budget for each upcoming year and submission of said budget to the Board of Directors at its October meeting for its adoption by the Board of Directors for the upcoming year.

## ARTICLE XIII

### CORPORATE SEAL

The Association shall have the seal in circular form having within its circumference the words TAMARAC BY-THE-GULF, INC., a corporation not for profit.