

Directors nor persons residing in a Director's household. If the committee does not agree with the fine or suspension, the fine or suspension may not be levied or imposed.

(B) The notice and hearing requirements set forth in (A) above do not apply to the Board of Director's imposition of a fine or suspension against an Owner or a Unit's Occupant, licensee or invitee because of failing to pay any amounts due the Association. Such fine or suspension must be imposed at a properly noticed meeting of the Board of Directors. After the imposition of such fine or suspension, the Association must notify the Owner, and, if applicable, the Unit's Occupant, licensee or invitee by mail or hand-delivery.

(C) The Association may also suspend the voting rights of a member due to non-payment of any monetary obligation due to the Association which is more than ninety (90) days delinquent. The suspension ends upon full payment of all obligations currently due or overdue the Association.

8.2 Mandatory Non-Binding Arbitration. In the event of any "dispute", as defined in Section 718.1255 Florida Statutes, between an Owner and the Association, the parties must submit the dispute to mandatory non-binding arbitration under the rules of the Division prior to filing suit in Lee County over the disputed matters.

8.3 Availability of Remedies. Each member, for himself, his heirs, successors and assigns, agrees to the foregoing provisions relating to default and abatement of violations regardless of the harshness of the remedy utilized by the Association and regardless of the availability of other legal remedies. It is the intent of all members to give the Association methods and procedures which will enable it to operate on a businesslike basis, to collect those monies due it and to preserve the majority's right to enjoy the Condominium Property and Association Property free from unreasonable restraint and annoyance.

9. AMENDMENT OF BY-LAWS. Amendments to these By-Laws shall be proposed and adopted in the following manner:

9.1 Proposal. Amendments to these By-Laws may be proposed by the Board of Directors or by written petition to the Board signed by at least twenty-five percent (25%) of the Voting Interests.

9.2 Procedure. Upon any amendment being proposed as provided above, the proposed amendment shall be submitted to a vote of the members not later than the next annual meeting for which proper notice can still be given. The text of the proposed amendment shall accompany the notice of meeting or the notice that a vote will occur by written consents in lieu of a meeting. A proposed amendment shall contain the full text of the language with proposed new words in the text underlined and words to be deleted

lined through with hyphens, unless the proposed change is so extensive that this procedure would hinder rather than assist the understanding of the proposed amendment. In the latter case, a notation must be inserted immediately preceding the proposed amendment in substantially the following language: "Substantial rewording of By-Laws. See By-Laws, Section ___ for present text."

9.3 Vote Required. Except as otherwise provided by law, or by specific provision of these By-Laws, a proposed amendment must be approved by at least sixty-seven percent (67%) of the Voting Interests who are present and voting, in person or by proxy, at an annual or special members' meeting at which a quorum has been established. A proposed amendment may also be approved by written consent of the Owners by written consents in lieu of a meeting in the same percentage as required to approve an amendment at a meeting. The By-Laws shall be deemed amended by virtue of revisions to laws, regulations and statutes which control over conflicting provisions of the By-Laws. The Board of Directors shall have the authority to amend the By-Laws in order to conform the provisions thereof with such revisions to laws, regulations and statutes. In addition, the Board of Directors may amend the By-Laws to correct scrivener's errors or omissions, and amend and restate the By-Laws in order to consolidate into one document amendments previously adopted by the members or the Board. Amendments adopted by the Board shall occur at a duly noticed Board meeting (with adoption of the amendments set forth on the agenda).

9.4. Certificate; Recording. A copy of each adopted amendment shall be attached to a certificate that the amendment was duly adopted as an amendment to the By-Laws, which certificate shall be in the form required by law and shall be executed by the President or Vice-President with the formalities of a deed. The amendment shall be effective when the certificate and copy of the amendment are recorded in the Public Records of Lee County, Florida.

10. OFFICIAL RECORDS.

10.1 Maintenance of Official Records. The Association shall maintain all of the following items, when applicable, that are required to be maintained as "official records" pursuant to Section 718.111(12) of the Condominium Act:

(A) A copy of the plans, permits, warranties, and other items provided by the Developer pursuant to Section 718.301(4) of the Condominium Act.

(B) A copy of the recorded Declaration and By-Laws; a certified copy of the Articles of Incorporation; and a copy of all amendments to the foregoing documents.

(C) A copy of the current Rules and Regulations.

AMENDED AND RESTATED BY-LAWS

-22-