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COMMONWEALTH OF THE BAHAMAS
Grand Bahama

**BAHAMA REEF CONDOMINIUM ASSOCIATION BYELAWS
AMENDED & RESTATED**

Board of the body corporate.

1. (1) The powers and duties of the body corporate shall, subject to any restriction imposed or direction given at a general meeting, be exercised and performed by the Board of the body corporate

(2) The Board shall consist of not less than three nor more than seven unit owners and shall be elected at each annual general meeting:

Provided that where there are not more than three unit owners, the Board shall consist of all unit owners.

(3) Except where the Board consists of all the unit owners, the body corporate may by resolution at an extraordinary general meeting remove any member of the Board before the expiration of his term of office and appoint another unit owner in his place to hold office until the next annual general meeting.

(4) Any casual vacancy on the Board may be filled by the remaining members of the Board.

(5) Except where there is only one unit owner, a quorum of the Board shall be two, where the Board consists of four or less members; three, where it consists of five or six members and four, where it consists of seven members.

(6) The Board may appoint persons who are unit owners (whether or not members of the Board) to hold such offices and to perform such functions as the Board may from time to time determine.

Meetings of the Board.

2. (1) At the commencement of each meeting the Board shall elect a chairman for the meeting, who shall have a casting as well as an original vote, and if any chairman so elected shall vacate the chair during the course of a meeting the Board shall choose in his stead another chairman who shall have the same rights of voting.

(2) At meetings of the Board all matters shall be determined by simple majority vote.

(3) All acts done in good faith by the Board shall, notwithstanding it be afterwards discovered that there was some defect in the appointment or continuance in office of any member of the Board or some technical irregularity in the Board's proceedings, be as valid as if such member had been duly appointed or had duly continued in office or as if the proceedings were regular.

General meetings.

3. (1) A general meeting of unit owners shall be held within three months after lodging the Declaration for record.

(2) Subsequent general meetings shall be held once in each year provided that not more than fifteen months shall elapse between the date of one annual general meeting and that of the next.

(3) All general meetings other than the annual general meeting shall be called extraordinary general meetings.

(4) The Board may, whenever it thinks fit and shall upon a requisition in writing made by unit owners entitled to twenty-five per centum of the total unit entitlement of the units, convene an extraordinary general meeting,

(5) Seven days' notice of every general meeting specifying the place of the meeting or means by which Unit Owners may attend electronically together with any rules, requirements or protocols governing electronic attendance, the date and the hour of meeting and in case of special business the general nature of such business shall be given to all unit owners and registered first mortgagees who have notified their interests to the body corporate, but accidental omission to give such notice to any unit owner or to any registered first mortgagee or non-receipt of such notice by any unit owner or registered first mortgagee shall not invalidate any proceedings at any such meeting.

Proceedings at general meetings.

4 (1) Save as in these byelaws otherwise provided, no business shall be transacted at any general meeting unless a quorum of persons entitled to vote is present in person, electronically or by proxy at the time when the meeting proceeds to business. One-half of the persons entitled to vote present in person, electronically or by proxy shall constitute a quorum.

(2) If within one-half hour from the time appointed for a general meeting a quorum is not present, the meeting shall stand adjourned to the same day in the next week at the same place and time, and, if at the adjourned meeting a quorum is not present within one half hour from the time appointed for the meeting, the persons entitled to vote in person, electronically or by proxy shall be a quorum.

(3) At the commencement of a general meeting, a chairman of the meeting shall be elected.

Voting at general meeting.

5. (1) At any general meeting a resolution by the vote of the meeting shall be decided on a show of hands of unit owners attending in person, electronically or by proxy, unless a poll is demanded by any unit owner present in person, electronically or by proxy. Unless a poll be so demanded a declaration by the chairman that a resolution has on the show of hands been carried shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against such resolution. A demand for a poll may be withdrawn.

(2) On a show of hand or on a poll, votes may be given by unit owners attending in person or electronically, or by a proxy for either.

(3) In the case of equality in the votes whether on a show of hands or on a poll the chairman of the meeting shall be entitled to a casting vote in addition to his original vote.

Votes of unit owners.

6. (1) On a show of hands each unit owner shall have one vote, on a poll the votes of unit owners shall correspond with the unit entitlement of their respective units

(2) On a show of hands or on a poll vote may be given personally or by proxy.

(3) An instrument appointing a proxy shall be in writing under the hand of the appointer or his attorney, and may be either general or for a particular meeting A proxy need not be a unit owner.

(4) Except in cases where by or under this Act a unanimous resolution is required, no unit owner shall be entitled to vote at any general meeting unless all contributions payable in respect of his unit have been duly paid.

(5) Co-unit owners may vote by proxy jointly appointed by them, and in the absence of such proxy shall not be entitled to vote on a show of hands, except when the unanimous resolution of unit owners is required by this Act: but any co-unit owner may demand a poll. On any poll each co-unit owner shall be entitled to such part of the vote applicable to a unit as is proportionate to his interest in the unit. The joint proxy (if any) on a poll shall have a vote proportionate to the interests in the unit of such of the co-unit owners as do not vote personally or by Individual proxy.

Further powers of body corporate.

7. The body corporate may -

(a) purchase, hire or otherwise acquire personal property for use by unit owners in connection with their enjoyment of common property,

(b) borrow on a short-term basis any moneys required by it in the performance of its duties or the exercise of its powers, and

(c) invest as it may determine any moneys in the fund for administrative expenses.

Duties of a unit owner.

8. A unit owner shall -

a) permit the body corporate and its agents, at all reasonable times on notice (except in case of emergency when no notice shall be required), to enter his unit for the purpose of inspecting the same and maintaining, repairing or renewing pipes, wires, cables and ducts for the time being existing in the unit and capable of being used in connection with the enjoyment of any other unit or common property, or for the purpose of maintaining, repairing or renewing common property, or for the purpose of ensuring that these byelaws are being observed,

b) forthwith carry out all work that may be ordered by any competent public authority in respect of his unit other than such work as may be for the benefit of the building generally and pay all rates, taxes, charges, outgoings and assessments that may be payable in respect of his unit;

c) repair and maintain his unit and keep the same in a state of good repair, reasonable wear and tear, damage by fire, hurricane, seawave, force majeure or act of God excepted;

d) use and enjoy the common property in such a manner as not unreasonably to interfere with the use and enjoyment thereof by other unit owners or their families, visitors or employees;

e) not use his unit or permit the same to be used in such manner or for such purpose as shall cause a nuisance or hazard to any occupier of a unit (whether a unit owner or not) or the family of such occupier: and

(f) notify the body corporate forthwith upon any change of ownership or of any mortgage or other dealing in connection with his unit.

(g) not enter into any agreement for the sale or lease or renewal of a lease of the Unit Owner's Unit without the prior written consent of the Board, such consent not to be unreasonably withheld. All applications for consent of the Board shall be made by submitting to the Board a full and complete Application to Sell or Rent, in such form as may be prescribed by the Board from time to time. The Board shall respond with written approval or denial of all such applications within fourteen (14) days, failing which the application shall be deemed to be approved. In considering an Application to Sell or Rent, the Board may only deny the Application based on:

(i) The criminal record of the proposed owner or tenant;

(ii) The financial standing of the proposed owner or tenant being that the Board has reasonable grounds to determine that the proposed owner or tenant would be unable to meet his / her financial obligations (either recurring or non-recurring) as the owner or tenant of the Unit;

(iii) evidence that the proposed owner or tenant has a history of being disruptive or acting in breach of the rules and regulations applicable to his / her occupation of a previous residence.

The Board may not deny the Application based on race, color, national origin, sex, religion or age.

(h) upon proceeding to sell or lease or renew a lease of his unit without obtaining the prior written approval of the Board be subjecting his unit to a charge of 10% of the purchase price or of the annualized lease payments which charge shall be enforceable in the same manner as a Unit Contribution pursuant to Section 21 of the Declaration.

(i) a unit owner may not directly or indirectly own nor have any interest or share in nor have any voting control over either through a proxy or any other means, any more than two (2) Units.

Common seal.

9. The body corporate shall have a common seal which shall at no time be used except by authority of the Board previously given and in the presence of the members of the Board or at least two members thereof, who shall sign every instrument to which the seal is affixed:

Provided that where there is only one member of the body corporate his signature shall be sufficient for the purpose of this clause.

Amendment of byelaws.

10. The byelaws in the Schedule to this Act may be amended by special resolution of the body corporate, and not otherwise.