

August 14, 2024

**Via Email (kelly@rpglaw.com)**

Point Brittany Administrative  
Corporation, Inc.  
c/o Kelly Baker, Esq.  
2653 McCormick Dr.  
Clearwater, FL 33759

**Re: Point Brittany Administrative Corporation, Inc./Danielle and Timothy  
Jenkins**

Dear Ms. Baker:

As you know, our firm represents Danielle and Timothy Jenkins, members of Bay Isles Point Brittany Four Condominium Association, Inc., and owners of 5200 Brittany Dr., Unit 204, St. Petersburg, FL (the “Jenkins Unit”), as well as a number of other owners within the Point Brittany Administrative Corporation (“PBAC”) (collectively, the “Owners”).

PBAC is responsible for maintaining the common elements within the Point Brittany Community, including, but not limited to, Pools 2 and 3 and Docks 2 and 3. According to the agenda for the August 15, 2024 Board of Directors Meeting, the PBAC Board intends to vote on the installation of security cameras at Pools 2 and 3 and Docks 2 and 3. However, the installation of security cameras generally constitutes a material alteration to the common elements. *See Hickey v. The Georgian Condominium Association, Inc.*, 1997 WL 33782186 (Fla. DBPR Arb. July 23, 1997); *Timbers v. Azure at Bonita Bay Condo. Ass'n, Inc.*, 2015 WL 1659399 (Fla. DBPR Arb. March 9, 2015).

As we have previously advised, the Management/Administrative Agreement provides that PBAC can repair, replace, or *alter* condominium property upon written direction and approval of the individual associations. *See Point Brittany Administrative Corporation, Inc. Association Management Agreements, Section 2.(A)* (emphasis added). The individual declarations, in turn, require membership votes to make material alterations. *See Certificate of Amendment to Declaration of Condominium and Bylaws of Bay Isles – Point Brittany One, A condominium (amending Section 5.1(b) to require approval by 2/3 of the membership and approval of a majority of the Board of Directors); Amended and Restated Declaration of Condominium of Bayway Isles – Point Brittany Two, a Condominium, Pinellas County, Florida, Section 5.1. (requiring a 75% vote of the membership and approval of a majority of the Board of Directors); Amended and Restated Declaration of Condominium of Bayway Isles – Point Brittany Three, a Condominium, Pinellas County, Florida, Section 5.1(b) (requiring approval of 60% of the membership and approval of a majority of the Board of Directors if a material alteration costs in excess of \$25,000); Amended and Restated Declaration of Condominium of Bayway Isles – Point Brittany Four, a*

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Condominium, Pinellas County, Florida, Section 5.1(b) (requiring approval a majority of the membership and approval of a majority of the Board of Directors if a material alteration costs in excess of \$25,000); Amended and Restated Declaration of Condominium of Bayway Isles – Point Brittany Five, a Condominium, Pinellas County, Florida, Section 5.1(b) (requiring a 60% vote of the membership and approval of a majority of the Board of Directors for alterations to common elements); Amended and Restated Declaration of Condominium of Bayway Isles – Point Brittany Six, a Condominium, Pinellas County, Florida, Section 6.1(b) (requiring an approval of 2/3 of the membership for alterations to common elements).<sup>1</sup>

As a result, a membership vote approving the installation of security cameras is required for most, if not all, of the Individual Condominium Associations. Nevertheless, it is the Owners understanding that PBAC does not intend to obtain a membership vote prior to the installation of the security cameras at or around Pools 2 and 3 and Docks 2 and 3.

In light of the foregoing, please consider this correspondence to be a formal demand that, within ten (10) days of the date of this correspondence, PBAC either provide documentation sufficient to support its position that a membership vote is not necessary prior to the installation of security cameras at or around Pools 2 and 3 and Docks 2 and 3 or otherwise cease and desist taking any actions regarding the installation of security cameras at or around Pools 2 and 3 and Docks 2 and 3 unless and until the Individual Associations each obtain the requisite approvals for these changes.

Should you have any questions or would like to discuss this matter, please feel free to contact me before the expiration of the ten (10) days. We look forward to your response within ten (10) days.

Sincerely,



Jonathan J. Ellis

JJE/CRM

cc: Timothy and Danielle Jenkins  
Colleen R. McInerney, Esq.

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<sup>1</sup> Nothing in The Management/Administrative Agreement appears to override the obligation that the Individual Condominium Associations obtain the required membership votes.