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KAREN E. RUSHING  
CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FL



**CERTIFICATE OF AMENDMENT**

**DECLARATION OF CONDOMINIUM  
HARBOR HOUSE WEST, A CONDOMINIUM**

**BYLAWS  
HARBOR HOUSE WEST, INC.**

We hereby certify that the attached amendments to the Declaration of Condominium of **HARBOR HOUSE WEST, A CONDOMINIUM**, (which Declaration was originally recorded at Official Records Book 792, Page 23 et seq. of the Public Records of Sarasota County, Florida) and to the Bylaws (which Bylaws are an exhibit to the original Declaration of Condominium) of **HARBOR HOUSE WEST, INC.**, were duly adopted at the Annual Membership Meeting of the Association held on January 14, 2017 by the affirmative vote of a majority of the units as required by Article 6.1 of the Declaration as to the Declaration amendments, and by not less than a majority of the votes of the entire membership as required by Article 8.2 of the Bylaws as to the Bylaws amendments. The Association further certifies that the amendments were proposed and adopted as required by the governing documents and applicable law.

DATED this 15<sup>th</sup> day of February, 2017.

Signed, sealed and delivered:  
in the presence of:

**HARBOR HOUSE WEST, INC.**

sign  
print

Margaret Stauffer  
MARGARET STAUFFER

By:

Paul Parr  
Paul Parr, President

sign  
print

Sheila Harms  
Sheila Harms

Signed, sealed and delivered:  
in the presence of:

sign  
print

Margaret Stauffer  
MARGARET STAUFFER

Attest:

Andee Luther  
Andee Luther, Secretary

sign  
print

Sheila Harms  
Sheila Harms

(Corporate Seal)

STATE OF FLORIDA  
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of February, 2017, by Paul Parr as President of Harbor House West, Inc., a Florida not for profit corporation, on behalf of the corporation. He is personally known to me or has produced \_\_\_\_\_ as identification.

NOTARY PUBLIC

sign Diane I Minutillo

print Diane Minutillo  
State of Florida at Large (Seal)  
My Commission Expires:



STATE OF FLORIDA  
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of February, 2017, by Andee Luther as Secretary of Harbor House West, Inc., a Florida not for profit corporation, on behalf of the corporation. She is personally known to me or has produced \_\_\_\_\_ as identification.

NOTARY PUBLIC

sign Diane I. Minutillo

print Diane Minutillo  
State of Florida at Large (Seal)  
My Commission Expires:



## **AMENDMENTS**

### **DECLARATION OF CONDOMINIUM HARBOR HOUSE WEST, A CONDOMINIUM**

*[Additions are indicated by underline; deletions by ~~strike-through~~]*

#### **ARTICLE 8**

#### **8. THE ASSOCIATION, ITS POWER AND RESPONSIBILITIES**

8.3 The powers and duties of the Association shall include those set forth in the ByLaws referred to herein, but in addition thereto the Association shall:

e. have the power to levy reasonable fines for the failure of the Unit Owner or its occupant, licensee or invitee to comply with any provision of the Declaration, the Association Bylaws, or reasonable rules and restrictions of the Association.

e.1.1 Each fine shall be in an amount determined in each instance as provided herein not to exceed the amount of One Hundred Dollars (\$100.00) provided that a fine for a continuing violation may be in an amount up to One Hundred Dollars (\$100.00) for each day thereof not to exceed the total aggregate amount of One Thousand Dollars (\$1,000.00).

e.1.2 A fine levied by the Board of Directors may not be imposed unless the Board first provides at least 14 days' written notice and an opportunity for a hearing to the Unit Owner and, if applicable, its occupant, licensee, or invitee. The hearing must be held before a committee of other Unit Owners who are neither Board members nor persons residing in a Board member's household. The role of the committee of other Unit Owners is limited to determining whether to confirm or reject the fine levied by the Board of Directors. If the committee does not confirm the fine, the fine may not be imposed.

e.1.3 In the event a hearing is timely requested and therefore held, the committee shall consider all evidence and testimony presented at the hearing prior to the determination whether to confirm or reject the fine levied by the Board. After a fine is levied by the Board and confirmed by the committee, the Association shall provide a written demand for payment to the Unit Owner and violator.

e.1.4 The Owner of the Unit shall be jointly and severally liable for the payment of a fine levied against the Owner's tenant, resident invitee, occupant, licensee, guest or visitor or any other person using the Unit or Common Elements with the permission of the Unit Owner. If not paid within thirty (30) days, a fine shall accrue interest at the highest rate allowed by law (currently 18%) and shall be subject to a late payment fee of \$25. The Association may also elect to post and maintain an unpaid fine on the Owner's account for a period not to exceed ten (10) years. The Owner shall be liable for all attorney's fees and costs incurred by the Association incident to the levy or collection of a fine, including but not limited to attendance by the Association's attorney at the hearing and the filing and prosecution of a lawsuit. A fine may not become a lien on a Unit unless otherwise provided for in the Condominium Act.

## ARTICLE 11.

### 11. ASSESSMENTS; LIABILITY; LIEN AND PRIORITY; INTEREST; COLLECTIONS.

11.3 Assessments and installments not paid when due shall incur a late fee and bear interest from the date when due until paid in an amount as many be determined by the Board of Directors which, unless otherwise specified, shall be the maximum allowed by law (currently a \$25 or 5% of Assessment late fee and 18% interest for delinquent period) at the rate of six percent (6%) per annum The Board may accelerate unpaid Assessments in the manner prescribed by law. Any bank transaction fees incurred by a Unit Owner are the responsibility of the Unit Owner. For Owners who are more than ninety (90) days past due with payment of Assessments, the Association is authorized to: suspend the right of the Owner to use the Common Elements and/or suspend the voting rights of the Owner, in accordance with Section 718.303, Florida Statutes, until the Owner has paid all monetary obligations due the Association, as well as to request the Community Association to suspend the right of the Owner to use recreational Common Areas.

## AMENDMENTS HARBOR HOUSE WEST, INC. BYLAWS

### ARTICLE 2

#### 2. MEMBERS' MEETINGS.

2.3 Notice of all members' meetings stating the time and place and the objects for which the meeting is called shall be given by the President or Vice President or Secretary unless waived in writing. Such notice shall be in writing to each member at his address as it appears on the books of the Association. Notwithstanding any other provision herein, notice of meetings of the Board of Directors, membership meetings (except membership meetings to recall directors), and committee meetings may be given by electronic transmission to those members who consent to receive notice by electronic transmission. "Electronic transmission" means any form of communication, not directly involving the physical transmission or transfer of paper, that creates a record that may be retained, retrieved, and reviewed by the recipient and that may be directly reproduced in a comprehensible and legible paper form by the recipient through an automated process such as a printer or a copy machine. Such notice ~~and shall~~ be provided ~~mailed~~ not less than ten (10) days nor more than sixty (60) days prior to the date of the meeting. Proof of such notice ~~mailing~~ shall be given by the affidavit of the person giving the notice. Notice of meeting may be waived before or after meetings.

2.3.1 Consent and Revocation of Consent. In order to be effective, any consent given by a unit owner to receive notices via electronic transmission, and any revocation of consent, must be in writing and must be signed by the owner of record or by a person holding a power of attorney executed by the owner of record. Consent or revocation of consent may be delivered to the Association via electronic transmission, by hand-delivery, by United States mail, by certified United States mail, or by other commercial delivery service. The unit owner bears the risk of ensuring delivery.

2.3.2 Delivery of Consent or Revocation of Consent. Any consent given by a unit owner to receive notices via electronic transmission must be actually received by a current officer, board member, or

manager of the association, or by the association's registered agent. Receipt of consent shall be confirmed by the recipient.

**2.3.3 Automatic Revocation of Consent.** Consent shall be automatically revoked if the Association is unsuccessful in providing notice via electronic transmission for two consecutive transmissions to an owner, if and when the Association becomes aware of such electronic failures.

**2.3.4 Attachments and Other Information.** In order to be effective notice, notice of a meeting delivered via electronic transmission must contain all attachments and information required by law.

**2.3.5 Effect of Sending Electronic Meeting Notice.** Notice of a meeting is effective when sent by the Association, regardless of when the notice is actually received by the owner, if directed to the correct address, location or number, or if posted on a web site or internet location to which the owner has consented. The owner, by consenting to notice via electronic transmission, accepts the risk of not receiving electronic notice, so long as the Association correctly directed the transmission to the address, number, or location provided by the owner. An affidavit of the Secretary or other authorized agent of the Association filed among the official records of the Association that the notice has been duly provided via electronic transmission is verification that valid electronic transmission of the notice has occurred. The Association may elect to provide, but is not required to provide, notice of meetings via non-electronic transmission even if notice has been sent to the same owner or owners via electronic transmission.

**2.3.6 Stop Delivery by Electronic Notice.** If the Association decides to stop delivery of notices by electronic transmission, then the Association shall notify all owners by electronic transmission of the date on which electronic transmission of notices will cease. The Association must mail the notice to those owners whose consent has been revoked or was never given.