

Unit 4B

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GALEN BREAKERS  
DECLARATION OF CONDOMINIUM

1 9 9 2

550 OCEAN DRIVE  
KEY BISCAYNE, FLORIDA  
33149

*Galen Breakers* . . . A CONDOMINIUM  
550 OCEAN DRIVE  
KEY BISCAYNE, FLORIDA 33149

TO ALL UNIT OWNERS:

THE DECLARATION HAS BEEN FILED AS AMENDED AT THE 1992 ANNUAL MEETING AS A COMPLETE PACKAGE INCLUDING EXHIBITS 1, 2, 3, AND 4. A COPY HAS BEEN MADE FOR EACH UNIT. PLEASE RETAIN THE ENCLOSED COPY FOR YOUR PERMANENT RECORDS AS IT WILL BE A PART OF THE INFORMATION NECESSARY TO PASS ON TO A NEW OWNER IF YOU SELL YOUR UNIT.

ALSO INCLUDED ARE 3 FLOOR PLANS OF YOUR UNIT SHOWING SIZES, LOCATION IN THE BUILDING, ORIGINAL PARKING PLAN, ETC. WE THOUGHT THESE MIGHT BE OF INTEREST TO YOU. PLEASE KEEP THESE WITH THE COPY OF THE DECLARATION.

THIS DECLARATION, FILED IN APRIL, IS THE OFFICIAL GUIDELINE FOR GALEN BREAKERS OPERATION AND SUPERSEDES ANY PREVIOUS DECLARATION AND AMENDMENTS. ANY PREVIOUS COPIES ARE NOT VALID AND CAN BE DESTROYED AS WE ARE DOING IN THE OFFICE.

SINCERELY,

THE BOARD OF DIRECTORS

EXHIBIT #3

TO THE DECLARATION OF CONDOMINIUM OF GALEN BREAKERS - A CONDOMINIUM

THE BY-LAWS OF: GALEN BREAKERS - A CONDOMINIUM, INC.

The following is a complete revision of the BY-LAWS of the Association as agreed by the Membership at the Annual Meeting held January 26, 1992.

All prior references recorded in the Public Records, as listed, are hereby nullified.

Article I

- A) The name of this corporation is Galen Breakers - A Condominium, Inc.
- B) The principal office of the corporation is 550 Ocean Drive, Key Biscayne, 33149-2301, Florida.

Article II - Purposes

This corporation is organized for the purpose of being a condominium association within the meaning of the Florida Statutes, and in turn for the purpose of operating, governing, administering and managing the property and affairs of the Condominium, to wit: Galen Breakers - A Condominium, and to exercise all powers granted to it as a corporation under the laws of Florida, these By-Laws, the Articles of Incorporation and the Declaration of Condominium in which these By-Laws are attached, and further to exercise all powers granted to a condominium association under Florida Statutes, and to acquire, hold, convey and otherwise deal in and with real and personal property in its capacity as a condominium association. The declaration of condominium for the Condominium is recorded in Official Records Book \_\_\_\_\_, Page \_\_\_\_\_, of the public records of Dade County, Florida.

Article III - Directors and Officers

A) DIRECTORS

- 1) The affairs of the corporation shall be managed by a Board of Directors, composed of seven (7) persons all of whom shall be members of the Corporation.
- 2) Directors shall be elected by the members at the annual meeting of members and shall hold office until their successors are elected and shall qualify.
- 3) Not less than seventy (70) days before the annual meeting, a complete list of members entitled to vote at such election, together with the residence of each, shall be prepared by the Secretary. Such list shall be open at the office of the Association until the annual meeting for the examination of every member and shall be produced and kept at the time and place of election, subject to the inspection of any member who may be present.
- 4) Not less than sixty (60) days before a scheduled election, the Association shall mail or deliver (by a separate mailing or inclusion in another Association mailing or delivery including regularly published newsletters) to each member entitled to vote, a first notice of the date of the election.
- 5) Any eligible member desiring to be a candidate for Director shall give written notice to the secretary of the Association not less than forty (40) days before the scheduled election.
- 6) Not less than thirty (30) days before the election meeting, the Association shall mail or deliver a second notice of the meeting to all members entitled to vote therein, together with a ballot which shall list all candidates. Upon request of a candidate, the Association shall include an information sheet, no larger than 8 1/2 inches by 11 inches furnished by the candidate, to be included with the mailing of the ballot, with costs of mailing and copying to be borne by the Association.
- 7) At each Annual Meeting of the Members, Directors for each vacancy shall be elected for a term of either one (1) or two (2) years.



- a) The Directors shall be elected by written ballot or voting machine. Each ballot shall be cast in secrecy. The ballot shall be conducted in accordance with Florida law, including applicable rules promulgated by Florida administrative agencies.
- b) The two (2) persons receiving the highest number of votes shall be declared elected for a term of two (2) years.
- c) Sufficient additional persons shall be declared elected to a term of one (1) year such that those persons remaining on the Board, if any plus those declared elected under the provisions of these sub-paragraphs b) and c) shall bring the total number of Board Members to seven (7). If, because of a lack of qualified candidates, there are not seven (7) Board Members immediately after the election, at the next meeting of the Directors the existing Directors shall endeavor to fill the deficiency by their electing persons to the Board of Directors to serve until the next Annual Meeting of the Members so as to bring the total number of Directors to seven (7).
- 8) No director shall receive or be entitled to any compensation for his services as director, but shall be entitled to reimbursement for all expenses sustained by him as such, if incurred upon the authorization of the Board, and no director will accept any gift from any supplier or contractor having a value in excess of \$25.

B) OFFICERS: The officers of the corporation shall be: a President, a Vice-President, a Secretary and a Treasurer, all of whom shall be members of the Board of Directors. The directors may appoint such additional officers as they determine necessary and proper, none of whom needs to be a director. Officers elected at each Annual meeting of the Board shall hold office until the next ensuing annual meeting of directors or until their successors shall have been elected and shall qualify. Notwithstanding the preceding sentence, the Board of Directors at a special meeting called for that purpose may remove an officer from office with or without cause and elect a successor.

C) RESIGNATION, VACANCY, REMOVAL

- 1) Any director or officer of the corporation may resign at any time, by instrument in writing. Resignations shall take effect at the time specified therein, and if no time is specified, at the time of receipt by the President or Secretary of the corporation. The acceptance of a resignation shall not be necessary to make it effective.
- 2) When a vacancy occurs on the Board, the vacancy shall be filled by the remaining members of the Board at their next meeting, by electing a person who shall serve until the next annual meeting of members.
- 3) When a vacancy occurs in an office for any cause before an officer's term has expired, the office shall be filled by the Board at its next meeting.
- 4) A majority of members of the corporation present at any regular or special meeting of the membership duly called, may remove any director or officer for cause affecting his ability or fitness to perform his duties.

D) EXECUTIVE COMMITTEE: The Board of Directors may, by resolution passed by a majority of the whole Board, designate an Executive Committee, to consist of two or more members of the Board, which, to the extent provided in the resolution, shall have and exercise the powers of the Board of Directors in the management of the business and affairs of the corporation, and may have power to authorize the seal of the corporation to be affixed to all papers which may require it. The Executive Committee shall keep regular minutes of its proceedings and report the same to the Board at the next meeting of the Board.

Article IV - Powers and Duties of the Corporation and the Exercise Thereof

- A) The power to possess, enjoy and exercise all powers necessary to implement, enforce, and carry into effect the powers described below, including the power to acquire, hold, convey and deal in real and personal property.
- B) All of the powers specifically provided for in the Declaration and the Condominium Act.
- C) The power to levy and collect assessments.
- D) The power to expend moneys collected for the purpose of paying the common expenses, including utility bills for utilities serving the common elements, of the corporation.



- E) The power to purchase equipment, supplies and material required in the maintenance, repair, replacement, operation and management of the common elements.
- F) The power to insure and keep insured the buildings and improvements of the condominium as provided for and limited by the Declaration.
- G) The power to employ the personnel required for the operation of the common elements.
- H) The power to contract for the management of the condominium and to delegate to its contractor as manager all of the powers and duties of the corporation, except those things which must be approved by the members.
- I) The power to make reasonable rules and regulations and to amend them from time to time, and see to it that all members are notified of such changes in the rules and regulations as may be enacted.
- J) The power to improve the condominium property subject to the limitations of the Declaration.
- K) The power to enforce by any legal means the provisions of the Articles of Incorporation, the By-Laws, the Declaration of Condominium, and the regulations promulgated by the corporation inclusive of the right to assess a fine of up to the maximum amount permitted by Florida Statutes in the event of the occurrence of a late payment.
- L) The power to enforce and collect delinquent assessments by lien, suit or otherwise
- M) The power to abate nuisances and enjoin or seek damages from unit owners for violation of the provisions of the condominium documents.
- N) The power to pay all taxes and assessments which are liens against the common elements.
- O) The power to deal with and approve or disapprove of all conveyances or leases of condominium parcels or parking spaces as provided for under the terms of the Declaration, and pursuant thereto.
- P) The power to select depositories for the corporation funds, and to determine the manner of receiving, depositing, and disbursing corporate funds, and the form of check and the person or persons by whom the same shall be signed, when not signed, as otherwise provided by these By-Laws.
- Q) The power to subscribe to and enter into a contract with any person, firm, corporation or real estate management agent of any nature or kind, to provide for the maintenance, operation, repair and upkeep of the Condominium's property.
- R) The power to levy reasonable fees, charges, and penalties in relationship to any transaction between the Association and a unit owner, or for any service or facility provided by the Association to a unit owner to be effective 30 days following the mailing of notification.
- S) The power, to collect an additional security deposit from any lessee/renter up to the equivalent of one month's rent, for the protection of the common elements of the Association, to be held by the Association in a non-interest bearing escrow account during the Lease/Rental period.

#### Article V - Duties of Officers

- A) The President shall:
  - 1) Act as presiding officer at all meetings of the corporation and of the Board of Directors.
  - 2) Call special meetings of the Board of Directors and of members.
  - 3) Sign, with the treasurer, all checks, contracts, promissory notes, deeds, and other instruments on behalf of the corporation, except those which the Board of Directors specifies may be signed by other persons.
  - 4) Perform all acts and duties usually required of an executive to insure that all orders and resolutions of the Board of Directors are carried out.
  - 5) Appoint committees and to be ex-officio member of all committees.
  - 6) Render an annual report at the annual meeting of members.
- B) The Vice-President shall:
  - 1) Act as presiding officer at all meetings of the corporation and of the Board of Directors when the president is absent.



- 2) Perform other acts and duties required of the president, in the president's absence.
- 3) Perform such other duties as may be required by the Board.
- C) Should the President and Vice-President be absent from any meeting, the directors shall select from among their members, a person to act as chairman of the meeting.
- D) The Secretary shall:
  - 1) Attend all regular and special meetings of the members of the corporation and of the Board of Directors and keep all records and minutes of proceedings thereof or cause the same to be done.
  - 2) Have custody of the minute book of the meetings of directors and members, which minute book shall at all times be available at the office of the corporation; and act as transfer agent to recordable transfers, and regulations in the corporate books.
  - 3) Have custody of the corporate seal and affix same when necessary or required.
  - 4) Attend to all correspondence on behalf of the Board of Directors, prepare and serve notice of meetings; keep membership books
  - 5) Receive all applications for membership, for transfer and lease of units, and present such applications to the Board, at its next regular meeting.
  - 6) Perform such other duties as the Board may determine and on all occasions in the execution of his duties, act under the superintendency, control and direction of the Board.
- E) The Treasurer shall:
  - 1) Attend all meetings of the membership and of the Board of Directors.
  - 2) Receive such moneys as shall be paid for the account of the corporation, and disburse funds as may be ordered by the Board, taking proper vouchers for such disbursements, and be custodian of all securities, contracts, leases and other important documents of the corporation which he shall keep safely deposited.
  - 3) Supervise the keeping of accounts of all financial transactions of the corporation in books belonging to the corporation, and deliver such books to his successor.
  - 4) Prepare and distribute as required by the Board, a summary of the financial transactions and condition of the corporation.
  - 5) Make an accurate report on financial matters to the members at the annual meeting, arrange for a timely audited report to the membership, and make all reports required by law.
- F) The treasurer may have the assistance of an accountant or auditor, who shall be employed by the Board of Directors. And in the event the corporation enters into a management agreement, it shall be proper to delegate such of the Treasurer's functions to the management agent as is deemed appropriate by the Board of Directors.

#### Article VI - Membership

- A) Membership in the corporation is limited to owners of the condominium unit. Membership is automatically conferred upon acquisition of condominium unit, as evidenced by the filing of a deed to such unit, or as provided in the declaration for transfer of membership upon the death of a unit owner. Membership is an incident of ownership, and is not separately transferable.
- B) The owner(s) of a unit shall be entitled to cast one vote at all meetings of the members. If a condominium parcel is owned by more than one owner, there shall nevertheless be only one membership assigned to such parcel, and the vote for such membership shall be cast by the person designated in writing by all of the owners of said parcel, and in the absence of such a writing, any owner of the unit is entitled to vote unless challenged by another owner of the unit, and in the case of such challenge, such vote shall not be counted.



C) Transfer of membership - Membership in the corporation may be transferred only as an incident to the transfer of title to a condominium parcel in the manner provided in the Declaration, and shall become effective upon the recording of a deed to such condominium parcel, or if such transfer occurs by law and without necessity of a deed then upon transfer by law.

Article VII - Meetings, Special Meetings, Quorums, Proxies

A) MEETINGS OF MEMBERS:

- 1) All meetings of the corporation shall be held at the office of the corporation, or may be held at such time and place as shall be stated in the notice thereof.
  - a) ANNUAL MEETINGS: Annual members' meetings shall be held at the office of the corporation upon a date appointed by the Board of Directors, which shall fall between the 15th day of January and the 28th day of February, in each and every calendar. No meeting shall be held on a legal holiday.
  - b) SPECIAL MEETINGS shall be held whenever called by the President, or by a majority of the Board of Directors and must be called by the Secretary, upon receipt of a written request from members of the corporation owning a majority of the condominium units. Business transacted at all special meetings shall be confined to the objects and action to be taken, as stated in the notice of meeting.
  - c) PROXIES: Votes may be cast in person, or by proxy subject to the following limitations:
    - (i) Limited and general proxies may be used to establish a quorum.
    - (ii) General proxies may not be used for the following matters and limited proxies may be used:
      - (1) Votes taken to waive or reduce reserves as provided in Florida Stats Section 718.112(f) (2);
      - (2) Votes taken to waive financial statement requirements as provided in Florida Stats Section 718.111 (14);
      - (3) Votes taken to amend the Declaration pursuant to Florida Stats Section 718.110;
      - (4) Votes taken to amend the articles of incorporation or these by-laws pursuant to Florida Stats Section 718.112; and
      - (5) any other matters that Florida Stats Chapter 718 requires or permits by a vote of the unit owners.
    - (iii) General proxies may be used for items other than those described in (ii) above, and in voting for non-substantive changes to items for which a limited proxy is required by (ii) above as given.
    - (iv) Notwithstanding (ii) and (iii) above, no proxy, limited or general, shall be used in the election of directors.
    - (v) Proxies are valid only for the specific meeting for which given and any lawfully adjourned meetings thereafter, up to a maximum period of ninety (90) days after the date of the first meeting for which it was given.
    - (vi) To be given effect, proxies must be filed with the Secretary prior to the time the meeting to which it relates is called to order.
    - (vii) A proxy may be revoked at any time by delivering written notice of revocation to the Secretary, or if the Secretary is not reasonably available, to the presiding officer of the meeting to which it relates. A proxy shall also be revoked by the death or legal incompetence of the issuer. The Association will provide a proxy form to those members that request it covering the business of each meeting of members. No one person shall be entitled to vote more than three (3) proxies.
  - d) QUORUM: A quorum for the transaction of business at the annual or any special meeting shall consist of a majority of the unit owners, whether represented wither in person or by proxy; but the unit owners present at any meeting although less than a quorum, may adjourn the meeting to a future date. However, no quorum is required for the election of Directors.



## 2) Voting Required to Make Decisions:

When a quorum is present at any meeting the vote of a majority of the members present in person or by proxy shall decide any question brought before the meeting, unless the declaration or these by-laws or any applicable statute provide otherwise, in which event the vote prescribed by the Declaration or the by-laws or such statute shall control.

## 3) Absentee Voting for Directors:

The Board of Directors may adopt reasonable procedures for absentee voting by Members for the Board of Directors. As part of such procedures, each ballot to be valid must be acknowledged by the person submitting it before a notary public, foreign notary, or U. S. consular officer, and absentee ballots shall remain secret and not counted until after the Members present at the Annual Meeting have cast their ballots. Such procedures shall be consistent with the notice and nomination procedures and deadlines described in Article III hereof.

## B) DIRECTORS MEETINGS:

- 1) The Annual Meeting of the Board of Directors shall be held at the office of the corporation, immediately following the adjournment of the Annual Meeting of members. The Board of Directors may establish a schedule of regular meetings to be held at such place as the directors may designate, in which event no notice need be sent to the directors once said schedule has been adopted.
- 2) Special Meetings of the Board of Directors may be called by the President, on five (5) days' notice to each director (in writing) to be delivered by mail or in person. Special meetings may also be called on written request of three directors. All notices of special meetings shall state the purpose.
- 3) Quorum - At all meetings of the Board of Directors, a majority of the directors shall constitute a quorum for the transaction of business, and the acts of a majority of directors present at such meeting at which a quorum is present, shall be the acts of the Board of Directors. At any meeting at which a quorum is not present, the presiding officer may adjourn the meeting from time to time.
- 4) Meetings of the Board of Directors shall be open to unit owners. Unit owners may speak as such meetings with reference to all designated agenda items, subject to reasonable rules adopted by the Board of Directors regarding frequency, duration, and manner of statements.
- 5) Adequate notice of all meetings, which shall incorporate an identification of agenda items, shall be posted conspicuously on Condominium property at least 48 continuous hours preceding a Board of Directors meeting except in an emergency.
- 6) Written notice of any Board of Directors meeting at which non-emergency special assessments, or at which amendment to rules regarding unit use will be proposed, discussed, or approved, shall be mailed or delivered to unit owners and posted conspicuously on Condominium property not less than fourteen (14) days prior to the meeting. Evidence of compliance with this fourteen (14) day notice shall be made by an affidavit executed by the Secretary and filed among the official records of the Association.
- 7) Upon notice to the unit owners, the Board of Directors shall by duly adopted rule designate a specific location on the Condominium property upon which all notices of Board of Directors meetings shall be posted.
- 8) Directors may not vote by proxy or secret ballot.



Article VIII - Notice

- A) Written notice of the Annual Meeting shall be served upon or mailed to each member entitled to notice, which notice will incorporate an identification of agenda items as required by Florida statutes.
- B) Written Notice of a special meeting of members stating the time, place and object of such meeting shall be served upon or mailed to each member entitled to vote as required by Florida Statutes before such meeting.
- C) Waiver: Nothing herein is to be construed to prevent unit owners from waiving notice of meetings or acting by written agreement without meetings.
- D) Upon notice to the unit owners, the Board of Directors shall by duly adopted rule designate a specific location on the Condominium property upon which all notices of unit owners meetings shall be posted, which notices shall be posted at the same time that mailings of such notices are conducted or in case of the annual meeting, at least fourteen (14) days prior to such meeting.
- E) The notice provisions of this Article are in addition to and not in substitution of the specific notice provisions in Article III relating to the election of Directors.

Article IX - Procedure

Roberts Rules of Order (latest edition) shall govern the conduct of corporate proceedings when not in conflict with the Articles of Incorporation and By-Laws of the corporation or with the Statutes of Florida.

Article X - Assessments and Manner of Collection

- A) The Board of Directors has the sole power to and shall from time to time fix and determine the amounts necessary to pay the common expenses of the Condominium. Common expenses include those expenses described in the Declaration and any other expenses designated as common expenses by the Board of Directors, under the authority and sanction of the Declaration and Florida Statutes.
- B) Funds for the payment of common expenses shall be assessed against and shall be a lien against the condominium parcels in the proportion or percentage of sharing common expenses provided in the Declaration and Florida Statutes .
- C) Regular assessments are determined by the Annual budget but shall be paid by the members on a monthly basis.
- D) Special assessments, should they be required, shall be levied and paid at such time as determined by the Board of Directors and the manner determined by the Board, unless the Declaration shall otherwise provide.
- E) When the Board of Directors has determined the amount of any assessment, the Secretary shall transmit a statement of such assessment to each condominium parcel owner. Assessments are payable at the office of the corporation or as determined by the Board of Directors .
- F) Assessments are necessarily made upon projections and estimates of the Board of Directors, and may be in excess of, or less than the sums required to meet the cash requirements of the condominium, in which event the Board of Directors may increase or diminish the amount of an assessment, and make such adjustments in cash, or otherwise as



they shall deem proper, including the assessment of each member of his proportionate share of any deficiency. Notice of all changes in assessments shall be given to all unit owners.

G) Assessments shall not include charges for utilities separately charged and metered to each apartment, nor charges for alterations, repairs, maintenance, improvements, or decorating within the interior of any unit.

H) Assessments are due on the 1st day of the month or as stated in the notice of assessment, and thereafter shall be subject to such fees and charges as shall be determined by the Board by the POWERS provided in these By-Laws.

I) In the event an assessment is not paid within 15 days of the date it is due and payable, the corporation, through the Board of Directors may proceed to enforce and collect said assessment from the delinquent owner in any manner provided for by Florida Statutes, the Declaration and these By-Laws. Each condominium parcel owner shall be individually responsible for the payment of assessments against the unit and for the payment of reasonable attorneys fees and costs incurred by the corporation in the collection of sums due, and the enforcement of any lien held by the corporation.

#### Article XI - Fiscal Matters

A) FISCAL YEAR: The fiscal year of the corporation shall begin on the 1st day of January in each year.

B) DEPOSITORIES:

1) The funds of the corporation shall be deposited in a bank or banks in Dade or Broward County, Florida, in an account for the corporation under resolutions approved by the Board of Directors, and shall be withdrawn over the signature of the Treasurer and countersigned by the President, or the Vice President, but the Board of Directors may appoint additional signatories. Said funds shall be used only for corporate purposes.

2) If necessary, and demanded by mortgages, separate accounts shall be established to maintain and disburse escrow funds, required by mortgagees, to meet mortgage requirements as to establishment of escrows for real state taxes and insurance respecting condominium parcels.

C) FIDELITY BONDS: Fidelity Bonds may be required by the Board of Directors from all officers and employees of the corporation, and from any contractor handling or responsible for corporation funds. The premiums for such bonds shall be paid by the corporation.

D) RECORDS: The corporation shall maintain accounting records according to good accounting practice which shall be open to inspection by unit owners at reasonable times.

E) ANNUAL STATEMENT: The Board of Directors shall present at each annual meeting, a preliminary statement of the business and condition of the corporation. An audited statement will be forwarded to each owner before April 1 of each year.

F) INSURANCE: The corporation shall procure, maintain and keep in full force and effect, all insurance required by the Declaration, pursuant to the provisions of the Declaration.

#### Article XII - Administrative Rules and Regulations

A) The Board of Directors may, from time to time, adopt rules and regulations governing the details of the operation and use of the common elements, and such other rules and restrictions as are designed to prevent unreasonable interference with the use of the



units, limited common elements, and common elements, by the members and all members shall abide thereby, provided that said rules and regulations shall be equally applicable to all members, and uniform in their application and effect.

B) Those restrictions appearing in the Declaration entitled "Purpose, and Use Restrictions" are declared to be house rules and regulations.

#### Article XIII - Violations and Defaults

In the event of a violation (other than non-payment of an assessment by a unit owner) of any of the provisions of the Declaration, these By-Laws, the Rules and Regulations, or the Articles of Incorporation, of the corporation, or any provision of the Florida Statutes, the corporation, after reasonable notice to cure, not to exceed fifteen (15) days, shall have all rights and remedies provided by law, including without limitation (and such remedies shall or may be cumulative) the right to sue for damages, the right to such injunctive relief, and in the event of a failure to pay assessments, the right to foreclose its lien provided in the Condominium law; and in every such proceeding, the unit owner at fault shall be liable for court costs and the corporation's reasonable attorneys' fees. If the corporation elects to enforce its lien by foreclosure, the unit owner shall be required to pay a reasonable rent for his condominium parcel during litigation and the corporation shall be entitled to the appointment of a receiver to collect such rent. A suit to collect unpaid assessments may be prosecuted by the corporation without waiving the lien securing such unpaid assessments.

#### Article XIV - Amendment of By-Laws

Subject always to the provisions of Article VIII of the Declaration of Condominium, these By-Laws may be amended, modified or rescinded in accordance with the Declaration of Condominium or by a resolution adopted by a majority of the Board of Directors at any duly called meeting of the Board, and thereafter submitted to the members at any duly convened meeting of the members and approved by a two-thirds (2/3rds) vote of the members present or by proxy, provided there is a quorum, and further provided that the notice of such meeting of members specifying the proposed change is given in the notice of meeting, and further provided that the voting requirements of the Declaration are met in full, in the appropriate cases. Notice may be waived by any member. Any member of the Corporation may propose an amendment, in proper form and in writing, to the Board, and the Board shall act upon such proposal, at its next meeting. At any vote and in any applicable notice, proposals to amend shall contain the full text of the by-laws to be amended; new words shall be inserted in the text underlined, and words to be deleted shall be lined through with hyphens. However, if the proposed change is so extensive that this procedure would hinder, rather than assist, the understanding of the proposed amendment, it is not necessary to use underlining and hyphens as indicators of words added or deleted, but, instead, a notation must be inserted immediately preceding this proposed amendment in substantially the following language: "Substantial rewording of by-law. See by-law \_\_\_\_\_ for present text."

#### Article XV - Validity

If any by-law, or regulation, or rule shall be adjudged invalid, such fact shall not affect the validity of any other by-law, rule, or regulation.

#### Article XVI - Construction to be Consistent with Declaration of Condominium



These By-Laws and the Articles of Incorporation of the corporation shall be construed in case of any ambiguity or lack of clarity consistent with the provisions of the Declaration of Condominium.

Article XVII - Miscellaneous Provisions

- A) ARBITRATION: Mandatory nonbinding arbitration for disputes described in Florida Statutes Sec. 718.1255 shall apply in accordance the provisions of that provision.  
B) CERTIFICATE OF COMPLIANCE: A certificate of compliance from a licensed electrical contractor or electrician may be accepted by the Board of Directors as evidence of compliance of the Condominium units to the applicable fire and life safety code.

THIS IS TO ATTEST TO THE FACT THAT THE ABOVE AMENDMENT WAS AGREED TO AT A MEETING OF THE UNIT OWNERS HELD ON JANUARY 26, 1992.

WITNESSES:

GALEN BREAKERS - A Condominium

E. Guterres

Print name: Elsa Guterres

M. Rodriguez

Print name: Myrtha Rodriguez

E. Guterres

Print name: Elsa Guterres

M. Rodriguez

Print name: Myrtha Rodriguez

By: Catherine J. Grogan  
Catherine J. Grogan, President

By: Gerard E. Ohmer  
Gerard E. Ohmer, Secretary

STATE OF FLORIDA  
COUNTY OF DADE

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of April 1992, by CATHERINE J. GROGAN and GERARD E. OHMER, who are personally known to me or who have produced Drivers Lic for us. Grogan as identification and who did not take an oath.

NOTARY PUBLIC:

signed Rita C Ramirez  
print Rita C Ramirez  
state of Florida At Large  
My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA  
COMMISSION EXP. MAY 22, 1995  
BONDED THRU MAYNARD BONDING AGENCY



OFF. REC. 1550670486

OFF. REC. 1548161796

## EXHIBIT #2

TO THE DECLARATION OF CONDOMINIUM OF GALEN BREAKERS - A CONDOMINIUMUNIT NUMBER      Common Elements

2A      1.51116%  
 2B      1.31998  
 2C      1.29723  
 2D      1.41101  
 2E      1.50205  
 2F      1.25171  
 2G      1.22895  
 2H      1.31998

3A      1.54756%  
 3B      1.36550  
 3C      1.34274  
 3D      1.45653  
 3E      1.54756  
 3F      1.29722  
 3G      1.28357  
 3H      1.36550

4A      1.59308%  
 4B      1.41101  
 4C      1.38826  
 4D      1.50205  
 4E      1.59308  
 4F      1.34274  
 4G      1.31998  
 4H      1.41101

5A      1.63860%  
 5B      1.45653  
 5C      1.43377  
 5D      1.55667  
 5E      1.63860  
 5F      1.38825  
 5G      1.36550  
 5H      1.45653

TOTAL OF COMMON ELEMENTS

SCHEDULE AUNIT NUMBER      Common Elements

6A      1.70687%  
 6B      1.52481  
 6C      1.50205  
 6D      1.61584  
 6E      1.70687  
 6F      1.45653  
 6G      1.43377  
 6H      1.52481

7A      1.79791%  
 7B      1.61584  
 7C      1.59308  
 7D      1.70687  
 7E      1.79791  
 7F      1.54756  
 7G      1.52481  
 7H      1.61584

8A      1.88894%  
 8B      1.70687  
 8C      1.68411  
 8D      1.79791  
 8E      1.89805  
 8F      1.63860  
 8G      1.61584  
 8H      1.70687

9A      2.00273%  
 9B      1.82066  
 9C      1.79791  
 9D      1.92082  
 9E      2.00273  
 9F      1.75239  
 9G      1.72963  
 9H      1.82066

----- 100.00000%

SCHEDULE B

EACH of the 64 condominium units mentioned in Schedule A above, to wit: units 2 A through 9 H inclusive shall bear, and have attributable to it, the same share of the common expenses and common surplus of the Condominium, which share stated as a percentage is 1.5625%.

SCHEDULE A above sets forth the undivided share of the common elements of the Condominium, as a percentage, attributable to and appurtenant to each of the units. These percentages are set forth opposite and to the right of the identifying designation (number and letter) of the Unit to which they appertain.



OFF. 15506PG0485  
REC.

OFF. 15481PG1795  
REC.

EXHIBIT #1

TO THE DECLARATION OF CONDOMINIUM OF GALEN BREAKERS - A CONDOMINIUM

Exhibit #1 is the Survey, Plot Plan and Graphic Description of the improvements of and upon the Condominium Property mentioned in Article V of the Declaration of Condominium, which is recorded in Official Record Book 6283 at Page 233 of the Official Records of Dade County Florida.





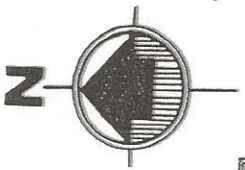
(TYPE B-C-F-G)

SCALE



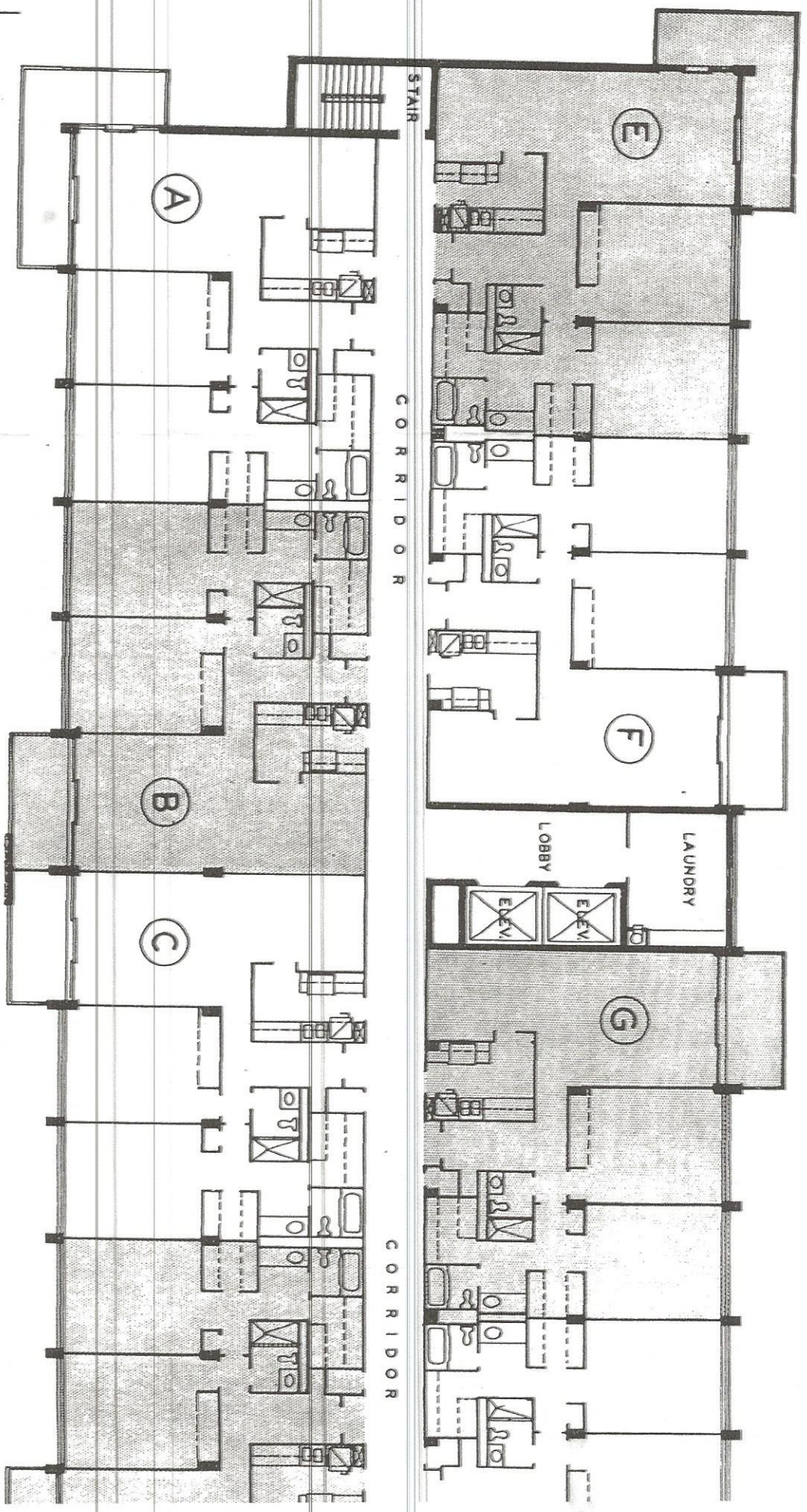






# Galen Breakers

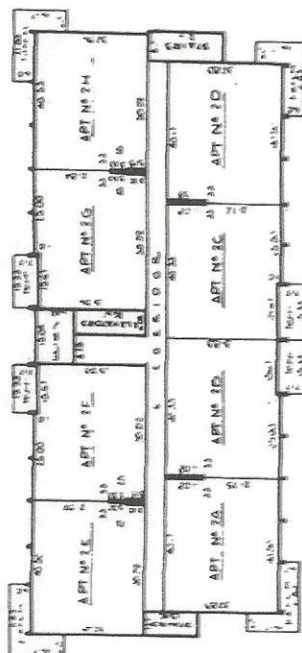
TYPICAL FLOOR PLAN 2ND THRU 9TH





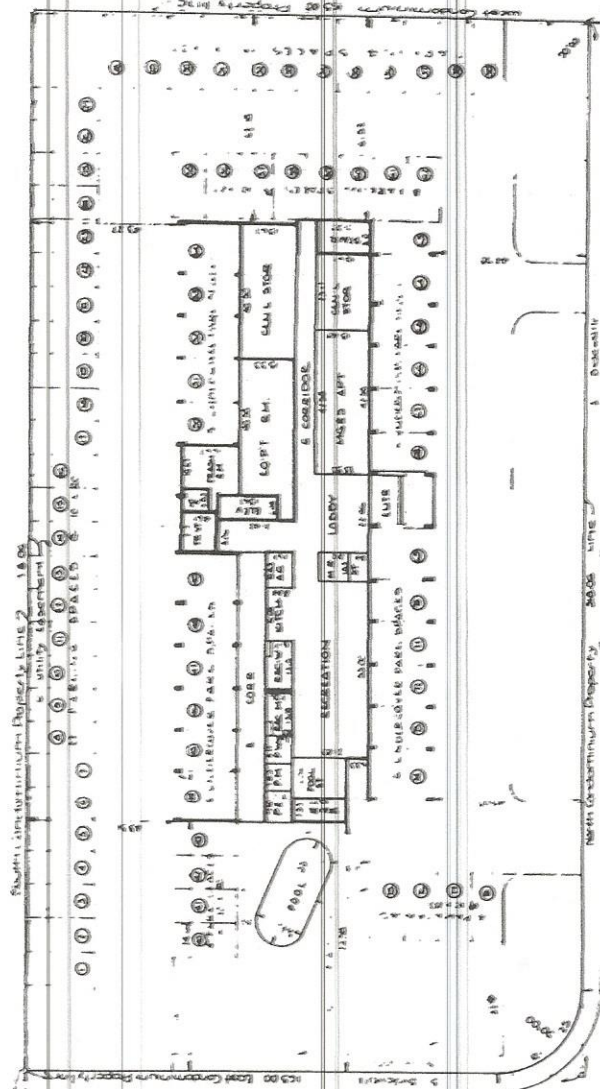
11-6-

CHECKS NOT  
FOR DECLARATION OF CONDOMINIUM  
SEE OFFICIAL RECORD BOOK 4187 PAGE 204.



SECOND FLOOR PLAN

Scale: 1/4" = 1'-0"



# INT ELEVATIONS

Scale: 1/4" = 1'-0"

(First floor) consists of entrance, lobby, and underground parking area. The entrance is located on the north side of the building. The lobby is located on the south side of the building. The underground parking area is located on the east side of the building. The plan also shows a central recreation area, a pool, and a parking area. The plan is labeled with 'Galeen Subdivision' and '1st Floor Plan'.

## FIRST FLOOR PLAN & PLOT PLAN

Scale: 1/4" = 1'-0"

The first floor plan shows the layout of the building, including the entrance, lobby, and underground parking area. The plot plan shows the location of the building on the site. The plan also shows a central recreation area, a pool, and a parking area. The plan is labeled with 'Galeen Subdivision' and '1st Floor Plan'.

CERTIFICATION  
We hereby certify that the attached plat of GALEEN SUBDIVISION, A CONDOMINIUM, is a true and correct representation to the best of our knowledge and belief, and is a survey of the land.

Donald W. McIntosh Assoc. Inc.

By: *Donald W. McIntosh*, President  
Donald W. McIntosh  
State of Florida

The undersigned, GALEEN SUBDIVISION, A CONDOMINIUM, is subject to the Declaration of Condominium, which is attached to this plat. The plan also shows a central recreation area, a pool, and a parking area. The plan is labeled with 'Galeen Subdivision' and '1st Floor Plan'.

DEMAN GALEEN SUBDIVISION, INC.

Scale: 1/4" = 1'-0"

Scale: 1/4" = 1'-0"

# GALEEN SUBDIVISION A CONDOMINIUM

DONALD W. MCINTOSH ASSOC. INC.  
MIAMI, FLORIDA

ON: 17-08  
FD: 01-05-04

JAN 1962  
Scale: 1/4" = 1'-0"