



March 25, 2022

Attention Owners,

At the Board of Directors Meeting on March 25th, the Board voted to amend 5 items in the Amended & Restated Declaration & Bylaws.

For each of the amendments to pass, 78 owners consent is required. Only one designated voter per unit is permitted to sign. Please sign and return Ballots by April 15th.

Thank you!

Crescent Beach Condominium

AMENDMENTS TO THE AMENDED AND RESTATED DECLARATION OF CONDOMINIUM
FOR CRESCENT BEACH CONDOMINIUM OF MARCO ISLAND, A CONDOMINIUM

AMENDMENT TO THE AMENDED AND RESTATED BYLAWS OF
CRESCENT BEACH CONDOMINIUM ASSOCIATION, INC.

Additional language indicated by underlining.

Deleted language indicated by ~~hyphens~~.

Section 11.3(A)(1) of the Amended and Restated Declaration is amended as follows:

(A) Lanais.

(1) Where a Limited Common Element consists of a lanai, the Unit Owner who has the right of exclusive use of said Limited Common Element shall be responsible for: (i) the day-to-day cleaning and care of the surface of the floor and any floor surface materials (e.g., tile); (ii) maintenance, repair and replacement of the: (a) sliding glass doors in portions of the entrance way to said area; (b) any ~~screens~~, shutters or other form of enclosure that encloses the lanai other than screens; and (c) the wiring, electrical outlet(s), Fixture(s) thereon and light bulbs. The Association is responsible for the maintenance, repair and replacement of screens, ceilings, walls, parapets and concrete slabs. Screens that are not located on a lanai shall remain the responsibility of the Unit Owner pursuant to Section 11.2 (K) above.

Section 11.3(C) of the Amended and Restated Declaration is amended as follows:

(C) Flooring. All Units shall always have all bedrooms, as depicted in the original Unit floor plans, the floors covered with wall-to-wall carpeting installed over high quality padding, ~~except carpeting is not required in kitchens, foyers or bathrooms.~~ All non-carpeted areas shall have the most effective, widely available soundproofing underlayment material (as determined by the Association) installed. No carpeting of any kind may be installed on or affixed to concrete surfaces exposed to the elements without prior approval of the Board, and such installation must meet the Association's specifications.

Section 12.9 of the Amended and Restated Declaration is amended as follows:

12.9 Restrictions Related to Vehicles and Parking. Parking in assigned, unassigned or guest spaces shall be limited to passenger automobiles, mopeds, golf carts, scooters not to exceed 150 cc, passenger station wagons, sport utility vehicles, noncommercial vans and trucks, ~~all under a one ton weight.~~ Motorcycles, recreational vehicles, trailers, golf carts, commercial vehicles and all other vehicles not specifically authorized in the preceding sentence shall not be permitted in said parking spaces unless the Association provides its prior written consent. If the vehicle is used primarily for the transportation of goods, has commercial markings, racks, tools or equipment in the bed, it shall be considered a commercial vehicle. Any vehicle that is determined by the Association to be of such length or width that it poses undue difficulty for parking in adjacent space(s) must be parked outside of the parking garage. Commercial vehicles of vendors and contractors are permitted, provided that the overnight parking of commercial vehicles anywhere on the Condominium Property is prohibited without written consent of the Association (for example, when the Association has a major project and commercial vehicle(s) must remain on site).

A new Section 12.12 of the Amended and Restated Declaration is created to read as follows:

12.12 Smoking and Vaping Prohibited. The Condominium is a smoke free property. Smoking and vaping is prohibited everywhere in the Condominium Property (including Units and Limited Common Element lanais), with the exception of areas designated as smoking areas by the Board of Directors.

Section 4.2 of the Amended and Restated Bylaws is amended as follows:

4.2 Qualifications. ~~Directors need not be Members.~~ Each Director must be a Member, provided that (i) any officer, partner, managing member or member of a corporation, partnership or limited liability company that is a Unit Owner, shall be eligible to serve as a Director; (ii) any trustee that is a Unit Owner (or the beneficiaries of a trust who are occupants of a Unit), shall be eligible to serve as a Director; and (iii) the Board of Directors shall have the authority to appoint a person to serve as a Director who does not otherwise qualify for service on the Board of Directors, if a vacancy exists between annual meetings or because there are insufficient candidates in an election to fill all vacancies caused by the expiration of Directors' terms. Co-Owners of a Unit may not serve as Directors at the same time unless they own more than one Unit or unless there are not enough eligible candidates to fill the vacancies on the Board of Directors at the time of the vacancy. A person who has been suspended or removed by the Division of Florida Condominiums, Timeshares and Mobile Homes ("Division"), or who is delinquent in the payment of any Assessment due to the Association, is not eligible to be a candidate for Board membership and may not be listed on the ballot. For purposes of this Section 4.2, a person is delinquent if a payment is not made by the first day of the month or quarter, depending on whether the Board requires that Assessments be paid monthly or quarterly, as set forth in Section 6.5 below. A person who has been convicted of any felony in Florida or in a United States District or Territorial Court, or who has been convicted of any offense in another jurisdiction which would be considered a felony if committed in the State of Florida, is not eligible for Board of Directors membership unless such felon's civil rights have been restored for at least 5 years as of the date such person seeks election to the Board of Directors. The validity of an action by the Board of Directors is not affected if it is later determined that a member of the Board of Directors is ineligible for Board of Directors membership due to having been convicted of a felony. A Director more than 90 days delinquent in the payment of any monetary obligation due the Association shall be deemed to have abandoned the office, creating a vacancy in the office to be filled according to Florida law and any applicable Division rules. A Director charged by information or indictment with a felony theft or embezzlement offense involving the Association's funds or property must be removed from office, creating a vacancy in the office to be filled according to Florida law until the end of the period of the suspension or the end of the Director's term of office, whichever occurs first. While such Director has such criminal charge pending, he or she may not be appointed or elected to a position as a Director. However, if the charges are resolved without a finding of guilt, the Director shall be reinstated for the remainder of his or her term of office, if any.