

KINGS PARK GARDEN APARTMENTS, A CONDOMINIUM

BY-LAWS OF KINGS PARK CONDOMINIUM GARDEN APARTEMENTS, INC. (A NON-PROFIT CORPORATION)

Article I. GENERAL

Section 1. Name

The name of the corporation shall be KINGS PARK CONDOMINIUM GARDEN APARTMENTS, INC.

Section 2. Principal office

The principal office of the corporation shall be located at 4025 North Federal Highway, Fort Lauderdale, Broward County, Florida; or at such other place as may be subsequently designated by the board of directors.

Section 3. Definition

As used herein, the term "corporation" shall be the equivalent of "association" as defined in the Declaration of Restrictions, and the words "property", "unit" or "unit owner" and "condominium" are defined as set forth in the Declaration of Restrictions of the corporation, to which these by-laws are attached.

Article II. DIRECTORS

Section 1. Number and Term

(Section amended on January 21, 1969)

The number of directors which shall constitute the whole board shall not be less than three (3) nor more than seven (7). All directors shall be members of the Association. Within the limits above specified, the number of directors shall be determined by the members at the annual meeting. The directors shall be elected at the annual meeting of the members, and each director shall be elected to serve for the term of one (1) year or until his successor shall be elected and shall qualify.

Section 2. Vacancy and Replacement

If the office of any director or directors became vacant by reasons of death, resignation, retirement, disqualification, removal from office or otherwise, a majority of the remaining directors, though less than a quorum at a special meeting of directors duly called for this purpose shall choose a successor or successors, who shall hold office for the unexpired term in respect to which such vacancy occurred.

Section 3. Removal

Directors may be removed for cause by an affirmation vote of the majority of the members. No director shall continue to serve on the board if, during his term of office, his membership in the corporation shall be terminated for any reason whatsoever.

Section 4. Deleted

(Section deleted on January 21, 1969)

Section 5. Powers

The property and business of the corporation shall be managed by the board of directors, which may exercise all corporate powers not specifically prohibited by statute, the Certificate of Incorporation, or the Declaration to which these by-laws are attached. The powers of the board of directors shall specifically include, but not be limited to, the following:

- A. *(Paragraph amended on August 24, 2006)*
To make and collect assessments and establish the time within which payments of same are due, and to charge an administrative late fee as not to exceed the highest rate permitted by the laws of the State of Florida, as same may be amended from time to time. All payments upon account shall be first applied to interest and any administrative late fees, then to any attorney's fees and costs incurred in the collection of any past due assessment, and then to the assessment payment first due;
- B. To use and expend the assessments collected to maintain, care for and preserve the units and condominium property, except those portions thereof which are required to be maintained, care for and preserved by the unit owners;
- C. To purchase the necessary equipment and tools required in the maintenance, care and preservation referred to above;
- D. To enter into and upon the units when necessary and as little inconvenience to the owner as possible in connection with such maintenance, care and preservation;
- E. To insure and keep insured said condominium property in the manner set forth in the Declaration, against loss from fire and/or other casualty, and the unit owners against public liability, and to purchase such other insurance as the board of directors may deem advisable;
- F. To collect delinquent assessments by suit or otherwise, abate nuisances and enjoin or seek damages from the unit owners for violations of these by-laws and the terms and conditions of the Declaration;
- G. To employ such personnel as may be required for the maintenance and preservation of the property;
- H. *(Paragraph amended on January 21, 1969)*
To make reasonable rules and regulations for the occupancy of the condominium parcels and have the right and duty to establish rules and regulations for the use of the common facilities owned by the corporation to be used by the membership, which rules and regulations shall be for the purpose of the safety, convenience and general welfare of the entire membership, have the power at any time to alter, amend, repeal or revoke any such rules and regulations and to make such additions thereto as may, in its discretion and opinion, be deemed necessary, and to ensure a copy of said rules and regulations to be posted in a conspicuous place on the premises which constitute the common facilities; and shall have the right to impose reasonable penalties upon any

member who shall violate any of the rules and regulations, such as withdrawal of privileges of the use of recreational areas for a designated length of time;

- I. *(Paragraph amended on January 21, 1969)*
To approve or disapprove proposed purchasers, lessees or other proposed or intended occupants of apartments in the manner provided for in the Declaration of Condominium;
- J. *(Paragraph amended on January 21, 1969)*
To enforce by legal means the provisions of all the condominium documents, namely, the Declaration of Condominium, the Articles of Incorporation and the by-laws of the association and all other rules and regulations for the use of property in the condominium.

Section 6. Compensation

Neither directors nor officers shall receive compensation for their services as such.

Section 7. Meetings

- A. The first meeting of each board newly elected by the members shall be held immediately upon adjournment of the meeting at which they were elected, provided a quorum shall then be present, or as soon thereafter as may be practicable. The annual meeting of the Board of Directors shall be held at the same place as the general members' meeting, and immediately after adjournment of same;
- B. Special meetings shall be held whenever called by the direction of the President or a majority of the Board. The Secretary shall give notice of each special meeting either personally, by mail or telegram, at least three (3) days before the date of such meeting, but the directors may waive notice of the calling of the meeting;
- C. A majority of the Board shall be necessary and sufficient at all meetings to constitute a quorum for the transaction of business, and the act of a majority present at any meeting at which there is a quorum shall be the act of the Board. If quorum shall not be present at the meeting, the Directors then present may adjourn the meeting without notice other than announcement at the meeting until a quorum shall be present.

Section 8. Order of Business

The order of business at all meeting of the Board shall be as follows:

- A. Roll call;
- B. Reading of minutes of last meeting;
- C. Consideration of communications;
- D. Resignations and elections;
- E. Reports of officers and employees;
- F. Reports of committees;

- G. Unfinished business;
- H. Original resolutions and new business;
- I. Adjournment.

Section 9. Annual Statement

The Board shall present no less often than at the annual meeting, a full and clear statement of the business and condition of the corporation, including a report of the operating expenses of the corporation and the assessment paid by each member.

Article III. OFFICERS

Section 1. Executive Officers

The executive officers of the corporation shall be a President, Vice-President, Secretary, Treasurer and Assistant Secretary, all of whom shall be elected annually by said Board. Any two of said officers may be united in one person, except that the President shall not also be the Secretary or an assistant secretary of the corporation. The President shall be a director ex-officio, unless elected by the Board. If the Board so determines, there may be more than one Vice-President.

Section 2. Subordinate Officers

The Board of Directors may appoint such other officers and agents as they may deem necessary, who shall office during the pleasure of the Board of Directors and have such authority and perform such duties as from time to time may be prescribed by said Board.

Section 3. Tenure of Officers; Removal

All officers and agents shall be subject to removal, with or without cause, at any time by action of the Board of Directors. The Board may delegate powers of removal or subordinate officers and agents to any officer.

Section 4. The President

- A. The President shall preside at all meetings of the stockholders and directors; he shall have general and active management of the business of the corporation; shall see that all orders and resolutions of the Board are carried into effect; he shall execute bonds, mortgages, and other contracts requiring a seal, under the seal of the corporation; the seal then affixed shall be attested by the signature of the Secretary;
- B. He shall have general superintendence and direction of all the other officers of the corporation, and shall see that their duties are performed properly;
- C. He shall submit a report of the operations of the corporation for the fiscal year to the Directors whenever called for by them, and to the stockholders at the annual meeting, and from time to time shall report to the Board all matters within his knowledge which the interest of the corporation may require to be brought to their notice;
- D. He shall be an ex-officio member of all committees, and shall have the general powers and duties of supervision and management usually vested in the office of the President of a corporation.

Section 5. The Vice-President

The Vice-President shall be vested with all the powers and required to perform all the duties of the President in his absence, and such other duties as may be prescribed by the Board of Directors.

Section 6. The Secretary

- A. The Secretary shall keep the minutes of the stockholders and of the Board of Directors' meetings in one or more books provided for that purpose;
- B. He shall see that all notices are duly given in accordance with the provisions of these by-laws or as required by law;
- C. *(Paragraph amended on January 21, 1969)*
He shall be custodian of the corporate records and of the seal of the corporation and shall see that the seal of the corporation is affixed to all documents, the execution of which on behalf of the corporation under its seal is duly authorized in accordance with the provisions of these by-laws;
- D. *(Paragraph amended on January 21, 1969)*
He shall keep a register of the post office address of each owner which shall be furnished to the secretary by such owner;
- E. *(Paragraph deleted on January 21, 1969)*
- F. He shall have general charge of the books of the corporation;
- G. In general, he shall perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him by the president or by the Board of Directors.

Section 7. The Treasurer

- A. The Treasurer shall keep full and accurate accounts of receipts and disbursements in books belonging to the corporation, and shall deposit all monies and other valuable effects in the name and to the credit of the corporation, in such depositories as may be designated by the Board of Directors;
- B. He shall disburse the funds of the corporation as ordered by the Board, taking proper vouchers for such disbursements, and shall render to the President and Directors, at the regular meetings of the Board, or whenever they may require it, an account of all his transactions as treasurer and of the financial condition of the corporation;
- C. He may be required to give the corporation a bond in a sum and with one or more sureties satisfactory to the Board, for the faithful performance of the duties of his office, and the restoration to the corporation, in case of his death, resignation or removal from office, of all books, papers, vouchers, money or other property of whatever kind in his possession belonging to the corporation.

Section 8. Vacancies

(Section amended on January 21, 1969)

If the office of any director, or of the President, Vice-President, Secretary, or Treasurer, one or more, becomes vacant by reason of death, resignation, disqualification or otherwise, the remaining directors by a majority vote of the whole Board of Directors provided for in these by-laws, may choose a successor or successors who shall hold office for the unexpired term. If the number of directors falls below the minimum provided for in these by-laws, a special owners’ meeting shall be called for the purpose of filling such vacancies in the Board of Directors.

Section 9. Resignation

Any director or other officer may resign his office at any time, such resignation to be made in writing, and to take effect from the time of its receipt by the corporation, unless some time be fixed in the resignation, and then from that date. The acceptance of a resignation shall not be required to make it effective.

Article IV. MEMBERSHIP

Section 1. Definition

(Section amended on January 21, 1969)

Membership in the corporation shall be limited to owners of record in conjunction with the purchase of condominium parcels.

Section 2. Transfer of Membership and Owner

Membership in the corporation may be transferred only as an incident to the transfer of the transferor’s condominium parcel, and his undivided interest in the common elements of the condominium, and such transfer shall be subject to the procedures set forth in the Declaration.

Article V. MEETINGS AND MEMBERSHIP

Section 1. Place

All meetings of the corporate membership shall be held at the office of the corporation or such other place as may be stated in the notice.

Section 2. Annual Meeting

(Section amended on January 21, 1969)

- A. The first annual meeting of members shall be held on April 10, 1967.
- B. Regular annual meetings subsequent to 1967 shall be held on the second Monday in February in each year, if not a legal holiday, and, if a legal holiday, then on the next secular day following.
- C. All annual meetings shall be held at the hour of 7:30 p.m.
- D. At the annual meeting, the members shall elect, by a plurality vote (cumulative voting prohibited) a board of directors, and transact such other business as may properly come before the meeting.

- E. Written notice of the annual meeting shall be served upon or mailed to each member entitled to vote thereat at such address as appears on the books of the corporation at least ten (10) days prior to the meeting.

Section 3. Membership List

At least ten (10) days before every election of directors, a complete list of members entitled to vote at said election, arranged numerically by apartment units, with the residence of each, shall be prepared by the secretary. Such list shall be produced and kept for said ten (10) days and throughout the election at the office of the corporation and shall be open to examination by any member throughout such time.

Section 4. Special Meeting

(Section amended on January 21, 1969)

- A. Special meeting of the members, for any purpose or purposes, unless otherwise prescribed by statute or by the Certificate of Incorporation, may be called by the President, and shall be called by the President or the Secretary at the request of a majority of the Board of Directors. Such request shall state the purpose or purposes of the proposed meeting;
- B. Written notice of a special meeting of members stating the time, place and object thereof, shall be served upon or mailed to each member entitled to vote thereat, at such address as appears on the books of the corporation, at least five (5) days before such meeting;
- C. Business transacted at all special meetings shall be confined to the objects stated in the notice thereof.
- D. Special meetings of the members for any purpose or purposes, unless otherwise prescribed by statute or by condominium documents, may be called by the President or Secretary at the request in writing of fifteen (15) or more members. Such request shall state the purpose or purposes of the proposed meeting;
- E. Special Nominating Membership Meeting:
A special meeting shall be called by the President of the association, to be held on the third Monday in January in each year, if not a legal holiday, and, if a legal holiday, then on the next secular day following, for the purpose of nominating persons for election as directors at the regular meeting to be held in February. No person shall be nominated unless such person has consented to the nomination and will serve as director if elected. A notice of nomination will be sent to all owners not then in residence in the condominium. After selecting his choice of nominees for election to the board of directors, each unit owner, not then in residence in the condominium, will return the ballot in a specially marked, sealed envelope to the office of the Manager for delivery to the party appointed by the President to act as judge of election. Sealed envelopes containing ballots will not be opened until the evening of the general meeting in accordance with provisions contained in Paragraph B of this section of the by-laws.

Section 5. Quorum

Fifty-one percent (51%) of the total number of members of the corporation present in person or represented by written proxy, shall be requisite to and shall constitute a quorum at all meetings of the members for the transaction of business, except as otherwise provided by statute, by the certificate of Incorporation, or by these by-laws. If, however, such quorum shall not be present or represented at any meeting of the members, the members entitled to vote thereat, present in person or represented by written proxy, shall have power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum shall be present or represented. At such adjourned meeting at which a quorum shall be present or represented, any business may be transacted which might have been transacted at the meeting originally called.

Section 6. Vote Required to Transact Business

When a quorum is present at any meeting, the vote of the majority of the members present in person or represented by written proxy shall decide any question brought before the meeting, unless the question is one upon which, by express provision of the statute or of the Certificate of Incorporation or of these by-laws, a different vote is required, in which case such express provision shall govern and control the decision of such question.

Section 7. Right to Vote

At any meeting of the members, every member then in residence in the condominium having the right to vote shall be entitled to vote in person by ballot only.

Section 8. Waiver and Consent

Whenever the vote of members at a meeting is required or permitted by any provision of the statutes or the Certificate of Incorporation or of these by-laws to be taken in connection with any action of the corporation, the meeting and vote of members may be dispensed with if all the members who would have been entitled to vote upon the action of such meeting if such meeting were held shall consent in writing to such action being taken.

Article VI. NOTICES

Section 1. Definition

Whenever under the provisions of the statutes or of the Certificate of Incorporation or of these by-laws, notice is required to be given to any director or member, it shall not be construed to mean personal notice; but such notice may be given in writing by mail, by depositing the same in a post office or letter box in postpaid, sealed wrapper, addressed as appears on the books of the corporation.

Section 2. Service of Notice – Waiver

Whenever any notice is required to be given under the provisions of the statutes or of the Certificate of Incorporation or of these by-laws, a waiver thereof, in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed the equivalent thereof.

Article VII. FINANCES

Section 1. Fiscal Year

The fiscal year shall begin the first day of January each year.

Section 2. Checks

All checks or demands for money and notes of the corporation shall be signed by any two of the following officers: President, Secretary or Treasurer, or by such officer or officers or such other person or persons as the Board of Directors may from time to time designate.

Article VIII. SEAL

The seal of the corporation shall have inscribed thereon the name of the corporation, the year of its organization, and the words "NON-PROFIT". Said seal may be used by causing it or a facsimile thereof to be impressed, affixed, reproduced or otherwise.

Article IX. Deleted

(Article deleted on January 21, 1969)

Article X. HOUSE RULES

In addition to the other provisions of these by-laws, the following house rules and regulations, together with such additional rules and regulations as may hereafter be adopted by the Board of Directors, shall govern the use of the family unit located in the property and the conduct of all residents thereof:

- A. The family unit shall be used only for residential purposes;
- B. *(Paragraph amended on January 21, 1969)*
Owners shall not use or permit the use of their premises in any manner which would be disturbing or be a nuisance to other owners or in such a way as to be injurious to the reputation of the property, or permit the same or any part thereof to be occupied or used for any purpose other than as a private residence for the owner and his guests while in residence, or for any approved lessee, and shall not permit or suffer anything to be done or kept upon said premises which will increase the rate of fire insurance on the building or contents thereof or which will obstruct or interfere with the rights of other owners or annoy such owners by unreasonable noise or otherwise; and that if by reason of the occupancy or use of said premises by the owner or approved lessee or other occupant, the rate of fire insurance on the buildings shall be increased, the owner shall become personally liable for the additional insurance premium upon such buildings and such amount shall be added to the owner's monthly assessment, due and payable on demand;
- C. The use of the family unit shall be consistent with existing law, these restrictions, and so long as such use does not constitute a nuisance;

- D. Family unit may not be used for business use or any commercial use whatsoever;
- E. No children under the age of fifteen (15) years shall be permitted to live as permanent resident in the family units, provided, however, that nothing herein shall prevent owners from having children as visitors or guests;
- F. Common elements shall not be obstructed, littered, defaced or misused in any manner;
- G. No structural changes or alterations shall be made in any unit, except upon approval of the Board of Directors.

Article XI. DEFAULT

- A. In the event a unit owner does not pay any sums, charges or assessments required to be paid to the corporation within thirty (30) days from the due date, the corporation, acting on its own behalf or through its Board of Directors, may enforce its lien for assessments or take such other action to recover the sums, charges or assessments to which it is entitled, in accordance with the Declaration and the statutes made and provided. If an action or foreclosure is brought against the owner of a unit for non-payment of monies due to the corporation and, as a result thereof, the interest of the said owner in and to the unit is sold, then at the time of such sale, the unit owner's membership shall be cancelled.
- B. If the corporation becomes the owner of a unit by reason of foreclosure, it shall offer said unit for sale and at such time as a sale is consummated, it shall deduct from such proceeds all sums of money due it for assessments and charges, all costs incurred in the bringing of the foreclosure suit, including reasonable attorney's fees and any and all expenses incurred in the resale of the unit, which shall include but not be limited to advertising expenses, real estate brokerage fees and expenses necessary for the repairing and refurbishing of the unit in question. All monies remaining after deducting the foregoing items of expense shall be returned to the former owner of the unit in question.
- C. In the event of violation of the provisions of the Declaration, corporate charter or by-laws, as the same are or may hereafter be constituted, the corporation, on its own behalf or by and through its Board of Directors, may bring appropriate action to enjoin such violation or may enforce the provisions of said documents, or may sue for damages, or take such other course of action, or other legal remedy as it or they may deem appropriate.
- D. In the event of such legal action brought against a unit owner, the losing defendant shall pay the plaintiff's reasonable attorney's fees and court costs.

- E. Each owner of a unit, for himself, his heirs, successors and assigns, agrees to the foregoing provisions relating to default and abatement of nuisance, regardless of the harshness of the remedy available to the corporation and regardless of the availability of the other equally adequate legal procedures. It is the intent of all owners of family units to give to the corporation a method and procedure which will enable it at all times to operate on a business-like basis, to collect those monies due and owing it from owners of units and to preserve each unit owner's right to enjoy his unit free from unreasonable restraint and nuisance.

Article XII. SURRENDER

In the event of termination of ownership and of occupancy rights thereunder, the member or any other person or persons in possession by or through the right of the member, shall promptly quit and surrender the owned unit to the corporation in good repair, ordinary wear and tear and damage by fire or other casualty excepted, and the corporation shall have the right to reenter and repossess and owned apartment. The owner for himself and any successor in interest, by operation of law or otherwise, hereby waives any and all notice and demand for possession if such be required by the laws of Broward County, State of Florida, or the United States of America.

Article XIII. JOINT OWNERSHIP

Any residential unit may be owned by more than one owner, provided that title to such ownership shall be held in the same manner as title to the unit. In the event ownership of the unit is in more than one person, all of the owners of such unit shall be entitled collectively to only one voice or ballot in the management of the affairs of the corporation, and the vote of such unit owner may not be divided between plural owners of a single unit. If the owners of such unit are unable to agree upon their ballot upon any subject at any meeting, they shall lose their right to vote on such subject, but, if all of the owners of any such unit shall not be present at the meeting, either in person or by proxy, the one or ones so present shall cast the vote of all such owners.

Article XIV. AMENDMENT

These restrictions and by-laws may only be altered, amended or added to at any meeting of the members, provided that:

- A. The notice of the meeting shall contain a full statement of the proposed amendment; and
- B. The quorum requirement for such purposes shall be a majority of all the then members.

In addition, it shall be necessary to secure a three-fourths (3/4th) vote of all persons constituting the quorum in order to amend the restrictions and by-laws.

Article XV. TRANSFER FEE AND SECURITY DEPOSIT

(Article added on September 11, 1984 and amended on August 24, 2006)

Section 1. Transfer fee

A non-refundable transfer fee up to the highest amount allowed by law, as same may be amended from time to time, will be assessed to all applicants, as provided under Section 718.112(2)(I), Florida Statutes, who wish to purchase or lease a unit in KINGS PARK CONDOMINIUM GARDEN APARTMENTS.

Section 2. Security Deposit

The Association shall have the right to require all occupants under a leasehold to deposit, in a non-interest bearing escrow account with the Association, the sum of one (1) month's rent or such other sum as may be determined by the Board of Directors, not to exceed the highest amount allowed by law as same may be amended from time to time, which shall be used by the Association to repair or replace the common elements or Association property resulting from acts of omissions of occupants under a leasehold (as determined in the sole discretion of the Association).

Section 3. Joint Liability

Regardless of whether or not expressed in the applicable lease, all unit owners shall be jointly and severally liable with occupants under a leasehold to the Association for any amount which is required by the Association to effect such repairs, replacement or to pay any claim for injury or damage to property caused by the acts and omissions of the unit owner's occupants under a leasehold or the occupant's guests and invitees. In the event of an expenditure of any portion or all of the security deposit, the occupants under leasehold and/or the unit owner shall be required to fully replenish said escrow account, and the Association may collect such funds as a special assessment against the unit owner under Article 11 of the Declaration of Condominium. Payment of security account funds shall not serve as a release of liability in the event such funds fail to meet the repair expenses occasioned by the conduct of occupants under leasehold or their guests and invitees.

Article XVI. REMEDIES FOR VIOLATION

(Article added on August 24, 2006)

Each unit owner shall be governed by and shall comply with the Act, the Declaration of Condominium, the Articles of Incorporation, these by-laws, and the Rules and Regulations of the Association, as they may exist from time to time. Failure to do so shall entitle the Association, or any unit owners, to recover any sums due for damages or injunctive relief, or both. Such actions may be maintained by the Association or in proper case by an aggrieved unit owner. Such relief shall not be exclusive of other remedies provided by law. The failure to promptly enforce any of the provisions of the foregoing instruments shall not bar their subsequent enforcement. In any proceeding arising because of an alleged failure of a unit owner to comply with the terms of the declaration of Condominium, the Articles of Incorporation, these by-laws, and the Rules and Regulations adopted pursuant thereto, as they may be amended from time to time, the prevailing party shall be entitled to recover the costs of the proceeding and such unreasonable attorney's fees as may be awarded by the court.

In addition to any other remedy available to the Association hereunder, and pursuant to Chapter 718, Florida Statutes, as they may be amended from time to time, the Board of Directors may levy fines against a unit owner, occupant under a leasehold or guest for violations of the Act, the declaration of Condominium, the Articles of Incorporation, these by-laws, and the Rules and Regulations, as they may be amended from time to time. Such fines must be levied in accordance with the provisions of Chapter 718, Florida Statutes, as they may be amended from time to time.

Article XVII. CONSTRUCTION

Wherever the masculine singular form of the pronoun is used in these by-laws, it shall be construed to mean the masculine, feminine or neuter; singular or plural, wherever the context so requires.

Should any of the covenants herein imposed be void or be or become unenforceable at law or in equity, the remaining provisions of this instrument shall nevertheless, be and remain in full force and effect.