

Summary of Changes to GWE Governing Documents

A Document Review Committee was formed this past year to review the current Governing Documents for Gulf Winds East. The current Governing Documents consists of the (1) Articles of Incorporation, (2) Declaration, (3) Bylaws and (4) Rules and Regulations. Owner approval is required for the changes to the Articles of Incorporation, Declaration, Bylaws and Rules and Regulations. Rules and Regulations are approved by the Board and will be approved after owner approval of the Governing Documents. Attached is a summary of some of the noteworthy changes to Gulf Winds East Articles of Incorporation, Declaration and Bylaws. These changes were made to ensure consistency with the State of Florida Laws and Statutes governing condominiums, to revise wording to remove concerns of different interpretations and in some cases change the method of operation to create a better community at Gulf Winds East. Some of the changes that are considered noteworthy are occupancy and use of Condominium Units, removal of the Working Capital Contribution fee implemented as a change to the Declaration in 2006, and implemented gender neutral wording. Below is a summary of the changes.

Articles of Incorporation

- Section VI.A Change to clear up potential conflicts in the statement and state that maximum number of board members is 7.

Declaration

- An amendment to the Declaration that was approved in 2006 was not incorporated into the revised Declaration. At a Board meeting on October 6, 2020 the Board voted to no longer charge a Working Capital Contribution fee which a purchaser was required to pay upon conveyance of the purchased unit. The fee was equivalent to the amount of a regular quarterly assessment at the time of the closing.
- Section 4 - Definitions – Added many definitions to aid in interpretation of the Declaration, some in particular are noted below;
 - Assessments
 - Common Elements
 - Guests
 - Immediate Family
 - Visitor
- Section 5.2-Unit Boundaries wording was expanded to more clearly list and define items that are within and included in each Unit.
- Sections 7.1 and 7.2 wording was expanded to better define items that are within and included in the Common Elements.
- Section 8 The Limited Common Elements list was expanded to include what have been considered limited common elements by previous governing documents and/or by practice. Specifically, air conditioning equipment, parking spaces and lanais. Also removes the ability to transfer the use rights of parking spaces to another unit.
- Section 9.7 Added provisions for the Association providing Owners with digital copies of Official Records.
- Section 11 Maintenance: Limitations Upon Alterations and Improvements – This section and subsections 11.1, 11.2, 11.3, 11.4 were revised and expanded to clearly define

Association and Unit Owner responsibilities for maintenance, repair and replacement of common elements, limited common elements and Unit specific elements.

- Section 11.5 specifies that no Owner can modify landscaping, including that adjacent to patios.
- Section 11.6 Specifically limits the amount of expenditures for a material alterations and substantial improvement that the Board can approve without Owner approval to \$25,000 and limits the total expenditure for all material alterations and substantial improvements that the Board can approve without owners approval in a calendar year to \$50,000.
- Section 11.8 Specified liability responsibilities for owners that did not upgrade windows required by Board.
- Section 11.9 Additional wording regarding notice prior to access to protect privacy of occupants.
- Section 11.11 Includes provisions for the Board to install hurricane shutters with the approval of the majority of the voting interests.
- Section 11.12 Includes provisions for the Board to have the authority to require Unit Owners to take certain steps to prepare a Unit for a vacancy greater than 30 days.
- Section 12 Occupancy and Use Restrictions places restrictions on the use of individual Units:
- Sections 12.4 and 12.5 specifies requirements for the use of Unit by immediate family, guests and visitors
- Section 12.6 specifies leasing requirements and changes non renewable 6 month maximum lease period requirements to renewable 12 month maximum lease period. Specifies a maximum fee of \$100 per applicant for new leases and no application fee for renewable leases.
- Section 12.9 Added restrictions on use of drones.
- Section 12.10 Places restrictions on the types of vehicles that are allowed to be parked on Association property. In accordance with survey results, mopeds, motor scooters and motorcycles are prohibited.
- Section 12.12 As a result of survey establishes Gulf Winds East as a no smoking community and restricts smoking to inside Units, driveways and parking lots.
- Section 12.15 Places limits on use of satellite dishes and antennas/
- Section 12.19 Establishes requirements for use of grills. Prohibits the use of gas grills on Association property.
- Section 12.20 In accordance with survey, this section continues to prohibit pets and animals at Gulf Winds East. Federal or State allowed exceptions must be approved by the Board.
- Section 13.1 (A) Added that "No natural person, business entity, or other corporation can own more than one unit." Also adds an exemption for those persons or entities owning more than one unit at the time the Second Declaration is recorded. (Grandfathered in as to the units they own at that time only).
- Section 13.6 Specifies a maximum fee of \$100 per applicant for sales.
- Section 20.3 Make changes to allow Board to make certain changes to the Declaration.
- Sections 14 (current section 19), 15 (current section 15), 16 (current section 16), 17 (current section 17), 18 (current section 18), 19 (current section 20), 20 (current section

21), 21 (current section 22), and 22 (new section) had minor revisions as a result of lawyer review and recommendations

Bylaws

- Section 2.2 Allows suspension of voting rights for failing to pay assessments.
- Section 3.6 Was revised to better define use of proxy voting.
- Section 3.7 Revised to require the Association to give further notice of the time and place of an adjourned meeting continuance and shall also announce the same at the meeting being adjourned.
- Section 4.8 Revised to require that notice of any meeting at which a non-emergency special assessment will be considered, must specifically state that assessments will be considered and provide the estimated costs and description of the purpose of any such assessments.
- Section 4.10 Informal gatherings of a quorum of Board members discussing Association business is prohibited
- Section 4.16 Adds that an emergency exists if a quorum of the Association's Directors cannot readily be assembled because of some occurrence or imminent occurrence of a catastrophic event such as a hurricane, pandemic, act of war, civil unrest or terrorism or other similar event. An "emergency" also exists during the period of time that civil or law enforcement authorities have declared that a state of emergency exists in, have declared a hurricane warning, or have ordered the partial or complete evacuation of the area in which Gulf Winds East is located or have declared that area a "disaster area." A determination by any two (2) Directors, or by the President, that an emergency exists shall have presumptive validity.
- Section 5.5 Adds that the Treasure's duties may be assisted and/or carried out through the Board retaining qualified financial professional(s) as the Board deems necessary and appropriate from time to time.
- Section 6.2 Adds that at Budget Meetings an officer or manager of the Association, or other person providing notice of such meeting, shall execute an affidavit evidencing compliance with such notice requirement, and such affidavit shall be filed among the official records of the Association.
- Section 8.1B Adds restrictions on selecting members for hearing committee. The hearing shall be conducted before a committee of at least three members appointed by the Board who are not officers, directors, or employees of the Association, or the spouse, parent, child, brother, or sister of an officer, director, or employee.