INSTR # 2008000148124, Doc Type RES, Pages 24, Recorded 06/04/2008 at 09:17 AM, Charlie Green, Lee County Clerk of Circuit Court, Rec. Fee \$205.50 Deputy Clerk LFAHRNER

PREPARED BY: RICHARD D. DeBOEST II, ESQ. ATTORNEY AT LAW 2030 McGregor Blvd. FORT MYERS, FL 33901 Tel: (239) 333-2992

CERTIFICATE OF EXECUTION OF REVIVED DECLARATION OF RESTRICTIONS FOR GUMBO LIMBO SUBDIVISION (WEST) LOCATED IN LEE COUNTY, FLORIDA

THE UNDERSIGNED being the President and Secretary of GUMBO LIMBO PROPERTY OWNERS ASSOCIATION, INC., a Florida non-profit corporation, do hereby execute the attached Declaration of Restrictions, (Exhibit "A") and the Articles of Incorporation (Exhibit "B") and Bylaws (Exhibit "C") of Gumbo Limbo Property Owners Association, Inc. Also attached hereto are the Letter of Approval from the Florida Department of Community Affairs (Exhibit "D"), the Legal Description of Each Affected Parcel and Name of Each Parcel Owner (Exhibit "E"), and the Unrecorded Plat of Gumbo Limbo Subdivision (Western Half Only) (Exhibit "F"). Dated this 29 day of May 2008.

WITNESSES:

(Sign) hour June

(Print) Howy Quick

(Sign) XXXX

(Print) Of phanu Weber

GUMBO LIMBO PROPERTY OWNERS ASSOCIATION, INC.

.

President of the Association

Eric Weise

STATE OF FLORID COUNTY OF LEE

The foregoing instrument was acknowledged before me this 34 day of May, 2008 by Eric Weise, as President of Gumbo Limbo Property Owners Association, Inc., a Florida non-profit corporation, on behalf of said corporation. Said person is personally known to me or has produced El Deves Licens o as identification and did take an oath.

HOLLY QUICK

MY COMMISSION # DD754722

EXPIRES February 03, 2012

FloridaNotaryService.com

NOTARY PUBLIC:

WITNESSES:

(Sign)

GUMBO LIMBO PROPERTY OWNERS

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(Print)

(Sign)

(Print) Otohamin Weber

ASSOCIATION, INC.

BY: Challeth Cur

Secretary of the Association

Elizabeth Burns

STATE OF FLORID COUNTY OF LEE

The foregoing instrument was acknowledged before me this <u>O</u> day of May, 2008 by Elizabeth Burns, as Secretary of Gumbo Limbo Property Owners Association, Inc., a Florida non-profit corporation, on behalf of said corporation. Said person is personally known to me or has produced <u>O Dames Recorps</u> as identification and did take an oath.

HOLLY QUICK
MY COMMISSION # DD754722
EXPIRES February 03, 2012
(407) 398-0153
FlorideNotaryService.com

NOTARY PUBLIC:

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REVITALIZED GUMBO LIMBO WEST

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DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, GULF ISLANDS DEVELOPMENT COMPANY, INC., being the owner of Gumbo Limbo Subdivision located in Lee County, Florida, and more particularly described as follows:

The SE% of the SW%; and the SW% of the SW% of the SE% all in Section 24, Township 46 South, Range 22 East, Santbel Island, Lee County, Florida.

makes the following declaration of restrictions covering the above-described real property, specifying that this declaration shall constitute a covenant running with the land and that this declaration shall be binding upon the undersigned and upon all persons deraigning title through the undersigned. These restrictions, during their lifetime, shall be for the benefit of and limitation upon all the present and future owners of the real property.

- 1. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling not to exceed two stories in height. However, nothing shall prevent the undersigned from dedicating any lot, lots or portions of lots in said subdivision to be used for public roads, alleys parkways or waterways as it may deem proper.
- 2. All buildings shall be constructed of new and durable materials and the minimum floor elevation of each building shall be at least plus 6 feet mean sea level. Single family residential areas shall have a minimum of 1000 square feet of floor area exclusive of carports, screened areas, patios and terraces.
- 3. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other out buildings on any lot at any time, either temporary or permanent, with the exception that a storage shelter for the storage of garden tools may be allowed after the construction plans and specifications and the plans showing the location of the structure have been approved by the undersigned developer or its assigns. Temporary structures may be erected and maintained by the project owner and developer while the property is being developed until the last of the lots are sold to ultimate users.
- 4. No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the location of

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& HUMPHREY
ATTORNEYS AT LAW
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the structure have been approved by the undersigned developer, or its assistance, devisees or successors, as to quality of workmanship and materials, harmony of external design with the existing structures and location with respect to topography and finished grade elevation. In the event the undersigned fails to approve or disapprove within thirty (30) days after plans and specifications have been submitted to it, approval will not be required and the related covenants shall be deemed to have been complied with fully.

- All future lot purchasers must have all electrical and telephone services led underground from the main transmission line to their residence.
- 6. No obnoxious or offensive activities shall be carried on upon any lot, nor shall anything be done on it that may be or may become an annoyance or nuisance to the neighborhood.
- 7. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except a dog or cat or any other household pet may be kept provided that they are not kept, bred or maintained for any commercial purpose.
- 8. One sign, not exceeding four square feet in area, may be displayed upon any lot for the purpose of advertising the property for sale or rent. No other sign shall be erected or maintained upon any lot without approval of the developer or its assigns.
- 9. All garbage or trash cans, oil tanks and bottle gas tanks on all residence lots must be underground or placed in a walled in area or landscaped so that they shall not be visible from the adjoining areas.

 Gravel, black top and paved parking strips, however, shall be allowed subject to the approval of the developer, its successors or visigns. In the event that the owner of lot shall fail or refuse to keep the premises free from weeds, underbrush or refuse piles, then the developer, its successors and assigns, may enter upon said lot or lots and remove such refuse or mow or cut such weeds or underbrush and charge the owner for services and such entry on the part of the developer, its successors, or assigns, shall not be deemed a trespass.

10. No well for the production of or from which there may be produced oil or gas shall be dug or operated upon said premises, nor shall any machinery, appliances or structure ever be placed, operated or maintained thereon in connection with oil or gas production. No lot owner will be

MELLOR, WHALEY & HUMPHREY ATTORNEYS AT LAW P. O. DRAWER HM POOT MIXED PERSUDA

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permitted to place a pump or suction hose into the lake or lakes for any individual use of lake water except in the use for fire protection. No lot shall be increased in size by filling in the lake water in which it abuts.

- 11. Excluding pickup type trucks, no trucks, vans, oversized vehicles, house trailers, mobile homes or utility trailers shall be parked in any of the streets or on the premises within the subdivision except for business delivery to and from the premises.
- 12. Easements for installation and maintenance of utilities, drainage facilities are reserved by the undersigned developer, its assigns, devisees or successors. In these easements no structure, planting or other material shall be placed or permitted to remain that may damage or interfere with the installation and maintenance of utilities, change the direction of flow of drainage canals in the easement or obstruct or retard the flow of water through drainage canals in the easement. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.
- 13. No sewage, rubbish, trash, garbage or other waste shall be emptied into any of the lakes on the property.
- 14. The developer agrees to grade the roads and maintain said roads located on the development in the same condition as when installed until December 1, 1978. The responsibility for maintenance and repairs of said roads or streets after 1978 shall be proportionately born by the lot or property owners.
- 15. The developer will provide each purchaser with a copy of these declaration of restrictions filed by the developer and will require that each purchaser sign a receipt that he has read the restrictions and understands them; the receipt will be kept on file and in the office of the developer and will be accessible to the Board of County Commissioners of Lee County upon request.

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty (30) years from the date these covenants are recorded, after which time they shall be extended automatically for successive periods of ten (10) years, unless an instrument signed by a majority of the then owners of the lots has been

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recorded agreeing to change the covenants in whole or in part.

Enforcement shall be by action against any person or persons violating or attempting to violate any covenants, either to restrain violation or to recover damages. The party bringing the action shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the court may adjudge to be reasonable for the services of his attorney.

Invalidation of any one of these covenants by judgment or court order in no way shall affect any of the other provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned corporation has caused these presents to be executed by its President and attested by its Secretary by and with the authority of the Board of Directors this to day of November, 1971.

GULF ISLANDS DEVELOPMENT COMPANY

By: Bill Bunting, President

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STATE OF FLORIDA

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1 HEREBY CERTIFY that on this _///

of September 1

before me personally appeared BILL BUNTING and FLORENCE BUNTING, President and Secretary, respectively, of GULF ISLANDS DEVELOPMENT COMPANY, INC., a corporation under the laws of the State of Florida, to me known to be the individuals and orficers described in and who executed the foregoing instrument and severally acknowledged its execution to be their free act and deed as such duly authorized officers, and that the official seal of the corporation was duly affixed and the instrument is the act and deed of the corporation.

WITNESS my hand and official seal at Fort Myers, County of Lee, State of Florida, on the day and year first above written

MELLOR, WHALEY
& HUMPHREY
ATTCHHEYS AT LAW
P. O. DRAWER HM
FORT HYERS, FLORIDI

My Commission Expires: 8-//-75-

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The following additional covenant is being added to the Revived Declaration pursuant to 720.404(3)(d) F.S.

Note: Language <u>underlined</u> is added; language struck through is deleted.

16. Amendments. Except as otherwise provided herein or by law, this Declaration may be amended at anytime by affirmative vote of at least a two thirds (2/3rds) of the Voting Interests (each Lot subject to this Declaration shall have one Voting Interest) who are present and voting, in person or by proxy at a duly called meeting of the Voting Interests. A copy of each adopted amendment shall be attached to a certificate that the amendment was duly adopted as an amendment to the Declaration, which certificate shall identify the Book and Page of the Public Records where the Declaration is recorded, and shall be executed by the President of the Association with the formalities of a deed. The amendment shall be effective when the certificate and copy of the amendment are recorded in the Public Records of Lee County, Florida. A meeting of the Voting Interests shall be noticed and shall be conducted in accordance with the laws of Chapter 720 Florida Statutes pertaining to member meetings. A quorum for such a meeting shall be 30% of the total Voting Interests.

ARTICLES OF INCORPORATION OF .

GUMBO LIMBO PROPERTY OWNERS ASSOCIATION, INC. HAY 20 8 54 MM, 80

The undersigned persons, desiring to associate themselvery of the State Florida for the formation of a Florida nonprofit corporation, namely Florida Statutes Section 617.013, do hereby certify:

- FIRST: The name or title by which the corporation is to be known and designated in law is: "GUMBO LIMBO PROPERTY OWNERS ASSOCIATION INC"
- SECOND: The purposes for which this corporation is formed are:
 1) To perpetuate and promote the Gumbo Limbo Subdivision in accordance with the deed restrictions recorded in Lee County in Book 751 on pages 571 and so forth; as amended in Book 824 on pages 335 and so forth; said subdivision being described therein.
 - 2) To provide a means for the enforcement of and adherence to said deed restrictions.
 - 3)To acquire, take and hold, by lease, gift, purchase, grant, devise or bequest any property whether real or personal, necessary or desirable for obtaining the objectives, and carrying into effect the purposes of the GUMBO LIMBO PROPERTY OWNERS ASSOCIATION.
 - 4) To transfer, convey, lease or otherwise dispose of its real or personal property.
 - 5) To borrow money in order to effectuate the purposes of the Association, to issue bonds therefor, and to secure the same by mortgages.
 - 6)To levy dues and assessments in order to effectuate the purposes of the Association.
 - 7) To provide for the care and maintenance of the property. owned by the Association or the care and maintenance of other property, for the common good.
 - 8) To assist in the conservation and protection of the environment and natural resources.
 - 9) To represent, promote and protect the general welfare of the Association members, as it pertains to their civic and property interests in the GUMBO LIMBO SUBDIVISION.
 - 10) To provide a means for members of the Association to bring to the attention of the Association matters affecting the common good, in general, and of the GUMBO LIMBO SUBDIVISION.

EXHIBIT B

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ARTICLES OF INCORPORATION Car GUMBO LIMBO PROPERTY OWNERS ASSOC. INC.

page two

11) To provide a means, together with other interested parties, to present topics of interest at public and/or governmental meetings.

12) To exercise any powers necessary or incidental to the accomplishment of the express purposes above enumerated, including the incorporation of the association.

THIRD: Any person who is the owner of property in the GUMBO LIMBO SUBDIVISION, located in Sanibel, Lee County, Florida, is eligible to become a member upon payment of the dues and assessments of the Association.

FOURTH: The term of this Corporation shall be perpetual.

FIFTH: The names and residences of the subscribers are as follows: Name Address

Clifford Kutz

9468 Peaceful Drive, Sanibel FLA

George Christiansen

1535 Wilton Lane, Sanibel, FLA

Mary Ann Blatt

9436 Arum Court, Sanibel FLA

And the registered agent shall be : Mary Ann Blatt and the registered office shall be at: 9436 Arum Court, Sanibel, FLA 33957

SIXTH: The officers of the Corporation are: President, Vice President, Secretary and Treasurer, who shall be elected by the Board of Directors, from their number, after the annual meeting and each of whom shall serve for a term of one year .

SEVENTH: The names of the first officers who shall serve until the first election under these articles of incorporation are as follows:

Name

Office

Clifford Kutz George Christiansen Mary Ann Blatt

President Vice President Secretary? Treasurer

EIGHTH: The number of the first Board of Directors is minet and the names and addresses of this Board of Directors is as follows:

Name

Address

Clifford Kutz Bruce Rogers Charles Gold Richard Downes

9468 Peaceful Dr., Sanibel, FLA George Christiansen 1535 Wilton Lane, Manibel, FLA 1695 Serenity Lane, Sanibel, FLA 9426 Kava Ct., Sanibel, FLA 1595 Serenity Lane, Sanibel. FLA ARTICLES OF INCORPORATION OF GUMBO LIMBO PROPERTY OWNERS ASSOC., INC. Page three

EIGHTH (continued) NAME

> Bill Estep Milton Scheiter Mary Ann Blatt Helen Rausher

Address

1747 Serenity Lane, Sanibel, FLA 1525 Bunting Circle, Sanibel, FLA 9436 Arum Ct., Sanibel FLA 1767 Serenity Lane, Sanibel, FLA

- NINTH: The by-laws of the Corporation shall be adopted by the membership of the GUMBO LIMBO PROPERTY OWNERS ASSOC, INC. and may be altered or amended by a two-thirds vote of the membership in accordance with the provisions of said by-laws.
- TENTH: The membership shall have the power to propose and adopt amendments to the articles of incorporation in the same manner and by the same vote as required to amend the by-laws.
- ELEVENTH: The affairs of the Corporation shall be managed by an EXECUTIVE COMMITTEE known as the "Board of Directors" in accordance with the by-laws of the corporation as the same may be, from time to time, amended. The Corporation shall not engage in any business, trade, avocation, or profession for gain or profit.
- TWELFTH: Members of the Executive Committee shall be elected at the Annual Meeting of the Association held in February of each year and open to all members.
- THERTEENTH: The Directors of the Corporation shall, at all times, keep the books and records of the Corporation in the State of Florida.

IN WITNESS WHEREOF, WE the undersigned subscribing incorporators, have herewith set our hands and seals this day of , 1980 for the purpose of forming this Corporation under the Laws of the State of Florida, and we hereby make and file in the Office of the Secretary of State of the State of Florida this Certificate of Incorporation and certify that the facts herein stated are true.

Cenfford WKutz

Jeorge Paresteurez meny hun Butt

SWORN TO, BEFORE ME. A NOTARY IN AND FOR THE STATE OF FLORIDA, COUNTY OF LEE. THIS DAY OF MALLISE

> NOTARY (PUBLIC, STATE OF FLORIDA AT LARGE MY COMMISSION EXPIRES FEB. 18, 1984

I hereby accept the designation as registered agent for the Gumbo Limbo Property Owners Assoc.

Mary Ann Blatt

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AUKNOWLEDGMENT

STATE OF FLORIDA COUNTY OF LEE

Personally appeared before me

the undersigned authority :

Clifford Kutz George Christiansen Mary Ann Blatt

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each of whom is to me well known and known to be the persons described in and who executed the foregoing certificate of incorporation and each of whom acknowledged before me, according to law, that they made and subscribed the same for the purposes therein mentioned and set forth.

Witness my hand and official seal at

Varibel , Florida, this /2/ day

of ________, 1980.

Notary Public Florida-at-Large

My term expires

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES FEB. 18, 1984

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ARTICLES OF ASSOCIATION (BY-LAWS) GUMBO LIMBO PROPERTY OWNERS ASSOCIATION, INC.

ARTICLE I

The name of the Association shall be "Gumbo Limbo Property Owners Association, Inc."

ARTICLE II

The principal location of the Association shall be that of its registered agent, or as designated by its Board of Directors, from time to time, as may be deemed necessary.

ARTICLE III

PURPOSES AND POWERS

- To perpetuate and promote the Gumbo Limbo Subdivision in accordance with the Deed Restrictions recorded in Lee County, OR 2390 on pages 680 and so forth; said subdivision described therein.
- 2) To provide a means for the enforcement of and adherence to those deed restrictions.
- 3) To acquire, take and hold, by lease, gift, purchase, grant, devise or bequest any property, whether real or personal, necessary or desirable for obtaining the objectives, and carrying into effect the purposes of the Association.
- 4) To transfer, convey, lease or otherwise dispose of its real or personal property.
- 5) To borrow money, in order to effectuate the purposes of the Association, to issue bonds therefor, and secure the same by mortgages.
- 6) To levy dues and assessments, in order to effectuate the purposes of the Association.
- 7) To provide for the care and maintenance of property owned by the Association or the care and maintenance of other property, for the common good.
- 8) To assist in the conservation and preservation of the environment and natural resources.
- 9) To represent, protect and promote the general welfare of the Association members, as it pertains to their civic and property interests in the Gumbo Limbo Subdivision.
- 10) To provide a means for members of the Association to bring to the attention of the Association, matters affecting the common good, in general, and of the Gumbo Limbo Subdivision.



- 11) To provide a means, together with other interested parties, to present topics of interest at public and/or governmental meetings.
- 12) To exercise any powers necessary or incidental to the accomplishment of the express purposes above enumerated, including the incorporation of the Association.

ARTICLE IV

MEMBERSHIP

1) Any person who is the owner of property in the Gumbo Limbo Subdivision located on Sanibel, Lee County, Florida, and more particularly described in The Declaration of Restrictions as set forth in Paragraph 1 of "Purposes" becomes a member of the Association. Upon payment of annual dues and any assessments, as set forth in Paragraph 5 of Article IV, such member shall be in good standing, with full voting rights and other privileges.

2) Voting:

- a) Votes: There shall be one vote for each buildable lot, or for each dwelling house among all the members who shall reside therein; however, only members in good standing shall be entitled to vote.
- b) Proxies: Any member, entitled to vote, may be represented at any regular or special meeting of the membership by a duly appointed proxy. All proxies shall be written and properly signed, but shall require no other attestation, and shall be filed with the Secretary of the meeting before being voted.
- c) Voting by mail: Any member, entitled to vote, may cast his ballot at any regular or special meeting by mail. All mail ballots shall be written and properly signed, but shall require no other attestation, and shall be mailed to the Secretary of the meeting.
- 3) Duration of membership: Membership in this Association shall last through the term of the existing Deed Restrictions. Membership shall accrue only by virtue of the ownership of real property within the subdivision and shall terminate upon the transfer of such real property.
- 4) Suspension: Any member who becomes delinquent, as delinquency is defined in Paragraph 5, Subparagraph d, below, shall be suspended from exercising all rights and privileges of membership until such delinquency is cured. Such suspension shall not terminate or act to relieve the obligation to pay dues and/or assessments.

5) Dues and Assessments:

- a) Entrance fee: There shall be no initiation, entrance or admission fee as a condition of membership.
- b) Dues: The annual dues shall be determined by a vote of the membership. Dues may be varied from year to year, but shall be the same for all members. The amount of annual dues shall be determined at the Annual Membership Meeting and shall be effective for the next succeeding year and shall be effective until altered at an Annual Membership Meeting. Any increase in annual dues shall not exceed ten per cent (10%) of the previous year's dues unless approved by at least (2/3) of the members voting, either in person, by proxy, or by mail.

- c) Assessments: Assessments may be voted by the membership at any annual meeting or any special membership meeting called for such purpose in order to carry out the purposes of the Association and promoting and protecting the general welfare of the subdivision.
- d) Payment Due date for Dues and Assessments: All dues and assessments in effect at the commencement of the fiscal year are due and payable on March 31st. of that year. If unpaid by that date, the property owners will be deemed delinquent and a penalty of 1% per month will be imposed on all monies due (exclusive of interest) until paid.

Property owners who have a need to extend the payment of their financial obligation to the Association may do so upon agreement by the Board of Directors of a payment schedule. No penalty will be assessed so long as the agreed upon schedule of payments is met.

6) Hearings:

- a) The Board of Directors shall cause a notice, in writing, to be sent to any property owner who is not in compliance with the requirements of the deed restrictions. The notice shall indicate the restrictions being violated, the corrective measures necessary and the time period in which the corrective measures are to be taken. The time period shall be reasonable, in light of the nature of the violation stated. The notice shall also state that the property owner has a right to a hearing before a hearing committee, if requested within fifteen (15) days from the mailing of the notice.
- b) If a hearing is requested, it shall be set at a mutually convenient time and place, but within 30 days of the request. If a hearing is not held within the time specified because of the failure of the property owner to agree to a time and place, the Association may proceed with appropriate action to cause compliance with the deed restrictions.
- c) At the hearing the property owner shall indicate why he believes that no violation of the deed restriction is present. After the property owner explains the circumstances to the committee, the committee, by a 4/5 vote, shall determine if any violation is present. Upon the finding that a violation is present corrective measures shall be completed within the time period specified by the committee.
 - If the property owner shall fail to comply within the time specified, the Association shall be free to compel compliance by appropriate measures.
- d) The hearing committee shall be comprised of five (5) members, all of whom shall own property within the subdivision. Two (2) members shall be Directors and shall be appointed by the Board of Directors of the Association at its first meeting after each Annual Meeting. Three (3) of the members shall be elected by the membership at the Annual Meeting. The members shall serve for a term of one year.

ARTICLE V

MEETINGS

1) Annual Meeting: There shall be an Annual Meeting of such Association during the month of February each year for the election of the Executive Committee, receiving of reports, and the transaction of other business. The Annual Meeting shall be open to all members. Notice of such meetings shall be mailed to the last recorded address of each member at least thirty (30) days before the time appointed for the meeting. Such notice shall be sent by the Secretary.

- 2) Quorum: The members of the Association in attendance at any meeting together with any members voting by proxy or mail ballot shall constitute a quorum.
- 3) Order of Business: The order of business at the Annual Meetings shall be as follows:
 - a) Call the meeting to order.
 - b) Reading of Minutes of previous meeting (unless waived by motion).
 - c) Receiving of Communications.
 - d) Reports of Officers.
 - e) Reports of Committees.
 - f) Unfinished Business.
 - g) Election of Executive Committee.
 - h) New Business.
 - I) Adjournment.

The order of business may be altered or suspended at any meeting by a majority of those members voting. The usual parliamentary rules as laid down in Roberts Rules of Order shall govern when not in conflict with these By-Laws.

4) Special meetings: Special meetings of the Association must be called at any given time by the President on written request of a majority of the Executive Committee, or upon written request of not less than one-third (1/3) of the membership of the Association. Thirty (30) days notice of any such special meeting must be given to each member of the Association and the notice must state the purpose of the meeting.

ARTICLE VI

EXECUTIVE COMMITTEE

- 1) Number, Election, Term and Eligibility:
 - a) Number, Election and Term: There shall be an Executive Committee consisting of nine (9) members. At each Annual Meeting, there shall be elected, by majority vote of the members voting, three (3) members, of the nine (9) member Executive Committee, to fill expired terms. This Executive Committee shall be known as the Board of Directors and its members known as Directors.

- b) Eligibility: Any member of the Association, in good standing, shall be eligible for election to the Executive Committee, and any such member shall be eligible for re-election.
- c) The members of the Executive Committee, upon election, shall enter into the performance of their duties and shall continue in office until their successors are duly elected
- 2) Powers and Duties: The Board of Directors shall have supervision, control and direction of the affairs of the Association, shall execute the policies and decisions of the membership, shall actively pursue the purposes and objectives of the Association, shall exercise all powers of the Association and do all such lawful acts and things necessary and/or expedient in the control and management thereof, as are not required to be exercised or done by the members, and shall have discretion in the disbursement of funds. The Board of Directors may adopt such rules for the conduct of its business as shall be deemed advisable and may, in the execution of the powers granted, appoint committees, sub-committees or agents to work on specific projects.
- 3) Meetings: The meetings of the Board of Directors shall be held at the principal office of the Association, or at any other place which the President or a majority of the Board of Directors may from time to time, designate. There shall be an Annual Meeting of the Board of Directors held on the day of their election, or as soon thereafter as practicable. Other meetings of the Board shall be held at such times and places as the Board of Directors shall, from time to time, by resolution prescribe. Meetings of the Board of Directors shall be held whenever called by the President, or any four (4) Directors. The Secretary shall give at least ten (10) days notice of any Special meeting to each Director. Such notice shall be in writing.
- 4) Quorum: The majority of the Board of Directors shall constitute a quorum for the transaction of all business at any meeting of the Board of Directors. If less than a quorum is present, the meeting may be adjourned from time to time until a quorum shall be present. All questions coming before the Board shall be determined by a simple majority vote of those present.
- 5) Vacancies: Any vacancy occurring on the Board of Directors shall be filled by election from the general membership by the remaining Directors. Such election shall be for the unexpired term of the Director creating the vacancy.

ARTICLE VII

OFFICERS

- Election of Officers: The Board of Directors, immediately after its election, at the Annual Meeting of the Association, shall meet and elect, from its members, a President, Vice-President, Secretary, and Treasurer. The Board may appoint such other officers as the needs of the Association may, from time to time require. All officers shall serve for one year, or until the election and qualification of their successors.
- 2) President: The President shall preside at all meetings of the Board of Directors, and act as Chairman at and call to order all meetings of the membership. The President shall perform all duties commonly incident to his office, and shall perform such other duties as may be prescribed by the Board of Directors, and with the advice of the Board of Directors, he shall appoint committees and name the chairmen thereof. He shall represent the Association in all matters with other groups and/or governmental bodies.

- 3) Vice-President: The Vice President shall have and exercise all the powers and duties of the President, in case of his absence or inability to act, and shall perform such other duties as may be prescribed by the Board of Directors.
- 4) Secretary: The Secretary shall attend all meetings of the Board of Directors and of the membership, and shall record all votes and the minutes of all proceedings in a book, to be kept for that purpose. The Secretary shall give notice of all meetings of the membership and the Board of Directors and shall affix the seal of the corporation, where required, and shall have charge of the seal. The Secretary shall prepare and cause to be filed such reports and statements as may be required by law. The Secretary shall have charge of such other books and records as the Board of Directors shall prescribe.
- 5) Treasurer: The Treasurer shall have care and custody of all funds and securities of the corporation, and shall deposit the same in the name of the corporation in such bank as the Board of Directors may designate. The Treasurer shall keep full and accurate accounts of receipts and disbursements in books belonging to the Corporation and see that all expenditures are duly authorized. The Treasurer shall make a full report of financial condition at each annual meeting of the membership and perform such other duties as the Board of Directors may from time to time prescribe.

ARTICLE VIII

AMENDMENTS

- Amendment of By-Laws: These By-Laws may be amended, repealed, or altered, in whole or in part, by a
 two-thirds (2/3) vote of the membership voting, either in person, by proxy, or by mail, at any duly organized
 meeting of the Association, after written notice of the complete text of the proposed change.
- 2) Amendment of the Articles of Incorporation: The Articles of Incorporation of the Association may be amended, altered, or rescinded, in whole or in part, by a two-thirds (2/3) vote of the membership voting, either in person, by proxy, or by mail at any annual meeting of the Association, after written notice of the full term of the proposed change.

ARTICLE IX

LIABILITIES

Nothing herein, or in the Articles of Incorporation, shall constitute members of the Association as partners for any purpose. No member, officer, director, agent, or employee shall be liable for the acts or failure to act of any other member, officer, director, agent or employee of the Association. No member, officer, director, agent, or employee shall be liable for his acts or failure to act under these by-laws and/or Articles of Incorporation, excepting only acts of omission arising out of willful misfeasance.

ARTICLE X

FUNDS

Finances: This Association is not intended as a profit-making organization, nor is it founded with the
expectation of making a profit. This Association shall use its funds only for objects and purposes as set forth
in the Articles of Incorporation and these by-laws,

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- 2) Bonding: Persons entrusted with the handling of Association funds may be required, at the discretion of the Board of Directors, to furnish, at Association expense, a suitable fidelity bond.
- 3) Fiscal Year: The fiscal year of the Association shall be the calendar year and shall commence on January 1st. of each year.

ARTICLE XI

DISSOLUTION

The Association may be dissolved by a two-thirds (2/3) vote of the membership voting, either in person, by proxy, or by mail. Upon a vote in favor of dissolution, the Board of Directors shall take all necessary steps to terminate and dissolve the Corporation, in accordance with the requirements of Florida statutes.

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STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST Governor

THOMAS G. PELHAM Secretary

May 8, 2008

Mr. Richard D. DeBoest II, Esquire Condo and HOA Law Group, L.L.C. 3030 McGregor Boulevard Fort Myers, Florida 33901

RE:

Gumbo Limbo West - Covenant Revitalization Gumbo Limbo Property Owners Association, Inc. DCA08-HA-123

DCA08-HA-12.

Dear Mr. DeBoest:

The Department has completed its review of the proposed revived declaration of covenants and other governing documents for Gumbo Limbo West, Gumbo Limbo Property Owners Association, Inc., and has determined that the documents comply with the requirements of Section 720.406, Florida Statutes (F.S.).

Please be advised that Sections 720.407(1) and (2), F.S. require that no later than 30 days after receiving this letter, the organizing committee shall file the articles of incorporation of the association with the Division of Corporations of the Department of State if the articles have not been previously filed with the division. The president and secretary of the association shall execute the revived declaration and other governing documents in the name of the association, and have the documents recorded with the clerk of the circuit court in the county where the affected parcels are located no later than 30 days after receiving approval from the Division of Corporations.

Pursuant to Section 720.407(4), F.S., a complete copy of all of the approved, recorded documents must be mailed or hand delivered to the owner of each affected parcel. The revived declaration and other governing documents will be effective upon recordation in the public records. Unless we hear from you within 30 days to make other arrangements, the paper documents you submitted to the Department of Community Affairs will be disposed of after they have been scanned for electronic storage.

2555 SHUMARD OAK BOULEVARD TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: http://www.dca.state.fl.us

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Mr. Richard D. DeBoest II, Esquire May 8, 2008 Page 2

If you have any questions concerning this matter, please contact Leslie O. Anderson-Adams, Assistant General Counsel at (850) 922-1689 or Johnna Mattson, Plan Processor at (850) 921-3761.

Sincerely,

Charles Gauthier, AICP

Director, Division of Community Planning

CG/laa

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DCA08-HA-123

NOTICE OF RIGHTS

ANY INTERESTED PARTIES ARE HEREBY NOTIFIED OF THEIR RIGHT TO SEEK JUDICIAL REVIEW OF THIS FINAL AGENCY ACTION IN ACCORDANCE WITH SECTION 120.68, FLORIDA STATUTES, AND FLORIDA RULES OF APPELLATE PROCEDURE 9.030(b)(1)(C) AND 9.110.

TO INITIATE AN APPEAL OF THIS FINAL AGENCY ACTION, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS FINAL AGENCY ACTION IS FILED WITH THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED BY FLORIDA RULE OF APPELLATE PROCEDURE 9.900(a). A COPY OF THE NOTICE OF APPEAL MUST BE FILED WITH THE DISTRICT COURT OF APPEAL AND MUST BE ACCOMPANIED BY THE FILING FEE SPECIFIED IN SECTION 35.22(3), FLORIDA STATUTES.

YOU **WAIVE** YOUR RIGHT TO JUDICIAL REVIEW IF THE NOTICE OF APPEAL IS NOT TIMELY FILED WITH THE AGENCY CLERK AND THE APPROPRIATE DISTRICT COURT OF APPEAL.

NOTICE OF FILING AND SERVICE

I HEREBY CERTIFY that the above document has been filed with the Department's designated Agency Clerk and that true and correct copies have been furnished to the persons listed below in the manner described, on the day of day of 2008.

Paula P. Ford Agency Clerk

By U.S. Mail

Mr. Richard D. DeBoest II, Esquire Condo and HOA Law Group, L.L.C. 3030 McGregor Boulevard Fort Myers, Florida 33901

By Interoffice Delivery

Leslie O. Anderson-Adams Assistant General Counsel Department of Community Affairs 2555 Shumard Oak Boulevard Tallahassee, Florida 32399-2100

Johnna Mattson Plan Processor Department of Community Affairs 2555 Shumard Oak Boulevard Tallahassee, Florida 32399-2100 INSTR # 2008000148124 Page Number: 22 of 24

Gumbo Limbo Property Owner Data West By Lot and Block EXHIBIT

September 1997

			8	Block Identifien L	ot Number	Lot Number Strap Number
CurrentOwnerName	Street Number	Street Name			18	24-46-22-T3-0010A.0180
A NYSHEAN ! YOUTHOUSE !!	1684	BUNTING LN	٦IG	\ \ \ \	18	24-46-22-T3-0010A.0190
MURIAGE ANTHONIS A TRAINING	1894	BUNTING LN	ECBLK A LOT 30 AS DESC IN OB	∢	50	24-46-22-T3-0010A.0200
(DAI TON S F + BARBARA	1702	BUNTING LN	GUMBO LIMBO UNREC BLK A LOT AND DESC IN OR 1988 PG 1883	4	21	24 48-22-T3-0010A.0210
KIND COBDON J + NANCY H	1714	BUNTING LN	IMBO UNREC BLK A LOT 21	٨	22	24-46-22-T3-0010A.0220
MOOSSY ROBERT + MARGARET	1724	BUNTING LN	E 31 DE S 1/2 DE S 1/2 DE SEC DESC IN OR 1057/117	Y	ន	24-46-22-T4-0010A.0230
SANIBEL COMMUNITY CHURCH INC	1734	BUNTING LA	N E 3/4 OF S 1/2 OF 1/2 AS DESC IN OR	A	24	24-46-22-T4-0010A.0240
WEIGEL JEFFREY J + BETH A	1744	BUNTING LN	1333	A	22	24-46-22-T4-0010A.0250
SMITH ALBERT CJR	1754	BUNTING LN	GUMBO LIMBO DIANCO DESCINOR 1410 PG 1242	٧	₂ 8	24-48-22-T4-0010A-0260
VERRY HUGH F + ANNE A TR		BUNTING LN	GUMBO LIMBO UNKEL BLA A LOT 27 AS DESC IN OR 1507 PG 1778	∢	27	24-46-22-14-0010A.02/0
WEISE R ERIC + BETTY A		BUNTING LN	GUMBO LIMBO LIMBE BI K A LOT 28 AS DESC AS IN OR 1294 PG 917	Ą	82	24-46-22-14-0010A-0260
STINSMAN LEROY J SR + HEILAND PATRICIA	1	BUN ING LN	GUMBO LIMBO LIMBO UNREC BLK A LOT 29 AS DESC IN OR 1294 PG 917	V	2 2	24 48-22-14-0010A-02-00
OSSULIVAN PATRICK J TR	none	BON ING LY	Ì	٥	8	24 46 22 TS 0010D 0300
FEIGE ERNA	1	SENEWITY N	SEC DESC IN OR 1058/1813 BLK D LT	1	3 2	24 46 22 T3-0010D 0310
LEE MAURICE D + VIOLET J	133	SERENITY IN	PARI IN E 3/4 OF S 1/2 OF S 1/2 OF SEC DESC IN OR 1075/1632 BLK D LT 3/1	1	5 6	24 4R-22-T3-0010D 0320
BERGER BRUCE S +	1797	SEBENITY IN	PARL IN S W 1/4 OF S E 1/4 DESC OR 1198 PG 1438 AKA LT32 BLK D GUMBO LIMBO UN	2 0	3 8	24 46-22-T3-0010D,0330
PALMER WESTON H	101	SEPENITY			3 2	24 46-22-T4-0010D,0340
JOHNSON ANDREW D + KELLY L	1757	SERENITY	PARI IN E 3/4 OF S 1/2 OF S 1/2 OF SEC DESC IN OR 1057/1176 BLK D LT 34		5 8	24 48-22-T4-0010D,0350
HACKETT ROBERT + CLAIKE IK	792	SERENTY IN	IN E 3/4 OF S 1/2 OF S 1/2 OF SEC DESC IN OR 1100/08/	+	3 8	24 46-22-T4-0010D.0360
CARNEY JOHN E + FAY M	144	SERENITY LN	AREC BLK D L(3 6	24 46-22-T4-0010D.0370
DUPRE FRANKIE G + LAURI S	1787	SERENITYIN	1060/1695 BLK D LT 37		5 8	24 46-22-T4-0010D.0380
GUTWEIN JENNIFER L. TR	707	SERENITY LN	S 1/2 OF S 1/2 OF SEC DESC IN OR 1067/1145 BLK D	2 6	g	24 46-22-T4-0010D.0390
GONCHER MARIANNE IR	4807	SERENITY	IN E 3/4 OF S 1/2 OF S 1/2 DESC OR 1193/11		8	24 46 22-T4-0010D.0400
MURPHY-RICHARDSON MARGARE 1 +	1817	SERENITY LN	PARL IN E 3/4 OF S 1/2 OF SEC DESC IN OR 1184/0462 BLK D L I 4/0		17	24-46-22-T4-0010D.0410
HAVERLEY VALLEE J	8383	PEACEFUL DR	O LIMBO UNREC BLK D LOT 41 AS DESC IN	2	42	24-46-22-T4-0010D.0420
NAVE CHARLES A JR + BARBARA	1770	PEACEFUL DR	GUMBO LIMBO UNREC BLK D LOT 42 AS DESC IN OR 549 PG 856	c	5	24-46-22-T4-0010D.0430
YAMBER I JON + CONNIE J	9471	PEACEFUL DR		-	4	24-46-22-T4-0010D.0440
SIMON SIDNEY BITA	27.72	PEACEFUL DR	GUMBO LIMBO UNREC BLK D LOT 44 AS DESC IN UK 1266 PG 1085	0	\$	24-46-22-T4-0010D.0450
CAMI OLDISTOBLED + RETSY H	9483	PEACEFUL DR	GUMBO LIMBO UNREC BLK U LOT 45 AS DESC IN ON 1224 TO 317	٥	48	24-48-22-T4-0010D.0480
CAIN CHAIG OTHER 7 SECOND	9489	PEACEFUL DR	REC BLK D LO	В	ક	24-46-22-T3-0010E.0300
MISHER JAMES LANGE	1722	SERENITY LN	PARL IN E 3/4 OF S 1/2 OF S 1/2 OF SEC DESC IN OR 11000010 SEC 12 372	Э	31	24-46-22-T3-0010E.0310
GOLD WAS IN THE STATE OF THE ST	9416	ARUM CT	PARC IN S 1/2 OF S 1/2 OF SEC 24 IMP 46 X 22 ES DESC IN S 1/2 OF S 1/2 OF SEC 24 IMP 46 X 22 ES DESC IN OR 10/24/24 BLK E LT 32	Э	32	24-46-22-T3-0010E.0320
EDINBURG JOEL I + LINDA B	9428	ARUM CT	PARK IN E 34 OF 5 1/2 OF 5 1/2 OF SEC DESC IN OR 11930699 AKA LT33 BK E	3	33	
CUIVER ROBERT D W + MARY J	9436	ARUM CT	1014	Е	ਲ	24 46-22-13-0010E.0340
MURPHY RICHARD F	9446	ARUMCI	8 1/2 OF SEC DESC IN OR 1077/	ш	8	24 46-22-13-0010E.0350
DINICOLA VINCENT + KIM R TR	1732	SERENI Y LN	Ю	Ш	8	24 48-22-13-0010E.0300
HOGGATT KIRK B + CYNTHIA	1752	SERENI T LIN	COMINGO IMPRO INVESTIBLE BILK FLOT 37 AS DESC IN OR 1333 PG 1274	ш	20	24-40-22-14-0010E/0310
COHN DANIEL + CANDACE H	1762	SERVICE CA	38 AS DESC IN OR 1333 PG 1274	Ш	88	24-46-22-14-0010E:0390
LOKITUS MARK A + MARY ANN	9410	VIDOA CT	ARL IN SW 1/4 OF SW 1/4 SEC 24 TWP 48 R 22 DESC IN	1	3	24.48.22.T4.0010E.0400
UHLER J THOMAS + LINDA S	9279	YUCCA CT	14 SEC 24		4	
BURNS JAMES M + ELIZABEIT L	9449	YUCCA CT	GUMBO LIMBO UNREC BLK E LOT 41 AS DESC IN OR 1331 PG 390	1	42	24 46-22-T4-0010E.0420
BAXIER JAMES A + SOZDINAL	1772	SERENITY LN	GUMBO LIMBO UNREC BLK E LOT 42 AS DESC IN OR 1353 PG 1274	3	\$	24-48-22-T4-0010E.0430
CAVIN MARY M + BARRY L	1782	SERENITY LN	GUMBO LIMBO UNREC BLK E LOT 43 AS DESC IN OR 1231 PG 412	3	44	Ż
I ANGER BRADLEY J + AMY E	9476	BALSACT	MBO LIMBO UNIVEC BLY E LOI	Е	45	24-46-22-T4-0010E.0450
I ANS BARBARA J TR	9474	BALSACT	AEC BLA E LO	Ξ	46	
EERTMOED GARY E + ELIZABETH G	9472	BALSACT		Е	17	24 46-22-14-0010E.04/0
LUISZER JOHN A + MAUREEN			CUMBO LIMBO LIMBO RI K E LOT 48 AS DESC IN PR 1269	Ш	8	24-46-22-14-0010E.0480
OTALVARO NOAH	9468	PEACEFUL UR	GUMBO LIMBO UNREC BLK	ш <u>.</u>	3 6	24 48-22-14-0010E-0490
JONES COURTNEY PHILLIPS	1	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	GUMBO LIMBO UNREC BLK E LOT 50 AS DESC IN	ייוני	3 2	24 48-22-T4-0010E.0510
HARRELL TIMOTHY C + CONSTANCE	1773	BUNTING LN	GUMBO LIMBO UNREC BLK		25	24-46-22-T4-0010E.0520
WEILER INCMAS ANTHON APPRAISER SITE	Ļ		10 10 10 10 10 10 10 10 10 10 10 10 10 1	3	53	24-46-22-T4-0010E.0530
FMMETT ROBERT + ADELAIDE S		M	GUMBO LIMBO UNREC BLK E LOTS 33 DESC IN OR 1333 TG 1232	4	2	24 46-22-T4-0010E.0540
SINCLAIR DOUGLAS TR	9455	CALLACT	GUMBO LIMBO UNKEC BLA E LOI OT AS DESC IN OR 849 PG 656	ш	22	24-48-22-T4-0010E.0550
GREENBURG EDWARD + NANCY B	9454	CALLACT	GUMBO LIMBO UNITED PLY E FOI WORK STEELS			

200	E 57 24.46.22-T4-0010E.0570	E 58 24-48-22-T4-0010E.0580	En 124 48 22, T4.0010E 0590	T		E 81 24-46-22-13-0010E.U610	E 82 24-46-22-13-0010E.0620	E 63 24-46-22-T3-0010E.0630	E 64 24-46-22-T3-0010E.0640	E 65 24 46-22-13-0010E.0850	E 66 24 46-22-T3-0010E.0860	A7 24.48-22-T3-0010E.0670	T		E 69 24-46-22-13-0010E.00a0	E 70 24-48-22-T3-0010E.0700	E 71 24.46-22-T3-0010E.0710	F 72 24-46-22-T3-0010E.0720	7-2 124.48.22-T3.0010E.0730	l	
17 CO 101	OARA ICALIA CT GUIMBO LIMBO UNREC BLK E LOT 58 AS DESC IN OR 13 TO 31	N - CHAILM IO	TO SHIT NOO	BEGONIACI	9444 BEGONIA CT GUMBU LIMBU UNINES INTERIOR IN OR 1268 PG 1893	9448 BEGONIA CT GUMBO LIMBO UNREC BITC BLOS DESCUINOR 1750 917	ONIA CT	BEGONIA CT	BEGONIA CT	COTTENCT	COTTENCT	TO 1311100	COLLENC	TENCI	9439 COTTEN CT GUMBO LIMBO UNKEL BLY E LOT OF SECTION OF 1984 PG 917	1693 BUNTING LN GUMBO LIMBO UNREC BLK E LOI 68 A DESCRIM CHARSA DO 271	1683 BUNTING LN GUMBO LIMBO UNREC BLK E LO J 70 AS DESC IN CALLOL TO CALLOL	Ē	٤		9456 COVENTRY CI TOUMBU CHANGO CHANGE COVENTRY C
		DUELTGEN RAY L + PHYLLIS K	SMITH STEVEN W + JUDITH M	CITIOTT EI FANOR J	DARAFIAN DOMNA I EE	SAKAFIAN DOMINA LEE	MOIA WART	SADLER CHESTER + SUSAN	BAKER CARMEN DIR	BARONE JOHN E + FRANCINE J	NEILL JAMES BRUCE + EVELTIN M	HAYES JAMES B + CYNTHIAL	ABODERSEN FRED C + PAMELA B	AND SPANK I +	PATTAL DESCRIPTION OF THE PATTAL OF THE PATT	GOULD ROBEN &	HOISING I ON CANOLINE	CEMEL WALTER R + SUSAN	ALTON DANIEL E 111 +	PASCALL JOHN R	PATONED CADDV H + CHERYI G

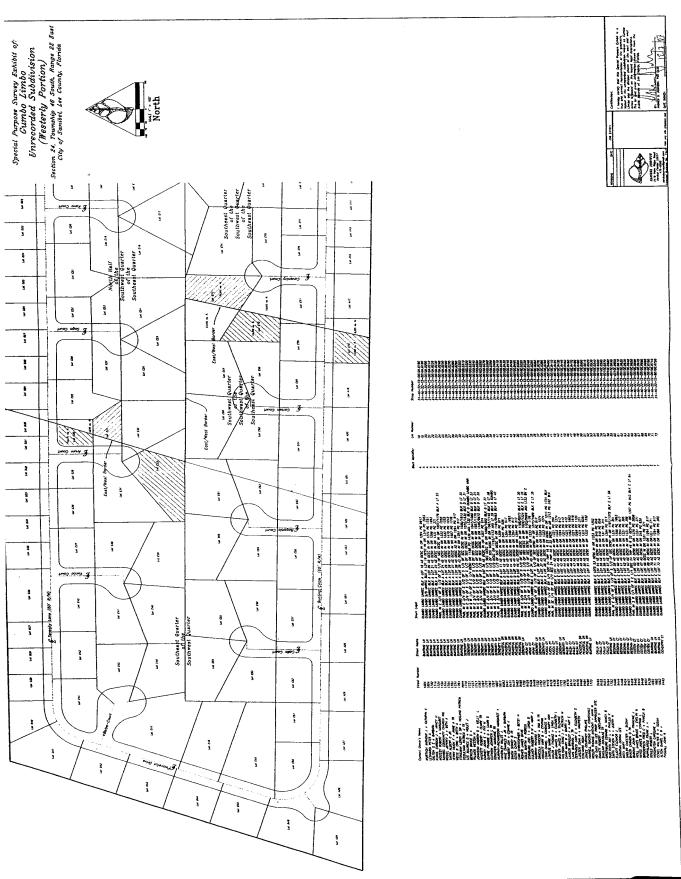


EXHIBIT FINANCE OF THE PROPERTY OF THE PROPERT