

HANDBOOK of RULES and REGULATIONS



BANANA BAY CONDOMINIUM ASSOCIATION, INC

COCOA BEACH, FLORIDA

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DATE: May 2007
TO ALL: BANANA BAY UNIT OWNERS
RE: BANANA BAY COMMUNITY HANDBOOK

The attached is presented by the Banana Bay Board members to minimize misunderstandings among our membership.

The Board members who have volunteered their services as Directors and Officers in the administration of our Association business affairs and the regulatory enforcement of our condominium have all heard these responses:

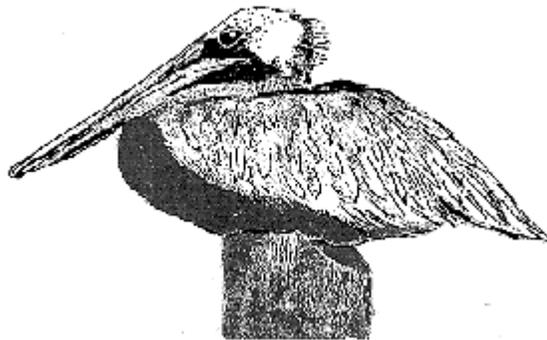
- “ We did not know we had to do that”
- “ No one ever told us we could not do this”
- “ Why can't I park my R.V./truck/boat here”
- “ Why didn't someone inform us of those rules”
- “ If I had been informed, I would never have done that”.

Some of our owners do not reside full time at Banana Bay and are not aware of many of the regulatory postings within our complex. It is hoped this will be an effective tool to bring about what is expected of everyone residing and visiting within our community.

Realizing the need for an effective means of communication, this guide to community living at Banana Bay has been compiled. A great deal of time and effort has been spent in its creation in an effort to make it as complete as possible, however there may still be some areas of importance which should be included. We welcome any input toward meaningful amendments or additions to this book.

It is trusted each of you will keep this reference handy and available to all concerned with your unit so we can all participate in the enhancement of life at Banana Bay.

The Banana Bay Board of Directors



INTRODUCTION

TO ALL UNIT OWNERS, TENANTS AND THEIR VISITORS:

This handbook will acquaint you with the residential community of Banana Bay Condominium Association, Inc. It is important to note the contents of this handbook apply to anyone residing within or visiting upon the premises of our community.

The Rules, Regulations, Forms and Guidelines contained herein have been developed from documentation adopted and disseminated by various Boards of Directors during the history of our Association in accordance with our Declaration of Condominium, Articles of Incorporation and Bylaws documents. They are intended to assist unit owners to:

1. Initiate fair practices
2. Protect the interests of all unit owners, and
3. Maintain our property and community values.

As unit owners, here at Banana Bay, along with your neighbors, you are required to be an Association member joined in a community of individual property rights, community privileges, and community restrictions. Your Association is essentially a member controlled community ‘government’. Realtors and investment analysts have stated that the future values of condominium communities depend, in large part, on the effectiveness of the Association. Together, we have the common goal to preserve a peaceful and enjoyable lifestyle. It is to this end that each unit owner will participate and undertake the responsibility to uphold the government of our community.

STATEMENT OF RESPONSIBILITY

Each tenant, whether owner or resident, shall be responsible for complying with the Rules, Regulations and limitations contained in the Declaration of Condominium of Banana Bay.

When a residential condominium unit is offered for sale OR rent the purchaser/lessee MUST be provided a copy of the following:

- Declaration of Condominium
- Articles of Incorporation
- The By Laws
- Rules and Regulations
- The Question and Answer Sheet
- Occupant Information Form

The prospective purchaser of a unit has a three-day period to review these documents. The buyer is given this period to cancel any purchase agreement.

Copies of these documents are available at the Banana Bay Clubhouse/Office. These documents must be provided to prospective buyer/renter at seller/owner's expense. The association will charge actual costs of preparing and furnishing these documents.

When an owner rents his property, the owner shall give up all rights to the use of pools and recreational areas for the term of the rental.

Such owner and/or agent shall also be responsible for having a completed Occupancy Information form delivered to the Association BEFORE the tenant moves in.

RULES AND REGULATIONS, GUIDLELINES:

A condominium is a community of private apartments. Rules and Regulations are established for the common good, to guard the safety, health, and life of all individuals, to protect property and to eliminate annoying nuisances, which are contrary to standards of good conduct.

These Rules and Regulations are presented as common sense guidelines designed to help insure the right of every resident to peaceful enjoyment of the beautiful environment of Banana Bay.

Reasonable regulations concerning the use of the Banana Bay property may be made from time to time by the Board of Administration as provided for by the Articles of Incorporation and the By-laws.

The Manager is responsible for ensuring conformance with these Rules and Regulations by all residents. Resident occupants, whether owners, or tenants shall be responsible for their guests/visitors compliance with all rules and regulations.

The Board of Administration of the Association has the power to take legal action when necessary to enforce the Rules and Regulations.

In case of a violation of the Rules and Regulations, a formal notice of the violation will be given to the Owner or Resident involved. Should no corrective measures be taken by the owner or resident to bring the matter into conformance, the Board will set a date at which time the Owner or Resident may appear before the board to discuss the problem before the Board seeks legal recourse.

If you have any questions concerning any rule and its enforcement, please bring it to the attention of the Board, in writing.

RULES AND REGULATIONS, REGARDING UNIT OWNER INQUIRY:

Whereas the State of Florida in Florida Statue 718 stated in 1997 that the association may through its board of administration adopt reasonable rules and regulations regarding the frequency and manner of responding to unit owner inquiries it is resolved that:

1. When a unit owner files a written inquiry by certified mail with the board of administration, the board or its designee shall respond in writing to the unit owner within thirty (30) days of receipt of the inquiry, and
2. Written inquiry means when a unit owner seeks information by asking a single question or maximum of five questions related to one subject or issue to which the board might be expected to have resources available to formulate an answer. The inquiry should be phrased so the board can discern a question and not simply a complaint, and
3. The board's response shall either give a substantive response to the inquirer, notify the inquirer that a legal opinion has been requested, or notify the inquirer that advice has been requested from the division, and
4. If the board requests advice from the division, the board shall, within ten (10) days of its receipt of the advice from the division, provide in writing a substantive response to the inquirer. If a legal opinion is requested, the board shall, within sixty (60) days after the receipt of the inquiry, provide in writing a substantive response to the inquiry, and
5. The failure to provide a substantive response to the inquiry as provided herein precludes the board from recovering attorney's fees and costs in any subsequent litigation, administrative proceeding or arbitative proceeding, or arbitration arising out of the inquiry, and
6. The association is only obligated to respond to one written inquiry per unit in any given thirty (30-day) period. The first inquiry will be a maximum of the first five questions written in the inquiry, which relate to the same issue or subject. When more than one inquiry is filed, additional inquiry or inquiries shall be responded to in the subsequent thirty (30-day) period, or periods, as applicable.

RULES AND REGULATIONS, GENERAL:

No nuisances shall be allowed to be committed or maintained upon the condominium property, nor any use or practice that is the source of annoyance to residents or which interferes with the peaceful possession and proper use of the property by its residents.

No sign, advertisement or notice of any type shall be shown on the common property or on any unit and no 'garage', 'lawn' or other type of sale may be held on common or limited common property, except as approved by the Board in the specified manner.

All parts of the property shall be kept in a clean and sanitary condition. No rubbish, refuse or garbage shall be allowed to accumulate, nor any fire hazard allowed to exist.

Residents shall not place any door mats, furniture, packages or objects of any kind in the walkways or in or on any other areas and facilities of similar nature, both common and limited. Such areas shall be used only for the normal transit through them.

Publix allows Banana Bay residents to take shopping carts from the Mall to their unit. Users should return carts to the Mall. No carts shall be left on the walkways of the mid-rise buildings.

It is prohibited to shake rugs, shoes, dust mops, etc. or to hang rugs, bedding, garments, or other items from the balconies or from any of the facades of any of the buildings.

Commercial use of a garage is prohibited. Garage doors must be kept closed when not in use. No freezers, refrigerators, ceiling fans or other electric household appliances shall be operated in the garages. Remember that the association pays for this electricity, not the individual owner. The garage doors are to be left down when not entering or leaving. This keeps our common area attractive.

The fishing pier is for fishing only. Boat docking is permitted only for periods of loading/unloading passengers and equipment during daylight hours. Boat operators must be in attendance at dock when boat is present.

COMMUNITY REMINDERS

REMINDERS TO NEW OWNERS

Register your current address and emergency telephone contact with Banana Bay management and change this information with Banana Bay management whether on a seasonal or permanent basis. Please complete the [Resident Profile Form](#) and submit to our management.

Where there are two or more owners of your unit, you must complete and submit to Banana Bay management a [Designated Voter Certificate](#).

Following purchase and settlement for your unit, inquire of Banana Bay management about the location of your automobile parking.

Submit to Banana Bay management your unit telephone number for programming into the telephone directory.

Submit to US Postal Service, Cocoa Beach, the name(s) you or your tenant wish to have placed within your unit mailbox.

REMINDERS TO ALL OWNERS

You are asked to maintain this handbook on the premises of your unit making it readily accessible and thereby applicable to your visitors and your tenants.

Our condominium documents hold all unit owners accountable not only for their own actions but also for those of their tenants and visitors upon our premises.

REMINDERS TO TENANTS AND VISITORS

You are welcome here at Banana Bay and are privileged to enjoy the amenities during the tenure of your lease or visitation. Tenants and visitors are subject to the rules and guidelines provided herein as well as the restrictions applicable within your lease, and you are urged to carefully review them for compliance.

This is a residential community. Our neighbors deserve respect for their property and tranquility associated in a well-behaved society.

At all times, residents, owners and their visitors are required to supervise and assume responsibility for their minors on the premises of Banana Bay.

Your cooperation and assistance with Banana Bay Management in maintaining the highest level of residential community standards is deeply appreciated.

UNIT OWNER GRIEVANCE: PARTICIPATION IN PRESERVATION OF COMMON ELEMENTS AND SAFETY -- COMMUNITY POLICING OF OUR COMMON ELEMENTS

This is the home and full-time residence to many of our unit owners. As concerned unit owners, you are all urged to take prompt and appropriate personal action when observing anyone in violation of the rules and regulations promulgated herein. You have this authority as a unit owner.

Any unit owner observing misbehavior by adults and/or unsupervised children misusing or causing destruction of our common elements or endangering their safety should take steps to gain control of such actions (seeking assistance if necessary).

If a violator persists and you are unable to gain compliance, seek assistance by reporting the violators to Banana Bay Management Company or to local police authorities should the violation warrant such action.

A Grievance Form is supplied on page 42 of this handbook for your use in obtaining assistance toward the resolution of any grievance you have been unable to resolve. It has always been said: "If it is worth complaining about, it is important enough to express in writing."

REPORTING COMMON ELEMENT MAINTENANCE DEFICIENCIES;

Whenever you may observe, especially where safety is a concern, any common element area an item requiring correction by maintenance or replacement, such matters must be reported to Banana Bay management by using the following Action Request Form. See page 43 for official form to copy

SECURITY/COMMON ELEMENT AND UNIT ACCESS/UNIT EMERGENCIES

COMMON ELEMENT ACCESS:

The Board of Directors approved the expense to re-key with one common lock and key. This includes locks to: 1) Women and men's lavatories at both North and South swimming pools and 2) Gate leading to and from the mall. You may obtain a duplicate common key upon proper identification and at the current cost of \$5.00 each, from the Banana Bay management.

UNIT ACCESS:

The Board of Directors maintains a protected lock box, within the condominium office, containing keys to each unit. Use of these keys is restricted to address common element emergencies, extermination inspections as well as inspections necessary to maintain the common elements. It is suggested that you confidentially maintain an extra key within your automobile or to a trusted friend or neighbor. This may prevent a delay or "lock out" in efforts to locate a board member or Banana Bay Management for lock box access to our condominium keys. In case of an emergency, trained medical response teams or police officers will open your door if locked and you cannot respond. In case of an emergency, **Do Not** wait for a board member or Banana Bay Management to locate a key. Doors can be more easily repaired than our residents.

The Board of Directors and management cannot and will not assume the risk of handing your unit key, in your absence, to your maintenance or cleaning person or family member.

It is your responsibility as an owner, to provide separate keys to such contractors, individuals, or your designated agent. Keys for units will ONLY be made available to any workmen who are accompanied by our manager or maintenance personnel in the performance of their duties. This is policy, UNLESS a waiver of responsibility for loss or damage is on file with the association. Such waiver is to be signed by the unit owner.

Should it be your choice to furnish separate keys to our maintenance person for his use to perform after hour's services to your unit, please inform the Board in writing of such access authority. During the hourly scope of our maintenance person's employment, our Board cannot subject itself to the risk of liability by allowing him to open units for third party access. This includes any units where the owners have entrusted their unit keys to him personally as well. To protect your Association, it is again suggested that you engage the assistance of a trusted friend, neighbor, or agent to act in your behalf whenever access to your unit is required.

UNIT EMERGENCIES:

Your Association expects to use its best efforts to gain control over emergencies especially where common elements may be involved. Emergencies such as flooding from unit owned plumbing and air conditioner/heat pump equipment are the responsibility of the unit owners

to control and to extract any water flooding. Again best emergency efforts from your Association can be expected to assist with absentee owner problems at their expense.

TEMPORARY RESIDENT INFORMATION

REGISTRATION

Upon your initial arrival for occupancy, you are required to register all intended occupants with the condominium office. (USE RESTRICTIONS page 19)

KEYS to your apartment and security gate should be in your possession at all times. Be sure that all gates are closed securely behind you when entering or leaving the swimming pool areas as well as the gate to the mall.

CHILDREN: Please see that children are under adult supervision and control when on premises outside your apartment. Unsupervised children are never permitted on the common area without an adult in attendance.

PETS: ALL pets must be restrained and kept on a leash while on condominium property. Pets are not allowed within pool areas. Pet owners must clean up after their pets.

TRASH CHUTES are provided on all corridors of mid-rise buildings for disposal of plastic bagged and securely tied garbage only. Large and lengthy items such as boxes must be carried to the ground level and disposed of within dumpsters garaged directly under the trash chutes. Yard trash, mattresses, automobile batteries, discarded carpeting and like items are NOT permitted to be disposed of in the trash bins.

RECYCLING bins are provided adjacent to the dumpsters for disposal of newspapers, plastic containers, glass containers, and aluminum cans. These waste streams are now combined and you do not need to separate these items.

(<http://www.brevardcounty.us/swr/recycling.cfm>)

PARKING: Observe our parking regulations by using the space allotted to the owner of your particular occupied unit. Only automobiles may be parked within the spaces assigned to owners.

OTHER REGULATIONS: Observe all use restrictions posted on premises. **DO NOT** leave articles of any kind on the property. **DO NOT** hang towels, clothing etc. from balconies. Return all pool lounge chairs to original positions if rearranged from original position. Observe all Pool Rules posted near the pool including: **No** PETS inside pool enclosure; **No** GLASS containers inside pool enclosure; **No** FOOD or DRINK within 4 feet of pool edge; The SAFETY ROPE **must** be attached across pool

CERTIFICATE OF DESIGNATED VOTER INSTRUCTIONS

- 1) A Voting Certificate is required by your Association documents for the purpose of establishing who is authorized to vote for a property owned by more than one person (even if husband and wife) or a corporation. A Voting Certificate is not needed if the property is owned by only one person.
- 2) A Voting Certificate is NOT a Proxy and may not be used as such. Only an owner or the appropriate corporate officer may be named on a Voting Certificate not a third party.
- 3) A Voting Certificate must be signed by all of the owners of the property or the appropriate corporate officer.
- 4) Only the person designated on the Voting Certificate will be authorized to vote or cast a ballot for an election.

CERTIFICATE OF DESIGNATED VOTER INSTRUCTIONS EXAMPLES

- 1) Property solely owned by John Jones. No Voting Certificate required.
- 2) Property owned by John and Mary Doe, husband and wife. A Voting Certificate is required designating either John or Mary as the designated voter (NOT a third person.)
- 3) Property owned by John Doe, his brother Mike Doe, and his sister Joan Smith. A Voting Certificate is required designating ONE of the three as the Designated Voter. NOT a third person.
- 4) Property owned by Overseas, Inc. a corporation. A Voting Certificate is required designating ONE person entitled to vote, signed by the President or Vice President of the Corporation, and attested by the Secretary or Assistant Secretary of the Corporation

CERTIFICATE OF DESIGNATED VOTER under forms **Error! Bookmark not defined.** in this handbook.

EVACUATION PLAN

Upon notification by Brevard County Emergency Management to evacuate the area, all occupants must evacuate to a shelter on the mainland. Shelter locations are designated before an emergency. Keep listening to your radio or television. When you are ordered to evacuate, go immediately.

Never leave windows open during a hurricane, tropical storm, or tornado.

Consult the “Hurricane Preparedness” Section in the front of your local telephone directory for current advice on: Evacuation Program, Shelter Program, Special Needs Program. Plan your evacuation route in advance and leave early during daylight if possible.

AFTER THE STORM

Do not return until declared safe by emergency authorities. If your unit is water damaged, do not turn on your power until your electrical system has been checked for shorts. Do not use tap water until declared safe by water officials. Make temporary repairs to protect your unit from looting if necessary

RECYCLING NOTICE

Recycling bins have been stationed at or near the Dumpster areas here at our condominium.

The waste streams are now combined and you do not need to separate items into separate bins. Pick up will be made once each week

As information does change, you may go to this website for more information:

<http://www.brevardcounty.us/swr/>

Cans	YES	
	Aluminum, steel & tin cans all aluminum, steel and tin cans, empty aerosol cans, clean foil & aluminum food pans	
Glass	YES	NO
	Rinsed clear and color glass bottles and jars.	No Ceramics, Drinking Glasses, Dishes, Window Glass, Mirrors, Light bulbs
Cardboard	YES	
	Milk & juice cartons, paper towel & toilet tissue rolls, paperboard food boxes and corrugated cardboard boxes PLEASE FLATTEN ALL BOXES	
Paper	YES	NO
	Newspapers, magazines, catalogs, office paper, junk mail, envelopes with and without plastic windows, telephone books and brown paper bags.	No plastic bags or wrappers please.
Plastic	YES	NO
	OK to leave on labels ALL PLASTIC BOTTLES - a bottle is defined by the neck being smaller than the base. Caps and pumps can now be left on. PLEASE RINSE AND CRUSH	No Auto Products (motor oil or anti-freeze) Pool chemicals Pesticides Fertilizers
Compact Fluorescent Light Bulbs (Cfl) & Fluorescent Tube		NO Place in separate receptacle in dumpster area or bring to clubhouse maintenance room.

YARD WASTE

Plant trimmings are picked up on Monday mornings.

When possible, please dispose of your clippings to the Yard Trash Dumpster in either Section II or Section III parking lots. The mid-rise buildings have containers in the dumpster area for weeds and cuttings. Cuttings from the townhouse yards and common areas should be put outside your fence Sunday night or Monday morning for picks up.

1. Large Yard Trash must be cut to less than four feet lengths with:
 - a) Each piece weighing less than 50 lbs.
 - b) All pieces lined up in the same direction when left on the ground.
2. Loose Yard Trash such as leaves, grass, weeds, and small shrub clippings should be placed in a container. The best container is a small garbage can weighing less than 50 lbs. when full. The city allows the use of plastic bags but prefers that they not be used.
3. Landfill rules forbid mixing any contaminates with the yard trash because it is mulched. We are fined when household garbage and trash are put into the Yard Trash Dumpster.

IMPORTANT REMINDERS FOR VACATION AND SEASONAL DEPARTURES

Whenever unit owners or their tenants depart from Banana Bay, it is important certain precautions should be observed and implemented prior to their departures such as:

BALCONY FURNITURE OR OTHER ITEMS

Open balconies/decks should be cleared of all items, for they can become missiles during severe windstorms or hurricanes.

SLIDER DOOR SILL TROUGH

Weather-seal trough by tightly stuffing towels along its entire length, as wind driven rain will blow water onto your carpet and side-walls. This will result in water damage within your unit and, in the case of the mid-rise buildings, any units located below your unit.

POTABLE WATER

The potable water valve within your unit must be cut off to prevent water leaks from flooding your unit or any units below. TEST your cut off results by attempting to run water from a nearby faucet before your departure.

AIR CONDITIONER/HEAT APPARATUS

If you choose not to cut off this utility during your departure, you should notify Banana Bay maintenance advising your equipment has purposely been left on to operate during your absence. **THIS IS AN IMPORTANT REMINDER** for this equipment may become damaged and cause damage to your unit and units surrounding or below your unit.

SINK, VANITY BASINS AND BATH COMMODES

Sink and vanity basin drains should be plugged or otherwise sealed. Both commodes should be Saran wrapped. Extended absence allows the trapped water below the drains to dehydrate and allows sewer gas and roaches to escape into your unit.

FOODSTUFF AND PERISHABLES

These items should be removed from your unit and placed within our dumpsters unless you can store them within an operating refrigerator during your absence. Your failure to take this precaution attracts infestation by the usual tropical creatures we try to combat through extermination. Be kind to your neighbors by exercising these precautions.

DOOR MATS

Doormats are not permitted outside entrance doors and town home gates

WINDOWS AND DOORS

Securely lock all windows of your unit. Close securely and lock all of your exterior doors. It is not uncommon for improperly secured doors to blow open during severe windstorms or hurricanes leaving units unprotected from the elements.

MONTHLY MAINTENANCE FEES

Monthly Maintenance Fees are due on the FIRST of each month and delinquent after the TENTH of that month. A twenty-five (\$25.00) dollar late fee will be charged for each over-due maintenance fee payment.

The following is an excerpt from Section 7 (page 5) of the Banana Bay Declaration of Condominium.

“One-twelve (1/12) of the annual assessment shall be due and payable in advance to the Association on the first (1st) day of each month.”

"The Board of Administration shall have the sole discretion to impose a late charge not to exceed Twenty-five and no/100 dollars (\$25.00) on payments more than ten (10) days late.”

"Assessments that are unpaid for over thirty (30) days after due date shall bear interest at the rate of ten percent (10%) per annum until paid.”

"In the event assessments against a unit are not paid within thirty (30) days after their due date, the Association shall have the right to foreclose its lien for such assessments.”

The following is an excerpt from Chapter 718 Florida Statutes (The Condominium Act).

(3) Any payment received by an association shall be applied first to any interest accrued by the association, then to any administrative late fee, then to any costs and reasonable attorney's fees incurred in collection, and then to the delinquent

assessment. The foregoing shall be applicable notwithstanding any restrictive endorsement, designation, or instruction placed on or accompanying a payment.

USE RESTRICTIONS

OCCUPANCY:

Units are restricted to residential use only. A two- (2) bedroom unit is restricted to four (4) occupants. A three- (3) bedroom unit is restricted to five (5) occupants.

No owner shall permit any use of his/her apartment that will increase the cost of insurance upon the Condominium property.

PETS:

One (1) dog or cat shall be allowed to be kept in the owner's unit, however, said dog or cat shall not exceed thirty (30) pounds in weight, and the dog or cat shall be kept on a leash on the condominium and it shall not create a nuisance. Other common domestic pets shall be permitted provided said pets do not create a nuisance to surrounding Owners. The foregoing restriction on the number of permitted pets does not apply to fish or birds. Whether a pet constitutes a nuisance shall be subject to the Board's discretion whose determination shall be conclusive. Any pet deemed a nuisance shall be permanently removed from the Condominium. For purposes of this provision, "common domestic pets" shall be defined as dogs, cats, fish, birds, and guinea pigs. The foregoing definition of common domestic pet shall likewise be subject to final, dispositive determination of the Board in case of dispute. No other pets shall be allowed. No owner shall engage in the commercial breeding of any permitted pet.

TERMITES:

If any resident suspects termite infestation please contact the Manager. The Association maintains Termite Infestation Insurance.

USE OF UTILITIES:

Excessive use of water from the exterior hose-bibs in the townhouse area for washing patios is expressly forbidden.

TRASH CONTAINERS:

Trash containers are limited to residential trash only. All raw garbage must be securely wrapped in plastic bags.

Yard debris must be kept separate from household garbage. Leaves, weeds, grass and small limbs must be put into plastic bags. Limbs or branches cannot exceed four (4) feet in length, twelve (12) inches in diameter, fifty (50) pounds in weight, and must be stacked in a uniform direction. Yard waste is to be placed in yard waste bin only and not in trash bin.

It is NOT permitted to place in trash bins items such as automobile tires, mattresses, batteries, paint cans, window blinds and like items. Cardboard boxes must be disassembled to a flat position to fit into trash or preferably recycled.

Maintenance will collect yard waste at your gate once week on Monday morning.

BARBECUE GRILLS (Fire Code Regulations for Multi Family Units)

1. A grill must be ten feet away from any structure or overhang
2. The type of grills can be gas or electric
3. Gas grills are restricted to one pound disposable cylinders
4. A maximum of five may be stored in either garages or units

BARBECUE GRILLS FOR USE AT CLUBHOUSE

1. Grills may be placed on the patio, 10 feet away from roof overhang area
2. Grills are stored in the clubhouse electrical room without propane tank
3. The grills are for general use as is the pool table.
4. If the grill is out or low on fuel, refill canister at Ace or use own canister
5. The user is responsible for cleaning the grill.
6. The user must cover the grills when they have cooled.

CLUBHOUSE USE GUIDELINES

The Banana Bay Clubhouse has been designed to provide facilities for Membership meetings, Board of Administration meetings and Association social affairs as may be planned and implemented. The Clubhouse will also be available to residents for private parties subject to the following:

Use of the Clubhouse for private parties is restricted to residents and owners.

Applications for business or outside organizations will not be accepted.

The swimming pool is NOT available for private party use.

The host owner will request a date from the Manager's office. If the date is open, it is placed on the social calendar. An appropriate check for the deposit must be delivered to the Management with the Clubhouse Reservation Form, page 45, a minimum of ten (10) days before the event.

Use of the Clubhouse must be terminated by 12:00 midnight and clean up by the host resident must be accomplished by 11:00 a.m., the following morning. The host resident is responsible for monitoring noise levels to ensure other residents of Banana Bay are not unduly disturbed.

CLUBHOUSE CARE GUIDELINES

Following each use, whether private or social function all users shall:

- 1) Wipe counter tops, table tops, range top and sink area free of any spills, spots, crumbs or other drippings.
- 2) DO NOT use the counter tops for a cutting board
- 3) If baked-on oven spills or spatters occur, same shall be removed from oven surfaces/racks and left clean within 24 hours of such occurrence. (Includes grill use!)
- 4) Check carpeted area, even under tables, for any food, spots, trash, or other debris. If found, same shall be cleaned or otherwise removed from this area. A vacuum cleaner is provided within the clubhouse for this purpose.
- 5) Cleaning supplies are located under the kitchen sink. A trash container is next to the refrigerator.
- 6) Any excess garbage that cannot be removed by the kitchen sink garbage disposal, and all trash should be placed in plastic bags and then placed into trash containers and the trash liner replaced.
- 7) Any towels and dishcloths used shall be laundered and returned as soon as possible.
- 8) Extinguish lighting and cut off air conditioning, if used, lock up and secure all doors before you leave.

Clubhouse Reservation Application Form is on page 45 of this handbook.

PARKING AREA REGULATIONS

Speed Limit is 10-MILES PER HOUR on all Banana Bay property.

Each unit is entitled to two (2)-parking spaces in the section of Banana Bay where it is located. Townhouse Units: One (1) carport and one (1) open space. Mid-rise Units: One (1) garage and one (1) open space.

Servicing or repairing vehicles in Banana Bay parking areas is PROHIBITED.

Pursuant to Section 715.07 of the Florida Statutes unauthorized vehicles parked in Banana Bay will be towed away at the owner's expense. All vehicles parked in Banana Bay must be in operating condition and carry a current license plate (tag).

Traffic flow patterns have been established with signs and arrows in some of the parking areas. Compliance is expected from residents and guests.

Unsupervised minor children may not use the parking areas and driveways of Banana Bay as play grounds. All residents and guests should be aware that children reside in Banana Bay and extreme caution should be exercised when driving cars on condominium property.

No parking is permitted in Fire Lanes or hash-lined areas, along roadways, or on the grass.

Car washes are available between the mid-rise buildings and in Section One. Please do NOT use excessive water from Townhouse outlets to wash your car, patio furniture, screens, etc. The Association is billed for both water and sewer for water used.

Cars or pick-up trucks, one ton or under are permitted. Motorcycles, recreational vehicles, or trailers are NOT permitted unless approved by the Board of Administration. NO vehicle of a commercial nature or with a commercial sign is permitted except to load or unload.

Parking spaces in Banana Bay are designated for our residents and their guests. Any other use is prohibited.

Vehicle radios are NOT PERMITTED to be played at high volume levels on the complex.

BOAT PARKING REGULATIONS

The Board of Administration on May 24, 2001 voted to disallow Boat Parking on the Banana Bay property. No boats are allowed to be parked on the complex.

The Board approved two boats, in compliance with previous boat parking regulations, to remain on the Banana Bay property until such time the residency changes or the boat is disposed of, providing such use does not infringe on the rights of other residents of Banana Bay.

SWIMMING POOL RULES

The swimming pools are CLOSED at 10:00 P.M.

- 1) The pool facilities of Banana Bay are for residents, their immediate families, and house guests. All residents are always responsible for the conduct of their guests. Facilities shall not be used by guests unless resident is on the premises.
- 2) No lifeguard is on duty. Enter the pool at your own risk. A life preserver is mounted on the fence. A public telephone is located next to the Clubhouse. Emergency calls (911) do not require coins.
- 3) Persons with open sores, cuts, or communicable diseases cannot enter the pool.
- 4) Children under fourteen (14) years of age must always be accompanied by an adult.
- 5) Shower before entering pool; suntan lotions and oils must be washed off before re-entering pool. To protect pool furniture please cover chairs with a towel when using suntan oil.
- 6) Children under two (2) years of age must wear plastic pants while in the pool or pool area.
- 7) No floats, flippers, ball playing, Frisbee tossing or playthings of any kind are allowed in pool or pool area. Around-the-body ring floats and/or arm floats for young children are allowed.
- 8) No glassware or any kind is permitted in pool area. Smokers must use ashtrays. Do not throw cigarette or cigar butts on pool deck or grass.
- 9) Bathing suits only. No cut-offs.
- 10) No running, loud noise or rough play in pool or pool area.
- 11) No bicycles, carts, strollers, etc. in pool area.
- 12) Animals are not allowed in the pool area.

LANDSCAPE RULES FOR ALL COMMON AREAS

- 1) Trees, bushes, shrubs should not lean on or interfere with fence. Trees, bushes or shrubs must be trimmed on the owner side of the fence and not protrude through the fence, so as to damage the fence.
- 2) Trees, bushes or shrubs, with certain exceptions for palm trees and high tree branches, should not exceed fence more than three (3) feet onto common property.
- 3) Trees, bushes, or shrubs shall not touch trim under roof, the roof, or lean upon or adhere to the wall of the house.
- 4) Two (2) feet wide area outside the townhouse fences may be planted by the owner, as long as the plants are kept tidy, trimmed, and look presentable. Where plants protrude currently more than two feet onto the common property, they must be removed and sod replaced in the area unless individually and specifically approved by the Board of Administration. The Banana Bay Condominium Landscape Contractor – without prior notice to the owner– may trim all plants outside the fence on the common property.
- 5) Potted plants outside the owners' fence must be clean, neat, and approved by the board. Bring a picture of your pot and your gate area, also dimensions of the pot to a board meeting for approval.
- 6) No plants, bushes, trees may protrude over the sidewalks.
- 7) All plants outside the owner's fences are subject to common care by the Banana Bay maintenance department or its landscape contractor. If the area surrounding your fence is beyond two feet and not kept neatly trimmed the landscape contractor will trim.
- 8) Damage caused to fences, roof, and sprinkler system by the plants, bushes, trees inside the owner's property is not the responsibility of the Banana Bay Maintenance Department. The owner will be charged for repair or replacement of items caused by the trees, bushes or plants on a case by case basis to be negotiated by the Board of Administration.
- 9) Malibu Lamp Type LX1 (4 Watt) lights are allowed outside the gates on the sides of the sidewalk to the main sidewalk. They may NOT be placed on the main sidewalk or on fences. A specification for these lamps accompanies this packet of Rules.
- 10) Small fences outside of gates around sidewalks are not allowed.
- 11) You must consider light requirements, salt tolerance and mature height when planting. Some common areas do not get enough sprinkler support and should have drought sensitive plants in those areas. Consult a local nursery for more detailed information.
- 12) Residents are required to consult with the Board of Administration before planting any trees, bushes, shrubs, or plants on the common property. Residents are required to consult with the Board of Administration before removing any trees, bushes, shrubs, or plants on the common property.

SPECIFICATIONS FOR HURRICANE SHUTTER

Banana Bay Condominium Board and / or Manager have the responsibility to review in advance, all shutter installation.

Owner’s contractor must submit to the Board:

1. Proof of liability and Workman’s Compensation insurance- **at the time of initial application.**
2. Current Brevard County Business license- **at the time of initial application.**
3. Proof that the City of Cocoa Beach has given engineering approval **or a FL product approval sheet- at the time of initial application.**
4. Color samples of the shutters- **at the time of initial application.**
5. A building permit- **prior to the start of installation.**

Submit the above information to the Banana Bay office in the club house or our management company:

Michelle Davis, Manager
 Reconcilable Differences, Inc
 Community Association Management
 2560 Palm Lake Drive,
 Merritt Island, FL 32952
 Office: 321-453-1585 Fax: 321-305-6199
www.ReconcilableDifferences.net
 E-Mail: Office@RecDif.com

The owner must give the Board sufficient notice of intent to install balcony shutters so the balcony deck can be inspected for deck deterioration, and any required deck repairs can be completed before shutter installation begins. It is also imperative that the midrise shutters on the north side be installed so as not to compromise the hollow core slab of the screen porch area. The hurricane shutters must be installed against the living room and bedroom sliders and not on the outside of the screened porch attached to the hollow core slab.

If balcony deterioration of any kind occurs after shutter installation, the Board has the obligation and the right to repair the balcony, and will do so at Association expense. The Association will not pay for the removal or installation of shutters and will not pay for any damage of any shutter system caused by defect in the balcony that may occur after shutter installation. Banana Bay Condominium will not be responsible for any damage incurred to shutters, as this is the owner’s responsibility.

The unit owner shall be solely responsible for damage caused to the building by water intrusion resulting in damage due to improper installation. Installation, repair, replacement and maintenance of such shutters in accordance with the procedures set forth herein shall not be deemed material alteration to the common elements within the meaning of the Condominium Act.

Type:	Accordion
	Rolldown
	Panel/Bracket Style
Installation:	Shutters shall be installed either on the outside (patio side) of living room and bedroom sliding doors or just inside the balcony screen or railing in the midrise units.
	All shutter fasteners shall be non-rusting with stainless steel screws, plastic anchors, and appropriate caulk.
	Shim bottom track up 3/16th of inch for water drainage using aluminum shim.
	Panel/Bracket Style with rust proof, non-corrosive brackets are to be mounted

	permanently above and below the window or door opening. Protective material of wood, plastic or metal to be installed only when evacuation orders are issued. These must be removed within 72 hours of evacuation order being lifted. The location of the brackets must be approved by management. This will assure locating the brackets in the proper support so that the building is not damaged. Plywood must be cut down to fit the proper area. The 8 ft. sheets miss the wood frame and cannot be installed correctly.
Color:	Color of all installations after 2004 must match building (Ivory or Cream).
	Aluminum box housing roll down shutter to be same color.
	Accordion Shutter for balconies to be same color also
	Panel/Bracket Style will pain brackets to match color of the building. Because of the temporary nature of their use during a weather emergency only, protective materials may be of any color

ADMINISTRATIVE REQUIREMENTS: Before an owner or his designee install hurricane shutters, the Board of Administration or the Manager must approve it.

Banana Bay will not be responsible for installation or care of shutters. The cost of maintenance may include partial removal for inspection of the deck wood. This responsibility will be transferred to the new owner at the time of sale. At the time of sale, a material modification of the unit by the previous owner becomes the responsibility of the new owner.

The signature below, indicate that the following information has been submitted and is acceptable:

1. Contractor's Proof of liability and Workman's Compensation Insurance
2. Current Brevard County Business license
3. Proof that the City of Cocoa Beach has given engineering approval or **FL product approval sheet**
4. Color samples of the shutters
5. A building permit

Signatures:

_____ Owner's name printed	_____ Owners signature	_____ Unit	_____ Date
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_____ Board Member's name printed	_____ Board Member's signature	_____ Date
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or

_____ Manager's name printed	_____ Manager's signature	_____ Date
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SPECIFICATIONS OF PAINT ON MID-RISE WINDOWS, FRAMES, SCREEN DOORS

TYPE: Paint for buildings 2300 and 2400 window frames and screen doors.
Ace, Indoor/Outdoor Rust Stop

APPLICATION:

It is the responsibility of the owner to paint, or have painted the screen doors. It is the responsibility of Banana Bay to paint the window frames.

They must all be the same color.

COLOR: Satin Dark Bronze

REQUIREMENTS

Screen doors and window frames should be free of rust and corrosion.

All clean-up must be completed by Banana Bay for window frames.

All clean-up must be completed by owner or his designee for the screen doors.

No residue will be left on the sidewalks

SPECIFICATIONS OF MALIBU LAMP FOR TOWNHOUSE SIDEWALKS

TYPE: Malibu Lamp Type (4 Watt) available at most hardware stores.

INSTALLATION:

It is the responsibility of the owner, or his representative to install.

COLOR: Black

REQUIREMENTS:

The Banana Bay Condominium Board and/or the Condominium Manager have the responsibility to review, in advance, all Malibu light installations.

Malibu lights may be installed on both sides of the walkway, outside the fence leading to the common property walkway. Malibu lights may not be on the main walkway. Malibu lights may not be on any part of the fence.

Installation: If the lights are plugged into an established outlet, the owner may do so. If the lights are attached to the wiring, the Cocoa Beach code requires a licensed electrician to install them.

Lamps must be kept in good repair, or must be removed at the owner's expense.

Banana Bay will not be responsible for care or maintenance of Malibu lamps.

The Banana Bay landscape contractor will trim around the lamps. Neither Banana Bay nor the contractor will be responsible for any damage of the lamps during the regular trimming in the area.

SPECIFICATIONS/APPROVAL FOR RAIN GUTTERS ON TOWNHOUSES

TYPE Material

- Standard rain gutters in metal or vinyl. Vinyl preferred.

INSTALLATION

- It is the responsibility of the Owner or his Designee to install rain gutters to a townhouse.

COLOR/SIZE:

- Rain gutters should match color scheme or painted to match. A *beige* color works well.
- Size of gutters should be 6 inches to accommodate water flow from the roof surface.

REQUIREMENTS:

- Before an owner or his designee decides to install rain gutters, she/he must obtain the approval of the Board of Administration and/or the Manager.
- Banana Bay will not be responsible for installation or care of rain gutters, however Banana Bay will paint rain gutters to match the building color where needed.
- Rain gutters are installed under the low roof on the side of the balcony. If no deck cover is installed, the rain gutter is attached to the side of the building. (Feel free to get further information from the property management company for installation questions)

Owners must submit to the Board the following for/from the Contractor

- Contractor’s Proof of Liability and Workman’s Compensation Insurance
- Contractor’s Current Brevard County Business License
- Color samples or a description in the contract of material used for Rain Gutters

Signatures:

_____	_____	_____	_____
Owner’s name printed	Owners signature	Unit	Date
_____	_____	_____	
Board Member’s name printed	Board Member’s signature	Date	
or			
_____	_____	_____	
Manager’s name printed	Manager’s signature	Date	

SPECIFICATIONS / APPROVAL FORM: COVERS FOR TOWNHOUSE BALCONIES

Owner’s contractor must submit to the Board:

1. Owner’s Proof of liability and Workman’s Compensation Insurance
2. Current Brevard County Business
3. Color samples of material used for Rain Gutters, and Deck Covers.

The Deck Cover for the Town home Balcony is not a structural modification and will not need a building permit. The installation must follow the architectural drawings as provided by the association.

INSTALLATION: It is the responsibility of the owner or his designee to install the covering to the townhouse. Installation of gutters must be done in a manner to protect the balcony and townhouse from water damage.

TYPE of MATERIAL: Corrugated PVC, preferably clear to provide cover under the balcony

COLOR of PAINT: Contact the Banana Bay office for the paint that will match the unit color.

ADMINISTRATIVE REQUIREMENTS: Before an owner or his designee decides to cover her/his balcony, the Board of Administration or the Manager must approve it.

The plan must contain installation of the rain gutters as required by the “Specifications for Rain Gutters on Townhouses”.

Banana Bay will not be responsible for installation or care of covers. The cost of maintenance may include partial removal for inspection of the deck wood. This responsibility will be transferred to the new owner at the time of sale. At the time of sale, a material modification of the unit by the previous owner becomes the responsibility of the new owner.

Signatures:

_____	_____	_____	_____
Owner’s name printed	Owners signature	Unit	Date
_____	_____	_____	_____
Board Member’s name printed	Board Member’s signature	Date	
or			
_____	_____	_____	_____
Manager’s name printed	Manager’s signature	Date	

UNIT OWNER PARTICIPATION AT BOARD MEETINGS

- 1) "Meeting of the Board of Directors" is hereby defined as a quorum of Directors gathered to discuss Official Association business.
- 2) Every Unit Owner or his authorized representative (hereinafter collectively referred to as "Unit Owner") shall have the right to attend Board of Directors meetings except as may be prohibited by law. No person other than a Unit Owner, and an authorized representative accompanying such Unit Owner, may be permitted to attend such meetings.
- 3) Every Unit Owner or his authorized representative shall have the right to participate in meetings of the Board of Directors subject to the following rules;
 - a) Statements by Unit Owners at meetings shall be restricted solely to items designated on the agenda of the meeting, except for during the Open Forum section of the meeting. No other statements shall be permitted except as may be authorized by the Board.
 - b) A Unit Owner shall only speak once on each agenda item and the Unit Owner's statement shall not exceed three (3) minutes. The chairman of the meeting shall give the floor to any Unit Owner permitted to speak subsequent to the calling of the agenda items and board discussion and if a motion is presented prior to vote of the Board upon the agenda item.
 - c) No Unit Owner may yield time to another Unit Owner.
- 4) A Unit Owner may tape record or videotape a Board Meeting subject to the following rules:
 - a) Any audio or video equipment must be assembled and placed in position not less than fifteen (15) minutes prior to the scheduled time for commencement of the meeting. The Association may direct the location to be used for this purpose, which shall allow for effective recording by the Owner while preserving the rights of other Owners to observe, hear, and participate at the meeting with minimal distraction.
 - b) No equipment shall produce distracting sound or light emissions.
 - c) No person shall move about the meeting room to facilitate the recording.
 - d) Any Unit Owner wishing to record a meeting must give not less than twenty-four-- (24) hour written notice to the Secretary or the Property Manager.
- 5) Enforcement shall be carried out as follows: Any person not authorized by law to attend a meeting shall be prohibited from attending the meeting or ejected therefrom. Any Unit Owner or authorized representative who fails to comply with these rules shall be subject to ejection at the sole discretion of the person chairing the meeting. The chairman shall

give the non-complying person one warning regarding ejection and thereafter may call for immediate ejection. The Board of Directors may take whatever action is appropriate at law or in equity against any person who fails to comply with these rules.

- 6) If a written request is received by the Secretary or Manager seven (7) days prior to the board meeting the board shall grant a total of ten (10) minutes for open discussion immediately following adjournment of the board meeting. Items discussed do not need to be on the agenda. No board decisions shall be made during this time.

RULES FOR INSPECTION AND COPYING OF OFFICIAL RECORDS

NOTE: All requests directed to the Secretary shall be mailed or delivered to the Banana Bay Condominium office.

I. DEFINITIONS

- A. Copy shall mean a copy of a record reproducible in its entirety on one side of either a single 8-1/2 x 11 or a single 8-1/2 x 14 sheet. The association shall not be required to reproduce and make copies available of documents, with a sheet size greater than 8-1/2 x 14.
- B. Official Records are those records designated by the Florida Condominium Act, as amended from time to time, and otherwise not excluded by law, rule or court decision. However, 'official records' does not include the contents of sealed ballot envelopes that have been submitted to the association prior to the meeting at which the ballots will be opened and counted, nor the contents of sealed proxy envelopes that have been submitted to the association prior to the meeting at which the proxies will be opened, verified as legitimate, and submitted for counting, nor the contents of sealed ballot envelopes that have been marked 'disregarded'; during the ballot counting process, although in all cases the outer envelopes shall be the 'official record'.
- C. Record shall mean a document or group of documents relating to a particular matter. By way of example, the following constitute one (1) record each, monthly phone bill as sent by the utility, monthly bank statement with enclosures as sent by the bank, the general ledger of a particular fund for one month, a paid invoice from one vendor as sent by that vendor, and the minutes of a meeting held at one particular time and date. The Secretary or designee shall, in his or her sole discretion, determine what constitutes a single record. Under no circumstances does a record include any document not already in existence, nor records whose retention period has expired as provided by law or rule whether or not said records are still in existence. Records not maintained in written form may be requested; however, the cost of conversion of the record into written form will be borne by the requesting unit owner.
- D. Time Periods. When computing time periods herein, the day of the event from which the designated period of time begins to run shall not be included nor shall any intervening Saturday, Sunday, legal or public holiday. The last day of the period so computed will be included unless it is a Saturday, Sunday, legal or public holiday, in which event the period shall run until the end of the next day that is neither a Saturday, Sunday, legal or public holiday. Legal and public holidays as used herein shall be

deemed to be those holidays specified in Chapter 683, Florida Statutes as amended from time to time.

- E. Unit is as defined in the Florida Condominium Act, as amended from time to time.
- F. Unit Owner is as defined in the Florida Condominium Act, as amended from time to time. For the purposes of record inspection and copying only, the term ‘unit owner’ also includes a unit owner’s authorized representative as designated in a writing signed by the unit owner and provided to the secretary or designee in advance of the exercise of any authority thereunder. However, any designation by a unit owner of an authorized representative for record inspection purposes shall only be valid for a period of 90 days, or until the unit owner personally submits any record inspection request, whichever shall first occur.
- G. Working Day shall be deemed to mean Monday, Tuesday, Wednesday, Thursday, or Friday that is not a legal holiday as defined above, between the hours of 9:00 A.M. and 4:00 P.M. local time.

II. INSPECTION AND COPYING

- A. A unit owner desiring to inspect the records of this organization shall submit, on a working day, a written request to the Secretary or designee. The request shall describe each record desired in sufficient specificity to identify it, must specify pertinent dates or time periods, and shall state the purpose of the inspection. The request must be legible, and must describe records by type such as listed in Section 718.111(12) Florida Statutes, and not by subject matter such as ‘all insurance information’.
- B. Each written request to inspect the records shall contain no more than ten (10) records, or constitute in the whole more than two hundred (200) pages of material. Requests exceeding these limits will be denied in their entirety.
- C. No more than two (2) written requests to inspect the records shall be permitted from a single unit owner and/or his authorized representative, or a single authorized representative irrespective of the number of unit owners said individual represents, within a thirty (30) day period. Requests exceeding these limits will be denied in their entirety.
- D. No more than one (1) written request shall be permitted per record per-six month period. Once the record has been inspected by the unit owner or by an authorized representative, or a copy obtained by the unit owner or authorized representative, if the record has not changed, it is not subject to further requests for inspection and/or copying by that unit owner or authorized representative for a period of six months. Any record inspection scheduled as the result of a receipt of a request shall be deemed to be an inspection of all records listed in said request that were not previously indicated as exempt or unavailable.
- E. Upon receipt of the written request, and within the time periods permitted by law, the association shall respond to the unit owner in writing designating the date, time, and place that the inspection shall occur, and that the inspection shall be limited to the records as detailed in the written request. In the event the Secretary or designee asserts an exemption to disclosure, the unit owner or authorized representative requesting the record shall be advised in writing of the specific grounds for exemption.
- F. The record inspection shall occur at the time, date, and place designated by the association in its response to the unit owner or authorized representative, and will be under the supervision of a person or persons designated by the association to monitor and assist in the record inspection. The record inspection session shall not extend beyond two hours. The Secretary or designee may institute any supervision or reasonable security measures with regard to the record inspection.

- G. During the record inspection, no mark whatsoever shall be made on any record, nor shall any pages affixed together by staple, paper clip or other means be disassembled, nor shall the records being inspected be altered from the sequence in which they are presented for the inspection. Further, no record inspection shall occur under circumstances that cause the record to leave the control of the association, nor shall any record be removed from the location of the inspection for any reason whatsoever.
- H. The right to obtain copies of records is incidental to, and a part of, the inspection of records. During the inspection of records, a unit owner or authorized representative may request the association to copy any document by placing a paper, clip, post it memo sheet or other similar making device on the document or documents of which copies are desired, and by advising the supervising person of the number and location of said marking devices.
- I. If during the inspection of the records, the unit owner has determined the need or desire for a copy of said record, the association shall make or obtain those copies provide same to the unit owner within five (5) working days from the date of the record inspection and subject to the association receiving prior payment therefore.
- J. The association is not required to make and/or mail or deliver record copies to the unit owner or an authorized representative upon demand; but rather the unit owner or authorized representative can obtain record copies or request same, as detailed herein, during the inspection.
- K. A unit owner shall pay to the association, in advance the cost of copies as specified by the management or board. The association shall not however, be required to copy two separate documents on a single page for the purposes of minimizing the per page cost.
- L. Lists of unit owners containing their addresses and/or telephone numbers shall not be released by the unit owner or the authorized representative, to anyone not a unit owner in this association.

III. MANNER OF INSPECTION

- A. No written request for inspection or copying shall be made in order to harass any unit owner, resident, association agent, officer, director, or employee. Inspection and copying requests not in conformance with these rules will be deemed to be harassment.
- B. All persons inspecting or requesting copies of records shall conduct themselves in a businesslike manner and shall not interfere with the operation of the association office or place where the records are otherwise inspected or copied.

IV. ENFORCEMENT OF INSPECTION AND COPYING RULES

- A. Any violation of these rules shall cause the immediate suspension of the inspection or copying until such time as the violator agrees in writing to comply herewith.
- B. Any written requests for inspection or copying not complying with these rules will be denied. The association shall indicate in writing the nature of the noncompliance and transmit it to the requesting party within five working days subsequent to receipt of the written request.
- C. Verbal requests for inspection or copying will neither be honored nor acknowledged.
- D. A request for record inspection and/or copies will be denied if the unit owner has, within two years preceding his demand, given, sold or offered for sale any list of unit owners, or has aided or abetted any person in procuring any list of unit owners for any such purpose.

- E. A request for record inspection and/or copies will be denied if the unit owner has within two years preceding his demand, improperly used any information secured through any prior examination of the records of this association. Improper use shall include the providing to anyone not an association member, a list of unit owners which is subsequently used for non-association or commercial purposes, or the selling or distribution of any information or records inspected, except to the extent that such use is for a proper purpose as defined in section 607.1602(3) or 671.1602(4), Florida Statutes, as applicable.
- F. The association reserves the right to amend these rules from time to time as deemed necessary.
- G. The association may take any available legal action to enforce these rules.

FREQUENTLY ASKED QUESTIONS AND ANSWERS

August 2016

Q.. What are my voting rights in the association?

A. The owner of each condominium unit shall be entitled to cast one (1) vote. Where more than one (1) person, all owners own a condominium unit thereof shall, in writing, designate an individual who shall be entitled to cast the vote in behalf of the owners of such condominium unit. (Refer to Section IX, of the Declaration of Condominium).

Q. What restrictions exist in the condominium documents on my right to use my unit?

A. Each unit is restricted to residential use by the owner or owners, their immediate families and guests. Each two-bedroom unit is restricted to no more than four (4) occupants. Each three Bedroom unit is restricted to no more than five (5) occupants. (Refer to Section X, of the Declaration of Condominium) Additional restrictions are contained in the Banana Bay Condominium Association Rules and Regulations

Q. What restrictions exist in the condominium documents regarding pets?

A. One (1) pet shall be allowed to be kept in the owner's unit, however, the pet shall not exceed thirty (30) pounds in weight, the pet must be kept on a leash on the condominium common areas and it shall not create a nuisance.

Q. What restrictions exist in the condominiums documents on the leasing of my unit?

A. The unit may be rented provided the occupancy is only by one (1) lessee and members of his/her immediate family, guests and servants. No rooms may be rented and no transient tenants may be accommodated. No lease of an apartment shall release or discharge the owner thereof of compliance with this Section X, or any of his other duties as a joint owner. Time sharing of units is prohibited. Ownership of a unit on a monthly or weekly time sharing program is prohibited. The minimum rental period shall not be less than thirty (30) days. Subleasing of units is prohibited. All leases shall be in writing and shall be subject to the Declaration of Condominium, the By Laws of the Association, and Rules and Regulations of the Condominium (Refer to Section X, Use Restrictions of the Declaration of Condominium). Additional restrictions are contained in the Banana Bay Rules and Regulations, a current copy of which is available to all unit owners and tenants.

Q.. What restrictions exist in the condominium documents regarding renovations or additions to a unit?

A. The Banana Bay board of directors must approve all renovations or additions (See Section IX of the Declaration of Condominium)

Q. How much are my assessments to the condominium association for my unit and when are they due?

A. The current monthly maintenance assessment is \$455 (1/1/2016). Payment is due on the first of each month and becomes delinquent if not paid by the tenth (10th) of the month. A Late Fee charge of twenty-five (25) dollars will be applied to past due payments. (See Section VII, Declaration of Condominium)

Q. Do I have to be a member in any other association? If so what is the name of the association and what are my voting rights in this association? Also, how much are my assessments?

A. Banana Bay Condominium Unit Owners are not required to be a member of any other Association.

Q. Am I required to pay rent or land use fees for recreational or other commonly used facilities? If so how much am I obligated to pay annually?

A. Banana Bay Condominium Unit Owners are not required to pay rent or land use fees for recreational facilities.

Q. Is the condominium association or other mandatory membership association involved in any court cases in which it may face liability in excess of \$100,000.00? If so, identify each case.

A. No

NOTE: The statements contained herein are only summary in nature; a prospective purchaser should refer to all References, Exhibits, hereto, the Sales Contract, and the Condominium documents.

UTILITY PROCEDURES FOR BANANA BAY

City Water

To turn off the main water valve in a townhouse unit:

Adjacent to the hot water heater in the small utility closet on the main floor there is a valve usually located on the left side of the wall. Turn the valve to the right to turn water off. To turn off all water to entire townhouse, locate the water valve outside the building.

To turn off the main water valve in supplying Buildings 2300 and 2400:

The cut off valves are located near the mound by the car wash station and the main drive. The cut off's are **reversed**, west valve is for 2300 building, east valve is for 2400 building.

Reclaimed Water (Grey water) for lawn sprinklers

The cut off valves for the sprinkler system (Grey water) located in Section I through IV and Buildings 2300 and 2400:

To turn off reclaimed water to the property, 3 valves must be off. 1. By the sidewalk & in Section I bordering the alley to the shopping center. 2. In Section II along the boulevard. 3. By the entrance to the midrise and section IV.

SECTION I -- A Toro timer is located on the west wall of building # One. This is a hydraulic system, which provides service for the sprinkler zones adjacent to buildings 8, 9, 10, and 11, along Banana River Boulevard and along the wall separating the condominium from the mall. A cut off valve for all sprinkler zones in Section II and I is located in the swale area between Sections III and I just east of the walkway.

SECTION II -- Two Rain Bird timers are located on the west wall of Building # Nine. These provide service for sprinkler zones in Section II and along Banana River Boulevard. In addition to the cut off valve in the swale area there is a separate cut off valve in the ground under the timer boxes.

SECTION III -- A Toro timer is mounted on the east wall of Building # Seventeen. This provides sprinkler service for zones located near Buildings 16, 17, and 18. A cut off valve is located in the ground under the timer box. A Rain Bird timer is located on the west wall of Building # twenty-one. A Rain Bird timer is located on the west all of Building # 21. This provides service to sprinkler zones located adjacent to buildings 19, 20, 21, and 22. A cut off valve is located in the grounder under the timer box.

SECTION IV -- A Rain Bird timer is mounted on the north wall of building # 12. This provides service to sprinkler zones adjacent to Buildings # 12, 13, and 14 and provides sprinkler service to the southern part of Section III. A cut off valve is located in the ground under the timer box. A Rain Bird timer is mounted on the west wall of Building # 15. This provides service to sprinkler zones adjacent to buildings 14 and 15. A cut off valve is located in the ground under the timer box.

BUILDING 2300 -- A Toro timer is mounted on the south inside wall of the maintenance tool/work room in Building 2300. This provides service to sprinkler zones adjacent to Building 2300 and its garages. The cut off valves for these sprinklers is the same as Building 2400.

BUILDING 2400 -- A Toro timer is located in the pump room of Building 2400. This provides service to sprinkler zones adjacent to building 2400 and its garages. A cut off valve for both Buildings 2300 and 2400 is located in the ground on the south side of the road from Banana River Boulevard nearly opposite the north pool.

POOL PUMP

Shut-off valves are located inside covers of pool pump machinery. Lift cover for pumps, gray breaker boxes have on/off switches.

FIRE ALARM SYSTEMS IN BUILDINGS 2300 AND 2400:

Locations, functions and inspection requirements for the fire alarm systems in Buildings 2300 and 2400:

The fire alarm system for both buildings is located in the fire room of building 2400. We contract to have the fire alarm systems of both mid-rise buildings examined and tested. They examine the fire alarm panel in the two electrical rooms. They test the pull (in case of fire) stations as well as the audible alarms inside each unit.

Inspection requirements for the fire hoses mounted on both mid-rise building:

The city fire inspector inspects fire-fighting equipment (extinguishers and fire hoses). This inspector stated the fire department uses their own hoses in case of a fire.

Location and inspection requirements for the high pressure fire pump in building 2400:

The fire pump sprinklers are located in the Pump Room. We contract to have the standpipes on the roof, the fire hydrant at the end of 2400 building examined; they check the motors regulating the sprinklers. They make sure there is a satisfactory flow of water. This company does not examine the fire alarm systems.

Location of and inspection requirements for external fire extinguishers for building 2300 and 2400. The mid-rise buildings' external fire extinguishers are located in the fire boxes near the elevators of the mid-rise buildings. These extinguishers as well as the fire hoses are regularly as required by code. The maintenance fire extinguishers inside of owner's units are the responsibility of the unit owners.

Electrical

Location of the breaker boxes that provide power for common property lighting and the garages of Buildings 2300 and 2400:

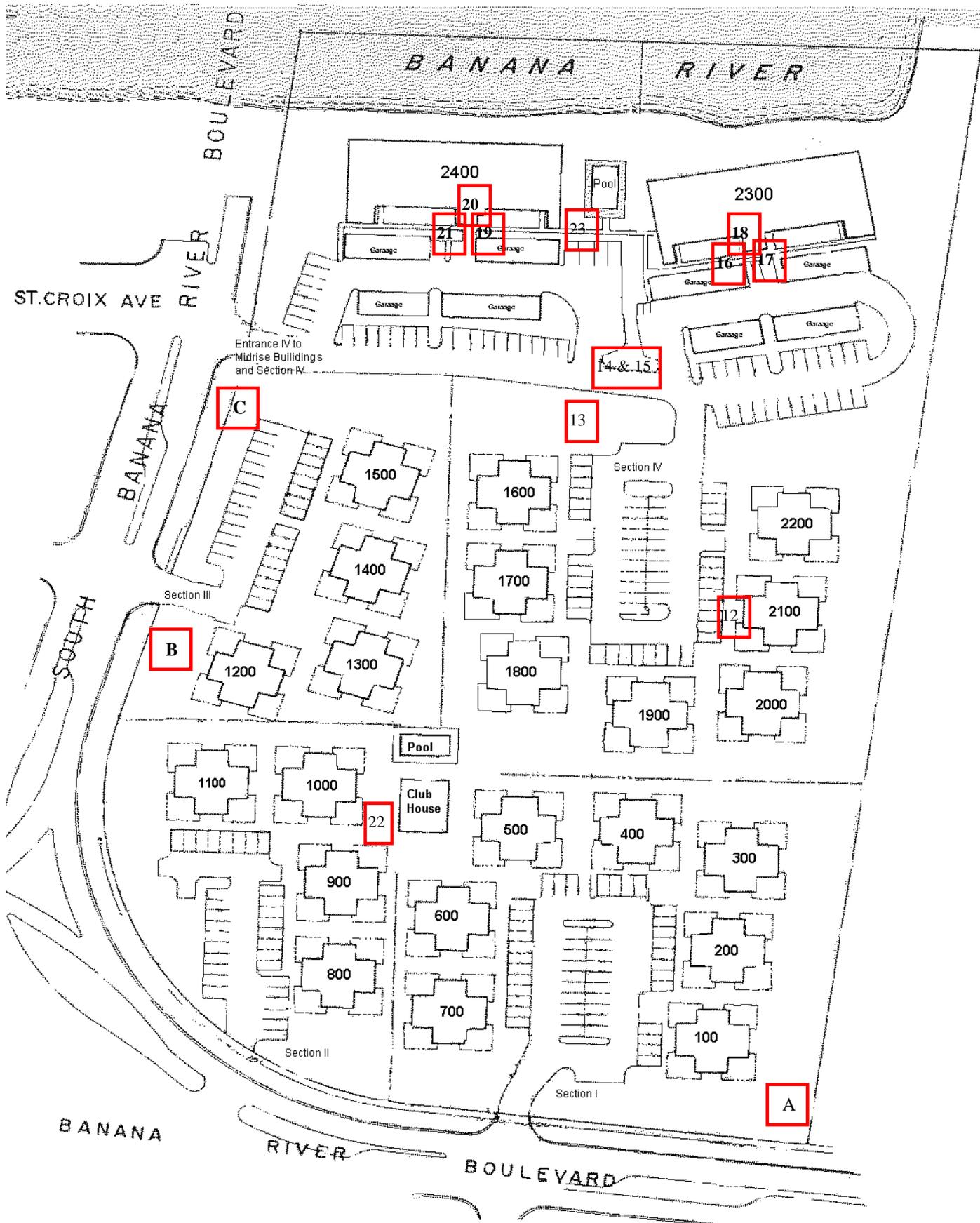
In each mid-rise building there is an electrical room on the ground floor in which the breaker boxes are located.

Location and schedule of the sensors which controls the on/off switch for the common property lighting:

Two sensors are located on the clubhouse roof; one is located on the 2300 west garage roof. The other is located on the roof of the 2400 building trash room.

Schematic for Utilities Map:

1. Toro Timer clock for section I (Buildings 1-7)
 2. Rain Bird clocks for Section 2 (Buildings 8-11)
 3. Association meter off time clock
 4. Vack pack for spa – (decommissioned)
 5. Panel for common area lights and pool power, clubhouse lights, & hot water heater
 6. Vack pack for pool
 7. Shut off for sprinklers, sections 1 and 2
 8. Rain Bird time clock for section 3 (buildings 12-13)
 9. Shut off for sprinklers for section 3 (building 12-15)
 10. Rain bird clock for section 3 (building 12-15)
 11. Rain Bird time clock for section 4 (buildings 16-18)
 12. Rain Bird time clock for section 4 (buildings 19-22)
 13. Shut off for sprinkler system for mid-rise 2300-2400, pool and fishing dock.
 14. Shut off for all water in building 2400
 15. Shut off for all water in building 2300
 16. 2300 Bldg Storeroom
 17. Elevator room
 18. Meter room for all building 2300 and panel for common area lights and panel for fire alarm system
 19. Pump-room contains fire system for building 2400 (it will turn on automatically when pressure drops on city water line.
 20. Meter room for all of the building 2400 and pane for common area lights and panel for fire alarm system
 21. Elevator room next to dumpster area
 22. Maintenance Shop
 23. Vack pack for north pool
-
- A. Section I reclaimed water shut off
 - B. Section II reclaimed water shut off
 - C. Section III, IV and Midrise reclaimed water shut off



BANANA BAY MAP FOR UTILITIES

FORMS

GRIEVANCE FORM

BANANA BAY CONDOMINIUM ASSOCIATION, INC.

TO: _____ MANAGEMENT COMPANY

DATE: _____

Alleged Offender's Name: _____

Address of Offender _____

Is Offender a Renter _____

Nature of Grievance: _____

Is this the First Complaint in Writing: _____

Have you discussed this complaint with the offender? _____

If yes, what was their reaction? _____

Your Name _____

Your Address: _____

Your Signature: _____

Neighbors who can verify this grievance, if requested

Name: _____

Address: _____

Telephone: _____

Board Member Who Verified Grievance: _____

Signature: _____



ACTION REQUEST FORM

BANANA BAY CONDOMINIUM ASSOCIATION

Banana Bay Condominium Association

Date of request _____ 20 ____

Please explain in detail the nature of your request (may use back of card):

Name _____ Phone _____

Unit # _____ Email _____

Please submit to one of the following

- (1) Leave in form box by your mail boxes; Maintenance Person checks periodically
- (2) Banana Bay Office drop slot in Clubhouse
- (3) Fax to 321-799-2723 (Banana Bay Office)
- (4) Fax to Management Co at 321-305-6199 or Scan & Email to Office@RecDif.com

**Banana Bay Condominium Association, Inc.
Annual Membership Meeting**

VOTER AUTHORIZATION CERTIFICATE

I/We, _____
(Owner #1 printed name) (If applicable, owner #2 printed name)

(If applicable, owner #3 printed name) (If applicable, owner #4 printed name)

the undersigned, being all of the owners of address, _____

_____, do hereby certify that the following named ONE of us is the authorized voter for the foregoing lot, and shall remain such designated voter until this certificate is revoked by subsequent certificate:

NAME OF AUTHORIZED VOTER: _____
(Printed name)

DATE THIS FORM COMPLETED: _____

I/We are all natural persons who are owners of the above described unit.

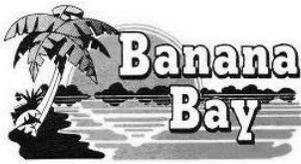
Owner #1 Signature: _____

Owner #2 Signature: _____

Owner #3 Signature: _____

Owner #4 Signature: _____

THIS CERTIFICATE MUST BE COMPLETED AND SIGNED BY ALL OF THE OWNERS OF RECORD. IF THE OWNER IS A CORPORATION, THE PRESIDENT AND SECRETARY (OF THE CORPORATION) MUST SIGN.



BANANA BAY CONDOMINIUM ASSOCIATION

REQUEST FOR CLUBHOUSE RESERVATION

Use of the Clubhouse is available on a reserved basis for social functions only for residents. It is not available for commercial or non-profit groups. Reservations are to be made by sending this form to the management accompanied by a \$100.00 deposit. (Make checks payable to Banana Bay Condo Association.) **Your date is not guaranteed until Banana Bay receives the reservation form and the \$100.00 deposit and confirms that no other parties have been scheduled for that date.**

The deposit will be refunded if there is no loss or damage to equipment or premises, no violation of rules, and the room is left clean. The room should be thoroughly cleaned by 10:00 A.M. the morning following use. Damage to the premises or any clean up expense will be the responsibility of the person making the reservation.

All activities in the clubhouse must terminate no later than 10:00 p.m.

There is **NO SMOKING** permitted in the clubhouse or at the pool.

The barbeques may be used on the south patio 10 feet from the building overhang. They also must be cleaned by 10:00 the following day. If the grill is low on fuel, the resident can take the canister to Ace for a refill or use own canister.

No furniture may be removed from the room. We have a limited number of stored chairs and tables available for your use. Please let us know in advance if you require these extra tables and chairs from the storage area.

No loud music or excessive noise is permitted due to the consideration for the neighboring residents.

Gates to the pool must be closed and latched at all times. This is a State Law.

No wet bathing suits permitted in the clubhouse.

All lights and air conditioning must be turned off after social events. If the A/C is used, keep doors & windows closed.

Reserving this room does not preclude other residents from using the Pool and the Restrooms.

YOUR GUESTS MAY PARK IN THE "OPEN" SPACES IN ANY OF THE PARKING LOTS OR OFF SITE.



Return bottom portion with a deposit check to office drop box in the Clubhouse

Keep top portion for reference.

NAME: _____ UNIT #: _____

PHONE #: (Day time) _____ (Evening) _____

DATE OF AFFAIR: _____ NUMBER OF GUESTS: _____

TYPE OF AFFAIR: _____

STARTING TIME: _____ ENDING TIME: _____

WILL YOU NEED EXTRA CHAIRS, TABLES, POOL TABLE COVER, OR BARGEQUE GRILL?

YES: NO:

WILL THE A/C NEED TO BE TURNED ON:

YES: NO:

Remember: You are responsible for the actions of your guests.

SIGNATURE

DATE

Application Approved by: _____ (Board member or Manager)

VISITOR REGISTRATION

Banana Bay Condominium Association, Inc.
Board of Directors
Cocoa Beach, Florida, 32921

Please be advised: * _____

is/are authorized to occupy Unit No. _____ in my absence () OR will be my house guest () between the dates of _____ and _____. It is understood and agreed that the restrictions and regulations governing the use and enjoyment of our facilities by temporary residents /guests of Banana Bay Condominium Association, Inc. have been furnished to and will be observed by the occupant(s).

My guest(s) will () or will not () be arriving by automobile. If so, they have been instructed to park within an assigned space and their automobile registration tag number is (State) _____ (Tag No.) _____ or will be a leased vehicle. If accompanied by a van, they have been instructed the vehicle is not allowed to be parked on Banana Bay property. If accompanied by a pickup they have been instructed to park in the unassigned parking areas on a first come first serve basis.

In case of emergency involved with my guests, please notify:

NAME _____

TELEPHONE: _____

OWNER _____

SIGNATURE _____ DATE: _____

* Limit of four (4) persons

Note: Please reproduce this form in quantity for your personal needs.



BANANA BAY RESIDENT PROFILE

Banana Bay is required to have current information for each owner and resident. Mail or deliver form and a current key to the Banana Bay clubhouse (or place in mail slot of interior office door).

Unit #: _____

Owner 1 Full Name: _____

Owner 2 Full Name: _____

Other Residents of Unit: _____

Garage # _____ Carport Space# _____

Mailing Address: _____

City, State, Zip: _____

Phone 1: _____ Phone 2 _____

Email Address: _____

Emergency Contact: _____ Phone: _____

Vehicle 1: Make: _____ Model: _____ Color: _____

Vehicle 2: Make: _____ Model: _____ Color: _____

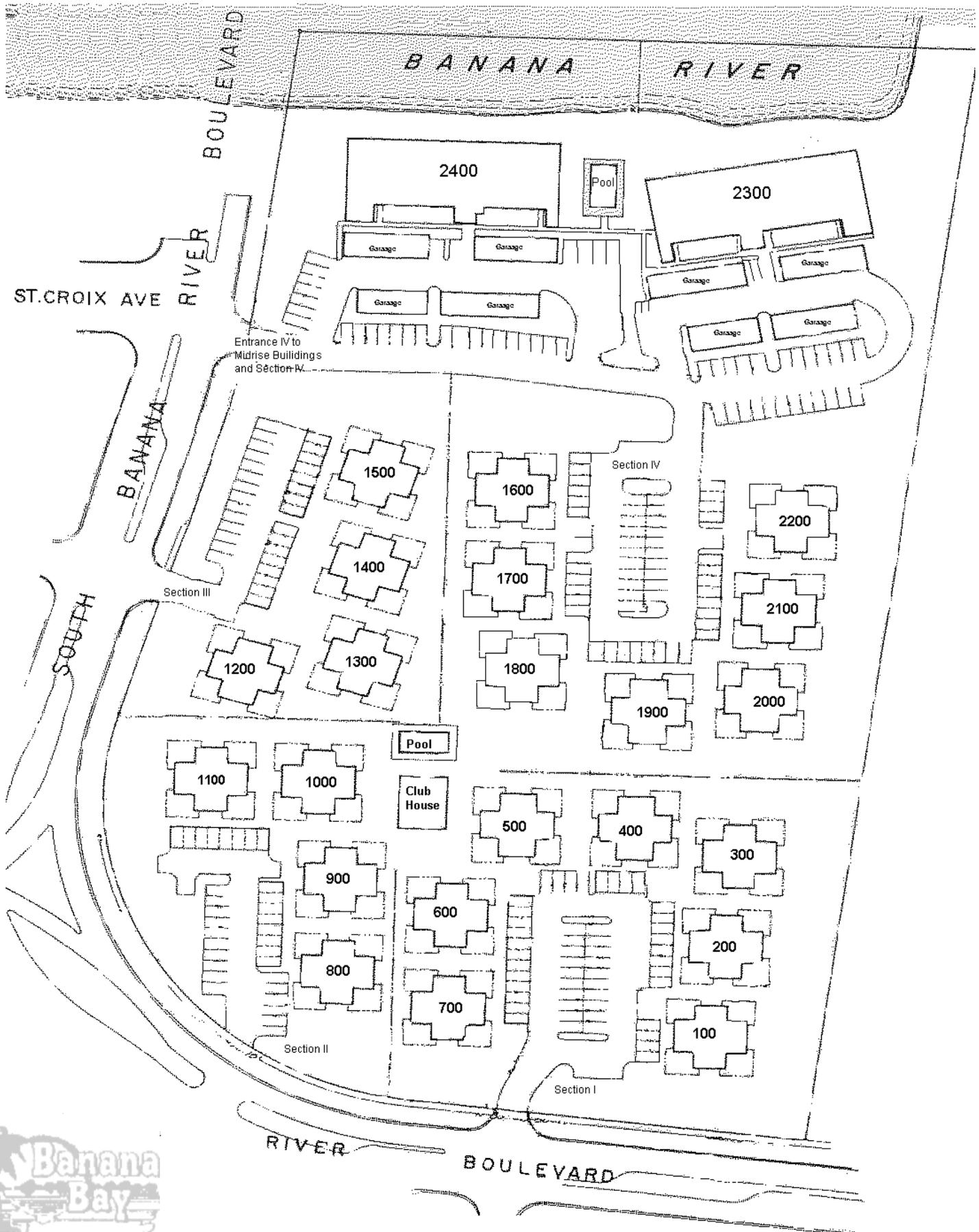
Residency: Full Time _____ Part Time _____ Rental Only _____ Residential & Rental _____

Pet: Type _____ Weight _____

Keys to your front door and town house gate must be given to the association for entry in the event of an emergency or unforeseen repair. We attempt to notify the owner/resident before entry

Banana Bay Condominium Association, Inc.
200 S. Banana River Blvd #2205
Cocoa Beach, FL 32931
Office: 321-799-3386 Fax: 321-799-2723
BananaBay@cfl.rr.com

Reconcilable Differences, Inc
2560 Palm Lake Drive,
Merritt Island, FL 32952
Office: 321-453-1585 Fax: 321-305-6199
Michelle Davis, Manager, Office@RecDif.com



MAP OF BANANA BAY

Banana Bay Condominium Association Handbook of Rules and Regulations (Revised 7/7/2015)