

Prepared by and return to:
Jeremy V. Anderson, Esquire
Lobeck & Hanson, P.A.
2033 Main Street, Suite 403
Sarasota, Florida 34237
(941) 955-5622 (telephone)
(941) 951-1469 (facsimile)

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2009148365 6 PGS
2009 DEC 01 04:36 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CEAGLETO Receipt#1226650

CORRECTIVE
CERTIFICATE OF AMENDMENT

TO THE RESTATED BYLAWS FOR



CASA SIESTA CONDOMINIUM ASSOCIATION, INC.

The purpose of this Corrective Certificate of Amendment is to **correct two (2) recording errors** to the Restated Bylaws of Casa Siesta Condominium Association, Inc., **which were recorded on March 3, 2006** at Official Records Instrument Number 2006040162 of the Public Records of Sarasota County, Florida **and recorded on April 24, 2006** at Official Records Instrument Number 2006075401. These recordings should not have been recorded as the proposed rental amendment submitted to the Unit Owners for approval on April 11, 2005 was not presented in the format required by Section 718.112(2)(h)2., Florida Statutes, which requires that proposals to amend existing Bylaws shall contain the full text of the Bylaws to be amended. The full text of the rental Bylaws provision to be amended was not provided to the Unit Owners as required by Section 718.112(2)(b)1., Florida Statutes. **On that basis alone, approval was not proper.** Additionally, the Limited Proxy provided to owners not attending in person was not in substantial conformance with the form adopted by the Division of Condominiums, Mobile Homes and Timeshares as required by law. Accordingly, the votes cast by the six (6) Unit Owners attending by proxy were invalid and should not have been counted. Without these six (6) votes the proposed Bylaws rental amendment failed. As evidence of these recording errors, a copy of the Limited Proxy and proposed amendment submitted to the Unit Owners for the April 11, 2005 meeting is attached hereto, along with a copy of the approved minutes of that meeting indicating that six (6) Unit Owners attended by proxy.

We hereby certify that the amendment to the Restated Bylaws of Casa Siesta Condominium Association, Inc. which was recorded at Official Records Instrument Number 2006040162 and 2006075401 of the Public Records of Sarasota County, Florida was not properly adopted by the membership for the reasons stated above **and that there is no restriction on the maximum number of consecutive months that a Unit may be rented.**

DATED this 19 day of November, 2009.

Signed, sealed and
delivered in the presence of:

sign:

print: JAMES P FESTA

sign:

print: ELISE ANGELORO

CASA SIESTA CONDOMINIUM
ASSOCIATION, INC.

By:

Clint Madden, President

(Corporate Seal)

sign: Eliso Gersman

print: ELISO GERSMAN

sign: James P Festa

print: JAMES P FESTA

STATE OF Florida
COUNTY OF Sarasota

By: Patricia Gerald
Patricia Gerald, Secretary

The foregoing instrument was acknowledged before me this 19 day of November, 2009, by Clint Madden as President of Casa Siesta Condominium Association, Inc., a Florida corporation, on behalf of the corporation. He is personally known to me or has produced driver's license as identification.

NOTARY PUBLIC

sign
print

Barbara J. Manning
Barbara J. Manning

State of Florida at Large (Seal)
My Commission expires: DD 629462



STATE OF Florida
COUNTY OF Sarasota

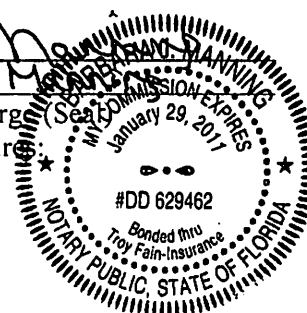
The foregoing instrument was acknowledged before me this 16 day of November, 2009, by Patricia Gerald as Secretary of Casa Siesta Condominium Association, Inc., a Florida corporation, on behalf of the corporation. She is personally known to me or has produced driver's license as identification.

NOTARY PUBLIC

sign
print

Barbara J. Manning
Barbara J. Manning

State of Florida at Large (Seal)
My Commission expires: DD 629462



Minutes Casa Siesta Annual Meeting April 11, 2005

Meeting Called to order 6:03pm at Vista Hermosa Community Room
by President Jim Wells.

Owners present at meeting:

Ingrid Dow	Unit 2
Jon Haley	Unit 3
Tony Ciccarone	Unit 10
Jim Wells	Unit 11
Carol Greening	Unit 13
Jim Piscitello	Unit 14

Owners represented by Proxy:

Jim Hughes	Unit 4
Donald St. Jean	Unit 6
Edward Westgate	Unit 7
Timothy Denison	Unit 8
James Dettre	Unit 9
Clint Madden	Unit 12

Owners absent: Saruber Unit 1, Mumaw Unit 5

1. The minutes of last years meeting were approved.
2. Diana Hurst gave her managers report for prior year (enclosed)
3. Treasurer Ingrid Dow presented the treasurers report which was approved.
4. Presidents report given by president Jim Wells which was approved.
5. Old business discussed:
 - 5.1. 2 week minimum and 6 month maximum rental periods
 - 5.2. all renters signing a standardized rental agreement. This will be further discussed with Diana as to implementation and results will be forthcoming from board of directors.
6. **New business discussed:**
 - 6.1. **2 week minimum and 3 month maximum rental period.** Any rental over 3 months is subject to board approval.
Passed
 - 6.2. **Waivers to be approved:**
 - 6.2.1. **The Florida Statutory Reserves,**
Passed
 - 6.2.2. **The Auditing of Financial Records,**
Passed
 - 6.3. **The 2005-2006 Budget was approved**
 - 6.4. **The new maintenance fees were approved:**
one bedroom \$1,939.44 \$484.86 per quarter
two bedroom \$2,077.96 \$519.49 per quarter
 - 6.5. **Raising rental rates by \$150.00 per month in high season was approved.**

- 6.6. **Collection of 2 capital improvement assessments in one lump sum due May 15 was approved.** This will allow the planned parking, painting, landscaping work to be done in a much shorter time span and possibly at lower cost.
- 6.6.1. The remaining assessment will now be due on May 15, 2006.
- 6.7. Carol Greening of Unit 13 requested the board to look into arranging an agreement with one of our immediate neighbors for the use of their pool and or beach access. The outcome of inquiries will be reported in the coming months.
7. Election of The Board of Directors was taken with the outcome as follows:
- | | |
|-----------|----------------|
| President | Jim Wells |
| Treasurer | Ingrid Dow |
| Secretary | Jim Piscitello |
| At Large | Tony Ciccarone |
| | Tim Denison |
8. Meeting adjourned at 8:01pm

James Piscitello
Secretary

Typed on May 5, 2005

PROXY

April 11, 2005, Annual Membership Meeting

TO: Secretary
Casa Siesta Condominium Association
P.O. Box 17306
Sarasota, FL 34276

The undersigned, owner(s) or designated voter of unit No. _____ in Casa Siesta Condominium appoints _____ (PRINT NAME OF PROXY HOLDER) or Secretary _____ as my proxyholder to attend the meeting of the members of Casa Siesta Condominium Association, Inc., to be held April 11, 2005, at 6 P.M., in Sarasota, Florida. The proxyholder named above has the authority to vote and act for me to the same extent that I would if personally present, with the power of substitution, except that my proxyholder's authority is limited as indicated below:

GENERAL POWERS (You may choose to grant general powers, limited powers or both). Check sentence below if you want your proxyholder to vote on other issues which come up at the meeting and for which a limited proxy is not required.

_____ I authorize and instruct my proxy to use his or her best judgment on all other matters which properly come before the meeting and for which a general power may be used.

LIMITED POWERS For your vote to be counted on the issues on page listed "Items to be voted on at the Casa Siesta Annual meeting" you must indicate your preference with a YES or NO and return along with this proxy.

I SPECIFICALLY AUTHORIZE AND INSTRUCT MY PROXYHOLDER TO CAST MY VOTE IN REFERENCE TO THE MATTERS AS INDICATED AND ATTACHED ATTACHED.

DATE _____

SIGNATURE(S) OF OWNER(S) OR DESIGNATED VOTER

SUBSTITUTION OF PROXY HOLDER

The undersigned, appointed as proxyholder above, designates

_____ (print name) to substitute for me in voting the proxy set forth above.

DATE _____

SIGNATURE OF PROXYHOLDER

THIS PROXY IS REVOCABLE BY THE UNIT OWNER AND IS VALID ONLY FOR THE MEETING FOR WHICH IT IS GIVEN AND ANY LAWFUL ADJOURNMENT. IN NO EVENT IS THE PROXY VALID FOR MORE THAN NINETY (90) DAYS FROM THE DATE OF THE ORIGINAL MEETING FOR WHICH IT WAS GIVEN.

ITEMS TO BE VOTED ON AT THE CASA SIESTA ANNUAL MEETING

YOUR UNIT NUMBER IS: _____ NAME: _____ SIGNATURE: _____

															yes total	no total	MARK WITH AN X YES OR NO TO EACH ITEM LISTED
																	<ul style="list-style-type: none"> • Approve to change the By Laws to have a two week minimum and a three month <u>consecutive maximum rental period</u>. This action would NOT interfere with seasonal rentals but would eliminate yearly rentals. The two week minimum is standard already. By passing this item we will insure that units will not be rented for long periods of time by the same occupant causing an <u>apartment style atmosphere</u>. Such problems as cars being repaired on the parking lot, car fluids being changed on the lot causing damage and EBAY businesses being run out of the units will cause renters to go elsewhere and lower the property value. It happens fast! PROTECT YOUR PROPERTY VALUE!
																	<ul style="list-style-type: none"> • Approve the audit of financial records. The audit is costly and therefore has not been done in the past. The books may be inspected upon request at Oasis Reality. The board recommends disapproval.
																	<ul style="list-style-type: none"> • Approve the 2005-2006 Budget
																	<ul style="list-style-type: none"> • Approve to waive the Florida Statutory Reserves regulation. With approval of the two assessments we should not need to accrue reserves at this time but the board recommends we look at a possible small reserve in the future. Approximately \$25.00 per month would be adequate starting in 2007 after the last assessment payment. This would give us money to properly maintain the condominium property and not fall into disrepair in the future.
																	<ul style="list-style-type: none"> • Agree to pay the first two Capital Improvement-Expenses / Maintenance Program assessment payments on May 1, 2005. This will give us the money to complete BOTH the painting and landscaping in 2005.
																	<ul style="list-style-type: none"> • Agree to pay all three Capital Improvement-Expenses / Maintenance Program assessment payments on May 1, 2005. This will give us the money to complete the painting, landscaping and parking lot in 2005.

* The first of three assessment payments is due on May 1, 2005. 1 BR \$824.13 2 BR \$883.00

5 PREPARED BY: JAMES A. WELLS
6713 MIDNIGHT PASS RD #11
SARASOTA, FL 34242

** OFFICIAL RECORDS **
BOOK 2613 PAGE 2382

BYLAWS

CASA SIESTA CONDOMINIUM ASSOCIATION, INC.

A Corporation Not For Profit
Under the Laws of the state of Florida

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2006075401 5 PGS
2006 APR 24 03:23 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA

1. Identity. These are the Bylaws of the CASA SIESTA CONDOMINIUM ASSOCIATION, INC., a corporation not for profit under the laws of the State of Florida, the Articles of Incorporation of which were filed in the office of the Secretary of the State on February 24, 1994. The Association has been organized for the purpose of administering a condominium pursuant to Chapter 718, Florida Statutes, called the Condominium Act in these Bylaws which condominium is identified by the name CASA SIESTA APARTMENTS and is located upon the following lands in Sarasota County, Florida:

DESCRIPTION

Commence at the point where the South line of U.S. Lot 3, Section 19-37-18 intersects the center-line of Midnight Pass Road; thence N.38°00'W., along the center-line of said road, 520.00 feet for a point of beginning; thence continue N.38°00'W., along said center-line, 130.00 feet; thence N.66°36'E., 194.40 feet; thence S.38°00'E., 148.80 feet; thence S.71°50'W., 200.00 feet to the point of beginning. Less the Westerly 25 feet for road right-of-way.

EASEMENT DESCRIPTION

Commence at the point where the South line of U.S. Lot 3, Section 19-37-18 intersects the center-line of Midnight Pass Road; Thence N.38°00'W., along the center-line of said road, 650.00 feet; thence N.66°36'E., 194.40 feet for a point of beginning; thence continue N.66°36'E., 18.00 feet; thence S.16°24'12"W., 21.42 feet; thence S.38°00'W., 17.00 feet to the point of beginning. Containing 148.06 square feet, more or less.

- a. The office of the Association shall be at 6715 Midnight Pass Road, Sarasota, Florida, 34242.
- b. The fiscal year of the Association shall be April 1 - March 30.
2. Members' Meeting.

- a. The annual member's meeting shall be held in Sarasota, Florida on the second Monday in April of each year for the purpose of electing directors and transacting any other business authorized to be transacted by the members; provided, however, if that day is a legal holiday, the meeting shall be held on the next day that is not a holiday.
- b. Special members' meetings shall be held whenever called by the President or by a majority of the Board of Directors, and must be called by such officers upon receipt of a written request from members entitled to cast five (5) unit votes.

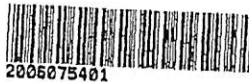


EXHIBIT C

REASONABLE ATTORNEY'S FEES INCURRED BY THE Association Incident to the collection of such assessment or enforcement of such lien.

- e. Assessments for Emergencies. Assessments for common expenses of emergencies that cannot be paid from the annual assessments for common expenses shall be only after notice of the need for such is given to the apartment owners concerned. After such notice and upon approval in writing by persons entitled to cast more than one-half of the votes of the apartment owners concerned, the assessment shall become effective, and it shall be due after 30-days' notice in such manner as the Board of Directors of the Association may require in the notice of assessment.
 - f. The depository of the Association shall be such bank as shall be designated from time to time by the directors and in which the moneys of the Association shall be deposited. Withdrawal of moneys from such accounts shall be by such persons as are authorized by the directors.
 - g. An audit of the accounts of the Association shall be made annually and a copy of the audit report shall be furnished to each member not later than April 30 of the year following the year for which the audit is made.
 - h. Fidelity bonds shall be required by the Board of Directors for all persons handling or responsible for Association Funds. The amount of such bonds shall be determined by the State of Florida Condominium Act. The premium on such bonds shall be paid by the Association.
 - i. Obligations of Unit Owners to adhere to a (2) two week minimum, (3) month consecutive maximum rental. Should the Owners of a unit, or its occupant, licensee or invite, fail to comply with the minimum / maximum rental period of weeks / months either in season, or out of season, a fine shall be \$100.00 (one hundred dollars) for each and every failure to comply. However, should the owner disregard the fine and or pay the fine and then continue to not adhere to the (2) two week minimum, (3) month consecutive maximum rental, a fine may further be levied on the basis of each day of the continuing violation, with a single notice and (one thousand dollars). No fine shall be levied except after giving reasonable notice and opportunity for a hearing to the unit owner if applicable.
 - j. Hurricane Shutter Specifications shall be adopted by the Board of Directors if required, for each unit within the building complex operated by the Association and shall have the powers to approve or disapprove all colors, style, material, installation, sizes, or other factors deemed relevant by the Board. All specifications adopted by the Board shall fully comply with the applicable local building codes. The Board shall not refuse to approve the installation or replacement, and maintenance of such shutters in accordance with the procedures set forth herein shall not be deemed a material alteration to the common elements within the meaning of the section.
7. Parliamentary Rules. Roberts' Rules of Order (latest edition) shall govern the conduct of Association meetings when not in conflict with the Declaration of Condominium, Articles of Incorporation or these Bylaws.
 8. Amendments. These Bylaws may be amended in the following manner:
 - a. Notice of the subject matter of a proposed amendment shall be included in the notice of any meeting at which a proposed amendment is considered.

opportunity for
hearing provided that
no such fine shall in
the aggregate exceed
\$1,000.00

- b. A Resolution adopting a proposed amendment may be proposed by either the Board of Directors of the Association or by the members of the Associations. Directors and members not present in person or by proxy at the meeting considering the amendment may express their approval in writing, providing such approval is delivered to the Secretary at or prior to the meeting. Except as elsewhere provided, such approvals must be either by:

- (1) not less than 76% of the entire membership of the Board of Directors and by not less than 75% of the votes of the entire membership of the Association; or
- (2) by not less than 80% of the votes of the entire membership of the Association.

- c. Proviso. Provided, however, that no amendment shall discriminate against any apartment owner nor against any apartment or class or group of apartments unless the apartment owners so affected shall consent. No amendment shall be made that is in conflict with the Articles of Incorporation or the Declaration of Condominium.
- d. Execution and Recording. A copy of each amendment shall be attached to a certificate certifying that the amendment was duly adopted as an amendment of the Declaration and Bylaws, which certificate shall be executed by the officers of the Association with the formalities of a deed. The amendment shall be effective when such certificate and copy of the amendment are recorded in the public records of Sarasota County, Florida.

9. Condominium Property Restrictions on use.

Should the Owners of a unit, or its occupant, licensee or invite, fail to comply with the RESTRICTIONS a to d a fine shall be \$100.00 (one hundred dollars) for each and every failure to comply. However, should the owner disregard the fine and or pay the fine and then continue to not adhere to the RESTRICTION a to d a fine may further be levied on the basis of each day of the continuing violation, with a single notice and (one thousand dollars). No fine shall be levied except after giving reasonable notice and opportunity for a hearing to the unit owner if applicable.

- a. No animal or other form of pet may be kept in a unit or on or about the condominium property.
- b. Without prior consent of the Board, no unit owner shall cause or permit anything to be placed on the outside walls of any building and no sign, awning, canopy, radio or television antenna shall be affixed to or placed upon the exterior walls or roof or any part thereof. This would include the placement of any sign in a window or lanai from within the unit.
- c. Screens: Installation and maintenance of apartment screen doors and lanai screens shall be the responsibility of the Association. Installation and maintenance of apartment window screens is the responsibility of unit owners.
- d. Smoking is not permitted anywhere on the property including the unit, the lanais, and all common areas including the picnic area.

10. Replacement of Water Heaters.

Unit owners shall permit no water heater to be operated on their premises for a period longer than ten (10) years. Replacement shall be prior to the start of the eleventh (11) year of its operation and the replacement shall be the responsibility of each unit owner. Noncompliance with this paragraph may result in replacement by the Association with a special assessment being levied against those units not in compliance.

The foregoing were adopted as the Bylaws of CASA SIESTA ACONDOMINIUM ASSOCIATION, INC. a corporation not for profit under the laws of the State of Florida.

BYLAWS

CASA SIESTA CONDOMINIUM ASSOCIATION, INC.

**A Corporation Not For Profit
Under the Laws of the state of Florida**

9. Condominium Property Restrictions on use.

- d. Smoking is not permitted anywhere on the property including the unit, the lanals, and all common areas including the picnic area.

Same
as prior
page

IN WITNESS WHEREOF the President and Officers have executed this
declaration
the 15 day of APRIL, 2006.

JAMES A. WELLS - PRESIDENT

[Signature]
INGRID DOW - TREASURER

[Signature]
JIM PISCITELLO - SECRETARY

[Signature]

Signed, sealed and delivered

in the presence of:

[Signature] [Signature]

TONY DICCARONE - AT LARGE

[Signature]
TIM DENISON - AT LARGE

[Signature]



State of Florida

County of Sarasota

I hereby certify that on this day, before me, a Deputy Clerk duly
authorized in the State and county named above to take acknowledgments,
personally appeared JAMES A. WELLS who executed the foregoing instrument,
and he acknowledged then and there before me that he executed said
Instrument.

Witness My Hand and Official Seal at Sarasota, County and
State named Florida

above, this 24 day of April, 2006.



[Signature]
Deputy Clerk

"STATE OF FLORIDA, COUNTY OF SARASOTA
I hereby certify that the foregoing is a true and correct copy
of pages 1 through 5 of the Instrument filed in
this office. The original instrument filed contains 5
pages.

☒ This copy has no redactions. ☐ This copy has been
redacted pursuant to law.

Witness my hand and official seal this 24 day of
April, 2006.
By: [Signature]
Deputy Clerk



PREPARED BY: JAMES A. WELLS
6713 MIDNIGHT PASS. RD. #11
✓ SARASOTA, FL. 34242

** OFFICIAL RECORDS **
BOOK 2613 PAGE 2382

BYLAWS

CASA SIESTA CONDOMINIUM ASSOCIATION, INC.

A Corporation Not For Profit
Under the Laws of the state of Florida

Identity

b. The fiscal year of the Association shall be April 1 - March 30.

2. Members' Meeting.

6. Fiscal management.

- i. Obligations of Unit Owners to adhere to a (2) two week minimum, (3) month consecutive maximum rental. Should the Owners of a unit, or it's occupant, licensee or invite, fail to comply with the minimum / maximum rental period of weeks / months either in season, or out of season, a fine shall be \$100.00 (one hundred dollars) for each and every failure to comply. However, should the owner disregard the fine and or pay the fine and then continue to not adhere to the (2) two week minimum, (3) month consecutive maximum rental, a fine may further be levied on the basis of each day of the continuing violation, with a single notice and (one thousand dollars). No fine shall be levied except after giving reasonable notice and opportunity for a hearing to the unit owner if applicable.

opportunity
for hearing
provided that
no such
fine shall
in the
aggregate
exceed
\$1,000.00

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2006040162 2 PGS
2006 MAR 03 09:55 AM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
ASAMS Receipt#755545



2006040162

IN WITNESS WHEREOF the President and Officers have executed this
declaration
the 15 day of NOVEMBER, 2005.

JAMES A. WELLS - PRESIDENT

James A. Wells

INGRID DOW - TREASURER

Ingrid Dow

JIM PISCITELLO - SECRETARY

Jim Piscitello

TONY CICCARONE - AT LARGE

Tony Ciccarone

TIM DENISON - AT LARGE

Tim Denison

Signed, sealed and delivered

in the presence of:

Bruce H White 3/3/2006



Bruce H White
My Commission DD357861
Expires September 25, 2008

State of Florida

County of Sarasota

I hereby certify that on this day, before me, a Deputy Clerk duly
authorized in the State and county named above to take acknowledgments,
personally appeared JAMES A. WELLS, to me, [REDACTED], and who
executed the foregoing instrument, and he acknowledged then and there
before me that he executed said instrument, [REDACTED]

Witness My Hand and Official Seal at SARASOTA, County and
State named

above, this 3rd day of MARCH, 2005. 2006



A. Sams / A. SAMS
Deputy Clerk