

PLEASE SAVE WITH YOUR  
IMPORTANT LOCH ISLE  
PAPERS

**AMENDED AND RESTATED**  
**BY-LAWS**  
**OF**  
**MIAMI LAKES LOCH ISLE HOMEOWNERS' ASSOCIATION, INC.**  
  
**A Corporation Not For Profit**  
**Under the Laws of the State of Florida**

**ARTICLE I**  
**DEFINITIONS**

Section 1. "Association" shall mean and refer to the MIAMI LAKES LOCH ISLE HOMEOWNERS' ASSOCIATION, INC., a corporation not for profit organized and existing under the laws of the State of Florida and organized for the purposes set forth in its Articles of Incorporation.

Section 2. The "Properties" shall mean and refer to:

Lots 1 through 82, both inclusive, in Block 1 of MIAMI LAKES LOCH ISLE SECTION, according to the Plat thereof, recorded in Plat Book 110, Page 19, of the Public Records of Miami-Dade County, Florida.

Section 3. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any lot situated upon the Properties.

Section 4. "Member" shall mean and refer to all those Owners who are members of the Association as provide in Article III, Section 1, of the Articles of Incorporation of the Association.

Section 5. "Lot" shall mean and refer to any lot described in Article II of the Amended and Restated Declaration of Covenants and Restrictions dated June 26, 1979, and recorded on July 6, 1979, in Official Records Book 10446, Page 220, of the Public Records of Miami-Dade County, Florida, and shall include any single family townhouse dwelling constructed thereon.

**ARTICLE II**  
**LOCATION OF OFFICE OF ASSOCIATION**

Section 1. The principal office of the Association shall be at the residence or business

address, in Miami-Dade County, Florida, of the then President of the Association.

### ARTICLE III

#### MEMBERSHIP

Section 1. Membership of the Association is as set forth in Article III, Section I, of the Articles of Incorporation of the Association.

Section 2. The rights of membership are subject to the payment of the annual and special assessments levied by the Association, the obligation of which assessments is imposed against each Owner of, and becomes a lien upon, the Properties against which such assessments are made as provided by Article V of the Amended and Restated Declaration of Covenants and Restrictions to which the Properties are subject, which is dated June 26, 1979, and recorded on July 6, 1979, in Official Records Book 10446, Page 220, of the Public Records of Miami-Dade County, Florida

### ARTICLE IV

#### BOARD OF DIRECTORS

Section 1. Membership. The Affairs of the Association shall be governed by a Board of Directors of five (5) directors, unless increased or decreased to an odd number, from time to time upon majority vote of the Members. The Board of Directors of the Association shall be elected at the annual meeting of the members of the Association as specified in the Articles of Incorporation. Any person who has been convicted of any felony by any court of record in the United States and who has not had his or her right to vote restored pursuant to law in the jurisdiction of his or her residence is not eligible for board membership, provided, however, that the validity of any board action is not affected if it is later determined that a member of the board is ineligible for board membership due to having been convicted of a felony. Directors must be natural persons who are 18 years of age or older. The election shall be decided by plurality vote.

Section 2. Removal and Vacancies. Any director may be removed from office at any time with or without cause by the affirmative vote of a majority of the Members of the Association at a special meeting of the Members called for that purpose or by a written agreement in writing or by written ballot without a membership meeting. The special meeting of the Members to recall a director or directors of the Board of Directors may be called by 10 percent of the voting interests giving notice of the meeting as required for a meeting of the Members, and the notice shall state the purpose of the meeting. Electronic transmission may not be used as a method of giving notice of a meeting called in wholes or in part for this purpose. The agreement in writing or the written ballots, or a copy thereof, shall be served on the Association by certified mail or by personal service in the manner authorized by Chapter 48, Florida Statutes and the Florida Rules of Civil Procedure. The

Board of Directors shall duly notice and hold a meeting of the board within 5 full business days after receipt of the agreement in writing or written ballots, or within 5 full business days of the adjournment of the Member meeting to recall one or more directors. At the meeting, the board shall either certify the written ballots or written agreement to recall a director or directors of the board, in which case such director or directors shall be recalled effectively immediately and shall turn over to the board within 5 full business days any and all records and property of the Association in their possession, or proceed in the manner described in Section 720.303(10)(d), Florida Statutes. A director may resign at any time. A director who misses three consecutive meetings of the Board of Directors shall be deemed to have resigned his or her position on the board, thereby creating a vacancy. A vacancy in the Board of Directors so created by removal or resignation shall be filled by an affirmative vote of the remaining directors.

Section 3. Organizational Meeting. The organizational meeting of the duly elected Board of Directors shall be held immediately after the annual meeting of the members, provided that the majority of directors elected be present. Any action taken at such meeting shall be by a majority of the duly elected directors. If the majority of the directors elected at the annual meeting are not present at that time, or if the directors shall fail to elect officers of the Association, the meeting of the Board of Directors to elect officers shall then be held withing thirty (30) days after the annual meeting of members upon three days notice in writing to each director elected, stating the date, time, place and purpose of such meeting.

Section 4. Meetings. Regular meetings of the Board of Directors may be held at any place or places within the Town of Miami Lakes, Florida, on such days and at such hours as the Board of Directors may, by resolution, determine. All meetings of the Board of Directors, except for meetings between the board and its attorney with respect to proposed or pending litigation where the contents of the discussion would otherwise by governed by the attorney-client privilege, or for the purpose of discussing personnel matters, shall be open to all members. Members have the right to speak on any matter placed on the agenda by petition of the voting interests for at least three minutes. The Association may adopt written reasonable rules governing the manner of Member statements, and may include a sign-up sheet for Members wishing to speak.

Section 5. Special Meetings. Special meetings of the Board of Directors may be called at any time by the President or by any two (2) directors and may be held at any place or places within the Town of Miami Lakes, Florida.

Section 6. Notice. Notices of all meetings shall be posted on a conspicuous place in the Properties at least 48 hours in advance of a meeting, except in the case of an emergency, and shall be personally delivered to each member of the board upon three days notice, if by mail, or by telephone or hand delivery if less than three days notice. Alternatively, if notice is not posted on a conspicuous place in the Properties, notice of each board meeting must be mailed or delivered to each Member at least 7 days before the meeting, except in the case of an emergency. Notice of each special meeting must state the purpose or purposes thereof.

Section 7. Meetings Concerning Adoption of Assessments or Use of Parcels. An assessment may not be levied at a board meeting unless the notice of the meeting includes a statement that assessments will be considered and the nature of the assessments. Written notice of any meeting at which special assessments will be considered or at which rules that regulate the use of parcels in the community may be adopted, amended, or revoked, must be mailed, delivered, or electronically transmitted to the Members and parcel owners and posted conspicuously on the property or broadcast on closed-circuit cable television not less than 14 days before the meeting. A written notice concerning changes to the rules that regulate the use of parcels in the community must include a statement that changes to the rules regarding the use of parcels will be considered at the meeting.

Section 8. Voting. Directors may not vote by proxy or by secret ballot at board meetings, except that secret ballots may be used in the election of officers.

Section 9. Petitions. If 20 percent of the total voting interests petition the board to address an item of business, the board shall at its next regular meeting or at a special meeting of the board, but not later than 60 days after receipt of the petition, take up the petitioned item on an agenda. The board shall give all members notice of the meeting at which the petitioned item shall be addressed in accordance with the 14-day notice requirement pursuant to Section 7 above. Each member shall have the right to speak for at least three (3) minutes on each matter placed on the agenda by petition, provided that the member signs the sign-up sheet, if one is provided, or submits a written request to speak prior to the meeting. Other than addressing the petitioned item at the meeting, the board is not obligated to take any other action requested by the petition.

Section 10. Quorum. At any meeting of the Board of Directors, a quorum shall consist of a simple majority of the entire Board of Directors.

## ARTICLE V

### OFFICERS

Section 1. The executive officers of the Association shall be a President, a Vice-President, a Treasurer and a Secretary, all of whom shall be elected by the Board of Directors and who may be removed at any meeting by the affirmative vote of a majority of the Board of Directors at any duly called regular or special meeting of the Board of Directors.

Section 2. The President shall be the chief executive officer of the Association. The President shall preside at all meetings of members of the Association and of the Board of Directors. The President shall have the general powers and duties of supervision and management of the Association which usually pertain to his or her office, and shall perform all such duties as are properly required of him or her by the Board of Directors.

Section 3. The Vice President shall have such powers and perform such duties as usually

pertain to such office or as are properly required of him or her by the Board of Directors. In the absence or disability of the President, the Vice President shall perform the duties and exercise the powers of the President.

Section 4. The Secretary shall issue notices of all meetings of the membership of the Association and the directors where notices of such meetings are required by law or in these By-Laws, and shall keep the minutes of the meetings of the membership and of the directors.

Section 5. The Treasurer shall have the care and custody of all the monies and securities of the Association. The Treasurer shall enter on the books of the Association, to be kept by him or her for that purpose, full and accurate accounts of all monies received by the Association and paid on account of the Association. The Treasurer shall sign such instruments as require his or her signature and shall perform all duties as usually pertain to the office of Treasurer or as are properly required by the Board of Directors.

Section 6. Vacancies in any office arising from any cause may be filled by the Board of Directors at any regular or special meeting.

## ARTICLE VI

### MEETINGS OF MEMBERS

Section 1. Annual Meeting. The Association shall hold a meeting of its members annually for the transaction of any and all proper business on the third Monday of the month of May in each year at such time and place as shall be determined by the Board of Directors. The election of directors must be held at or in conjunction with the annual meeting.

Section 2. Special Meetings. Special meetings of the Members for any purpose may be called by the President, the Vice President, the Secretary or Treasurer, or by any two or more members of the Board of Directors, or upon written request of twenty-five percent of the voting interests of the Association, or who have a right to vote twenty-five percent of the votes of Class A membership. Business conducted at a special meeting is limited to the purposes described in the notice of the meeting.

Section 3. Notice. The Association shall give notice all parcel owners and members actual notice of all membership meetings, which shall be mailed, delivered or electronically transmitted to the members not less than 14 days prior to the meeting. Evidence of compliance with the 14-day notice requirement shall be made by an affidavit executed by the person providing the notice and filed upon the execution among the official records of the Association. In addition to the foregoing delivery methods, the Association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit television system serving the Association. If any business of any meeting shall involve any action governed by the Amended and Restated Declaration of Covenants and Restrictions referred to in

Article III, Section II, hereof, notice of such meeting shall be given or sent as therein provided. Each Member shall register his or her address with the Secretary of the Association.

Section 4. Conduct of Meetings. Members have the right to attend all membership meetings and to speak at any meeting with reference to all items opened for discussion or included on the agenda. A Member or Parcel Owner shall have the right to speak for at least 3 minutes on any items, provided that a written request to speak is submitted prior to the meeting. Adjournment of an annual or special meeting to a different date, time or place must be announced at that meeting before an adjournment is taken, or notice must be given of the new date, time, or place pursuant to the procedures for giving notice of meetings set forth in these By-Laws. Members have the right to vote in person or by proxy. Any Member may tape record or videotape meetings of the Board of Directors and meetings of the membership. The Board of Directors may adopt reasonable rules governing the taping of meeting of the board and the membership.

## ARTICLE VII

### OFFICIAL RECORDS

The official records of the Association, including the items the Association is required to maintain pursuant to Chapter 720, Florida Statutes, shall be maintained within the State of Florida and shall be open to inspection and photocopying by Members or their authorized agents at reasonable times and places within ten business days after receipt of a written request for access. The Association may comply its obligation by having a copy of the official records available for inspection or copying within the community. If the Association has a photocopy machine available where the records are maintained, it must provide Parcel Owners with copies on request during the inspection if the entire request is limited to no more than 25 pages. The failure of the Association to provide access to records within 10 business days after receipt of a written request creates a rebuttable presumption that the Association has willfully failed to comply with this paragraph. An Association member who is denied access to official records is entitled to actual damages or minimum damages of \$50.00 per calendar day up to 10 days (the calculation to begin on the 11<sup>th</sup> business day after receipt of the written request) for the Association's willful failure to comply with this paragraph. The Association may adopt reasonable written rules governing the frequency, time, location, notice, records to be inspected, and manner of inspections. The Association may impose fees to cover the costs of providing copies of official records, including without limitation, the costs of copying, and may charge up to 50 cents per page for copies made on the Association's photocopier, if any, or actual cost of copying if copies are made by an outside vendor.. The Association shall maintain an adequate number of copies of the recorded governing documents to ensure their availability to members and prospective members.

## ARTICLE VIII

### AMENDMENTS

Section 1. These By-Laws may be amended at a regular or special meeting at which a

quorum has been attained (1) of the Members, by a vote of a majority of Members present in person or by proxy, or (2) of the Board of Directors, by a majority of the directors, provided that notice of the meeting states that the purpose of the meeting is to consider an amendment or amendments to the By-Laws and includes the subject matter of the proposed amendment. Amendments to provisions of these By-Laws which are governed by the Articles of Incorporation of the Association may not be amended except as provided in the Articles of Incorporation or under applicable law. Any matter stated herein to be or which are in fact governed by the Amended and Restated Declaration of Covenants and Restrictions, or amendments thereto, referred to herein may not be amended except as provided therein. Notice shall be given in accordance with the provisions of Article VI of these By-Laws.

Section 2. In case of any conflict between the Articles of Incorporation and these By-Laws, the Articles shall control; and in case of any conflict between the Amended and Restated Declaration of Covenants and Restrictions, as amended, the Amended and Restated Declaration of Covenants and Restrictions, as amended, shall control.

## ARTICLE IX RULES GOVERNING RENTAL OF PARCELS

The rental of Lots within the Properties shall be, subject to the following terms, conditions and restrictions:

Section 1. No Lot may be rented by an owner during the first twenty-four (24) months of ownership, running from the date of the deed of conveyance to the current owner. If more than one Lot is owned by the same person, the particular Lot shall not be eligible to be rented until the owner has resided in the Lot for a period of twenty-four (24) months;

Section 2. An owner who wishes to rent a Lot must provide the Board of Directors with a copy of the proposed lease and obtain a detailed background check from a company which performs background checks on prospective tenants.

Section 3. Upon written request and good cause shown, the Board of Directors shall have the power to authorize relief from these regulations governing the leasing of Lots upon the showing of a hardship

Section 4. The rental policy set forth herein shall not apply to any Lot which is leased at the time these Amended and Restated By-Laws are adopted, but shall be binding upon any Owner who purchases such Lots after the effective date of these Amended and Restated By-Laws.

Section 5. The Association is hereby authorized to adopt, from time-to-time, additional rules and regulations as may be necessary for the implementation of the rental policy contained in this Article IX.

WE HEREBY CERTIFY that the foregoing Amended and Restated By-Laws of Miami Lakes Loch Isles Homeowners' Association, Inc., a corporation not for profit under the laws of the State of Florida, were duly adopted by a vote of the membership in excess of that required by the governing documents of the Association, at a meeting held for such purpose on the \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Miami Lakes Loch Isles Homeowners' Association, Inc.

Witnesses:

Sign: \_\_\_\_\_

Print Name: \_\_\_\_\_

By: \_\_\_\_\_

, President

Sign: \_\_\_\_\_

Print Name: \_\_\_\_\_

Attest: \_\_\_\_\_

, Secretary

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, by \_\_\_\_\_, as President, and \_\_\_\_\_, as Secretary of Miami Lakes Loch Isles Homeowners' Association, Inc., a Florida not-for-profit corporation, on behalf of the corporation, who are personally known to me, or who have produced as identification \_\_\_\_\_ and who did/did not take an oath.

\_\_\_\_\_  
Notary Public, State of Florida at Large

Print Name:

My commission expires: