

This Instrument Prepared By  
 EDUARDO MELANO, ESQUIRE  
 HYMAN & KAPLAN, P.A.  
 14th Floor Courthouse Tower  
 44 West Flagler Street  
 Miami, Florida 33130

REC. 1798210080

98R072094 1998 FEB 18 08:11

**AMENDMENT TO THE BY-LAWS OF  
 THE TOWERS OF KEY BISCAYNE, A CONDOMINIUM**

The undersigned, being respectively the President and Secretary of The Towers of Key Biscayne Association, Inc., a Florida not-for-profit corporation organized pursuant to Chapter 718.101 et seq., Florida Statutes, and pursuant to the Declaration of Condominium for The Towers of Key Biscayne, a Condominium, as recorded in the Official Records of Dade County, Florida, at Book No. 7850, Page 375, do hereby certify that the following Amendment to the By-Laws were adopted in accordance with the provisions of Article 57 thereof, at a duly noticed meeting of the Association's Board of Directors which took place on August 21, 1997.

(NOTE: New words are underlined.)

I. Article 61, of the By-Laws is amended by adding Section 61.1 as follows:

61.1 Remedies for Violation.

In addition to the means of enforcement provided elsewhere in these By-Laws, the Declaration of Condominium, the Articles of Incorporation and the Rules and Regulations, the Board of Directors shall have the authority to enforce by legal means the provisions of the Condominium Act, the Declaration of Condominium, the By-Laws, the Articles of Incorporation and the Rules and Regulations of the Association and to assess fines for violations thereof against Unit Owners or Unit Owners' guests or lessees, in the manner provided herein:

61.1.1 The Board of Directors shall appoint a Covenant Enforcement Committee comprised of Unit Owners charged with determining whether any of the provisions of the Condominium Act, the Declaration of Condominium, the Articles of Incorporation, the By-Laws or the Rules and Regulations of the Association are being or have been violated. A complaint concerning an alleged violation may either be instituted by the Manager, or presented to the Manager by a member of the Association or by a member of the Board of Directors. In either instance, the Manager shall conduct an investigation of the alleged violation and attempt to reach a resolution. In the event the Manager determines that a violation has occurred, but is unable to obtain compliance, he shall refer the alleged violation to the Covenant Enforcement Committee. The Covenant Enforcement Committee shall provide reasonable notice of not less than fourteen (14) days of the alleged violation or violations to the Unit Owner and/or occupant, specifying the nature of such violation(s). The notice shall include a statement of the provisions of the Declaration of Condominium, the Articles of Incorporation, the By-Laws or the Rules and Regulations of the Association which have allegedly been violated, and a date, time and place of the next Covenant Enforcement Committee's meeting, at which time the Owner and/or occupant shall present reasons why fines should not be

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imposed. The notice shall also specify, and it is hereby provided, that each violation shall be subject to a fine of up to One Hundred Dollars (\$100.00) provided, however, that a fine may be levied on the basis of each day of a continuing violation with a single notice and opportunity for hearing, so long as no such fine shall in the aggregate exceed One Thousand Dollars (\$1,000.00).

61.1.2 The Unit Owner and/or occupant against whom the fine may be levied shall have an opportunity to respond, to present evidence, and to provide written and oral argument on all issues involved and shall have an opportunity at the hearing to review, challenge and respond to any material considered by the Covenant Enforcement Committee. After the conclusion of the hearing, the Covenant Enforcement Committee shall make a recommendation to the Board of Directors as to whether a fine should be imposed.

61.1.3 No later than twenty-one (21) days after the Covenant Enforcement Committee's meeting, the Board of Directors may levy a fine for each violation in the manner and amounts provided herein.

61.1.4 Payment of Penalties: Fines shall be paid not later than thirty (30) days after notice of the imposition of the penalties. Nothing contained herein shall be construed to interfere with any right that a Unit Owner may have to obtain from a violator occupying his unit payment in the amount of any final fines levied against that unit.

61.1.5 Non-Exclusive Remedy: These fines shall not be construed to be exclusive and shall exist in addition to all of the rights and remedies to which the Association may be otherwise legally entitled; however, a penalty paid by the offending Owner or occupant shall be deducted from or offset against any damages which the Association may otherwise be entitled to recover by law from such Owner or occupant.

IN WITNESS WHEREOF, THE TOWERS OF KEY BISCAYNE, INC. has duly approved and executed the foregoing Amendment to its By-Laws and has affixed its corporate seal on this 5<sup>th</sup> day of February, 1998.

[CORPORATE SEAL]

THE TOWERS OF KEY BISCAYNE ASSOCIATION, INC.

ATTESTED

BY: [Signature] President

BY: [Signature] Secretary

WITNESSES:

[Signature] Witness Signature

Barbara Rodriguez Witness Name Printed

[Signature] Witness Signature

D. FANSHAWE Witness Name Printed

REC. 1798200082

STATE OF FLORIDA )  
                          )SS  
COUNTY OF DADE    )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Paul Archer, President and Maxine Ellend, Secretary respectively of the corporation named in the foregoing Amendment, and that they severally acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in them by said Corporation and that the seal affixed thereto is the true and corporate seal of said Corporation.

WITNESS my hand and official seal in the County and State last aforesaid on this 5<sup>th</sup> day of February, 1998.

Michael Capovani  
Notary's Name Typed/Printed

Michael Capovani  
NOTARY PUBLIC, State of Florida  
At Large

My Commission No.                       
My Commission Expires                       
My Commission Expires                       
My Commission Expires                     

FAWPS\FILES\LYNN\AMENDMNT\TOWERS-KB-ALRYLAWS\A001

RECORDED IN OFFICIAL RECORDS BOOK  
OF DADE COUNTY, FLORIDA.  
RECORD VERIFIED  
HARVEY RUVIN  
CLERK CIRCUIT COURT