

*Voted on by members  
2007*

**THIRD AMENDMENT TO THE BY-LAWS OF**  
**BAY GARDENS CONDOMINIUM OWNERS ASSOCIATION, INC.**  
**An Alabama Non-Profit Corporation**

WHEREAS, the By-Laws of Bay Gardens Condominium Owners Association, Inc., dated May 14, 1987 and recorded in Miscellaneous Book 59, Page 1631, et. seq. and First Amended September 14, 1989 and recorded in Miscellaneous Book 65, Page 784 et. seq. and Second Amended November 26, 1991 and recorded in Miscellaneous Book 69, Page 1644 et. seq., of the records in the Office of the Judge of Probate of Baldwin County, Alabama; and,

WHEREAS, the Owners of the Units of Bay Gardens Condominium in Baldwin County, Alabama, do wish to amend and revise the By-Laws of the Bay Gardens Condominium Owners Association, Inc., according to Article XII of said By-Laws; and,

WHEREAS, notice of the subject matter of this proposed revision was included in a notice of a general meeting given to all Unit Owners held on the 3<sup>rd</sup> day of March, 2007; and,

WHEREAS, a Resolution having been adopted and approved prior to that time, by a majority of the Board of Directors proposing the revisions given below; and,

WHEREAS, said proposed revision was approved by two-thirds (2/3) of the votes of the Unit Owners according to their proportional ownership;

THEREFORE, THE BY-LAWS OF BAY GARDENS CONDOMINIUM OWNERS ASSOCIATION, INC. SHALL BE AMENDED AS FOLLOWS:

Article V is hereby amended to read as follows:

*5.01. Number The property, business, and affairs of the Association shall be managed by a Board of Directors which shall consist of not less than three Directors nor more than seven Directors as shall, from time to time, be determined and fixed by a majority of the voting rights present at any annual meeting of the Members. Except as may otherwise be provided in these By-Laws, each Director shall be a person entitled to cast a vote in the Association.*

Article VIII, Section 8.07 is hereby amended by adding the following:

Vice President. *Additionally, the Vice President shall be a member of and the Chairperson of the Architectural Committee and shall be responsible for the operations and reporting of the Architectural Committee.*

The Additional Provisions to the By-Laws dated August 25, 1989 and recorded in Miscellaneous Book 65, Page 784 et. seq. of the records in the Office of the Judge of Probate of Baldwin County, Alabama, are hereby amended to read as follows:

1. Architectural Control, 2nd Sentence. *Therefore, no building, fence, .....by the Board of Directors of the Association, or by an architectural committee composed of three (3) or more representatives appointed by the Board, one of whom shall be the Board's vice president and also the Chairperson of this Committee.* ✓

2. Building Setback, Number 2. *Sides and rear line setbacks shall be five feet minium except for Lots 37 through 48 where the minium rear setbacks must be 10 feet due to the location of the existing sewer line.*

3. Architectural Style, Number 2. *Add the following sentence: Wooden siding or Hardy Plank is preferred, however, any other type of siding material must be approved by the Board or its designee, the Architectural Committee.*

4. Architectural Style, Number 3. *Amended to read as follows: Exterior colors should compliment the other homes and colors with white trim being preferred. Drawings submitted for approval to the Architectural Committee must include the proposed exterior colors and finishes.*

5. Architectural Style, Number 4. *Amended to read as follows: All structures are to be built on piling to that height required by the current building code.*

6. Architectural Style, Number 5. *Amended to read as follows: Spaces under the home are to be enclosed with vinyl or wooden lattice.*

7. Occupancy, Section a. *The clause "enclose any terrace or balcony with screen, glass or other material" is hereby deleted.*

8. Occupancy, Section e. *The following is added after "the Board of Directors;" "satellite dishes 36 inches in diameter or less do not require the Board's consent;"*

9. Owner's Obligations to Repair and Restore. Add the following as the 4<sup>th</sup> and 5<sup>th</sup> paragraphs:

*A \$500.00 refundable cash deposit will be required from each property owner prior to beginning any construction. This deposit is fully refundable once such construction is completed and verification that no damage to the Common Areas has occurred. Costs (if any) for damage to the Common Areas will be deducted from the deposit and the remaining balance will be refunded within 30 days. Costs for repairs exceeding the deposit will be billed to the property owner as an assessment which shall constitute a lien as provided for in the Declaration, in the event, payment is not received within 60 days.*

*All pilings shall be installed using "fresh water" not "bay water" and shall meet all current building code requirements.*

IN WITNESS WHEREOF, the said Bay Gardens Condominium Owners Association, Inc., an Alabama Non-Profit Corporation, has caused this Amendment to the By-Laws of Bay Gardens Condominium, to be executed on its behalf and its corporate seal to be affixed hereto by its officers thereunto duly authorized this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

BAY GARDENS CONDOMINIUM  
OWNERS ASSOCIATION, INC.  
An Alabama Non-Profit Corporation

BY:   
BILL SMITH, Its President

Attest:

BY:   
SUE FARRELL, Its Secretary

STATE OF \_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ )

I, the Undersigned, a Notary Public in and for said State and County, hereby certify that BILL SMITH whose name as President of BAY GARDENS CONDOMINIUM OWNERS ASSOCIATION, INC., an Alabama Non-Profit Corporation, is signed to the foregoing Amendment to the By-Laws, and who is known to me, acknowledged before me on this date that being informed of the contents of said Amendment, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the date the same bears date.

Given under my hand and seal on this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
NOTARY PUBLIC

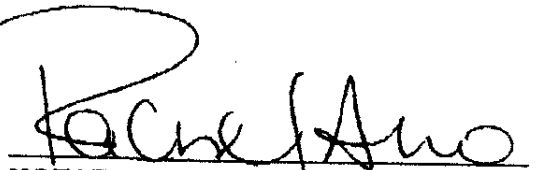
My Commission Expires: \_\_\_\_\_

STATE OF ALABAMA )

COUNTY OF BALDWIN )

I, the Undersigned, a Notary Public in and for said State and County, hereby certify that SUE FARRELL whose name as Secretary of BAY GARDENS CONDOMINIUM OWNERS ASSOCIATION, INC., an Alabama Non-Profit Corporation, is signed to the foregoing Amendment to the By-Laws, and who is known to me, acknowledged before me on this date that being informed of the contents of said Amendment, she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the date the same bears date.

Given under my hand and seal on this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: 1-12-10