

By Laws  
of  
Gables Estates Club, Inc.  
as Amended through 2009

**Article I**

Section 1. Executive Officers: The Executive Officers of the corporation shall be a President, one or more Vice-Presidents, a Secretary and a Treasurer. The President, and all other officers, shall be elected annually by the Board of Governors. They shall take office immediately after the annual election. The President and the other officers shall be members of the Board of Governors and members of the corporation.

Section 2. The President: Subject to the direction of the Board of Governors, the President shall be chief executive officer of the corporation, and shall perform such other duties as from time to time may be assigned by the Board. The President shall be *an* ex-officio member of all committees.

Section 3. The Vice-Presidents: The Vice-Presidents shall have such power and perform such duties as may be assigned to them by the Board of Governors or the President. In case of the absence or disability of the President, the duties of the President shall be performed by the Vice-Presidents in the order of their rank.

Section 4. The Secretary: The Secretary or an Office of Director appointed by the President or an appointed Committee Chair shall keep the minutes of all proceedings of Board of Governors and of all committees, and the minutes of the members' meetings in written form or in another form that can be converted to written form within a reasonable time. The Secretary shall have custody of the corporate seal and such other papers as the Board may direct, and shall, in general, perform all the duties incident to the office of Secretary, subject to the control of the Board of Governors and the President. The Secretary shall also perform such other duties as may be assigned by the President or by the Board.

Section 5. The Treasurer: The Treasurer shall have the custody of all the receipts, disbursements, funds and securities of the corporation and shall perform all duties incident to the office of Treasurer, subject to the control of the

Board of Governors and the President. The Treasurer shall perform such other duties as may from time to time be assigned by the Board or the President.

Section 6. Subordinate Officers: The President, with the approval of the Board of Governors, may appoint such other officers and agents as the Board may deem necessary, who shall hold office during the pleasure of the Board, and who shall have such authority and perform such duties as from time to time may be prescribed by the President or by the Board.

## **Article II Board of Governors**

Section 1. Number of Members: The business and affairs of this corporation shall be managed by a Board of Governors which shall consist of not less than three (3) nor more than nine (9) members. The Board members must be members of the corporation. The number of Governors shall be fixed by the Board.

Section 2. Executive Committee: The Board of Governors may elect from its number an Executive Committee consisting of not less than three (3) members of the Board, which committee shall have all the powers of the Board of Governors between meetings, regular or special. The President of the corporation shall be a member of, and chairperson of the Executive Committee.

Section 3. Regular Meetings: The Board shall meet for the transaction of business not less than once each quarter at such time and place as may be designated.

a. Notices of all Board of Governor meeting will be posted in a conspicuous place at least 48 hours in advance of the meeting, except in cases of an emergency. The Board of Governors may alternatively give notice of its meetings by mailing or delivering notice to each member at least 7 days before the meeting date, except in cases of an emergency.

b. All meetings of the Board of Governors will be open to all members except for meetings between the Board of Governors and its attorney with respect to proposed or pending lawsuits where the discussion of the Board of Governors is governed by the attorney-client privilege.

c. Any member may tape record or videotape meetings of the Board of Governors, Special Meetings of the Board and/or membership, and committee meetings. The Board of Governors may adopt reasonable rules governing the taping of meetings.

Section 4. Special Meetings: Special Meetings of the Board of Governors may be called by the President or by three (3) members of the Board for any time and place, provided notice of such meetings is given as described in Section 3.a. above to each member of the Board before the time appointed for such meeting,

except in cases of an emergency.

Section 5. Quorum: The Governors shall act only as a Board, and the individual Governors shall have no power as such. A majority of the Governors for the time being in office, but in any event five (5) shall constitute a quorum for the transaction of business, but a majority of those present at the time and place of any regular or special meeting although less than a quorum, may adjourn the same from time to time without notice until a quorum be at hand. The act of a majority of Governors present at any meeting at which there is a quorum shall be the act of the Board of Governors, except as may be otherwise provided by law.

Section 6. Order of Business: The Board of Governors may from time to time determine the order of business at its meeting, except that an assessment may not be levied at a Board of Governors meeting unless the notice of the meeting contains a statement that assessments will be considered and the nature of the assessments.

a. Members of the Board of Governors may not vote by proxy or by secret ballot at Board meetings. Secret ballots may be used to elect officers or governors. A vote or abstention from a vote on each matter voted upon must be recorded in the meeting minutes.

Section 7. Chairman: At all meetings of the Board of Governors the President, or, in the President's absence, a Vice-President, or in the absence of both, a Chairperson chosen by the Governors present, shall preside.

Section 8. Annual Report: The Board of Governors shall prepare an annual financial report within 60 days after close of the fiscal year. The Board of Governors shall provide each member of the association a copy of the annual financial report or provide a notice that a copy of the report is available upon request at no charge. Upon receipt of a written request, the Board shall provide a copy within 10 business days of the request.

a. The financial report will consist of either financial statements presented in conformity with generally accepted accounting principles or a financial report of actual receipts and expenditures, cash bases, by classification and the beginning and ending cash balances of the association.

Section 9. Terms of Members of Board: The First Board of Governors named in the Charter of the corporation shall serve until the beginning of business of the corporation or until their successors shall have been elected and shall have qualified. At the beginning of business the Board shall fix the number of Governors and the terms for which they are to hold office.

a. At the annual meeting of the membership to be held on October 26, 1982, five (5) members of the Board shall be elected for two (2) year terms and four (4) members of the Board for one (1) year terms. Thereafter, the positions of retiring Board members shall be filled by election of Board members for two (2) year terms.

b. If the President of the Club is one of the retiring Board members completing his/her term, such Board member shall remain a Board member for an additional year, and the number of authorized Board members shall be increased by one (1) for such Board members.

Section 10. Vacancies in Board: Whenever a vacancy in the membership of the Board shall occur, the remaining members of the Board shall have the power, by a majority vote, to select a member of the Club to serve the unexpired term of the vacancy.

Section 11. Manner of Nominations of Members to the Board: Not more than sixty (60) days and not less than thirty (30) days prior to the next ensuing Annual Meeting, the President shall appoint from the general membership of the Club a Nominating Committee which shall consist of five (5) members. It shall be the duty of the Nominating Committee at the Annual Meeting to propose one nominee for election to each vacancy on the Board of Governors. Each Nominee shall have agreed to serve on the Board, if elected. Additional nominations may then be made from the floor. If there are no additional nominations from the floor, the names proposed by the Nominating Committee shall be deemed elected, and Section 12 below, is waived. Should there be additional nominations at the Annual Meeting, then Section 12 below must be used.

Section 12. Election of Members of the Board: Election of members to the Board shall be conducted by written mail ballot. It shall be the duty of the President to mail a ballot within seven (7) days following the Annual Meeting to each voting member at his or her last recorded address as the same appears on the records of the Club. Ballots shall be returnable to the President in whose custody they shall be entrusted and must be received by the President within fifteen (15) days of the date the ballots are mailed to the membership. If the fifteenth (15th) day falls on a legal holiday ballots will be due on the next succeeding business day. All nominees shall be notified by the President of the time and place of the meeting of the Board of Governors where the vote will be tallied and advised of their right to be present. All ballots shall remain sealed until the meeting of the Board of Governors takes place. The President shall notify the voting members of the results of the election.

Section 13. The Gables Estates Club, Inc. shall indemnify and hold harmless each officer and governor of the Club from any expense reasonably incurred in

connection with, or arising out of, (a) the defense of any action, suit or proceeding in which the officer and/or governor is a party, or (b) any claim asserted or threatened against an officer and/or governor, by reason of being or having been an officer or governor of the Club, whether or not still an officer or governor at the time of incurring such expenses. Such expenses shall include (but not to be limited to) attorneys' fees, amount of judgments, and amounts of reasonable settlements other than amounts paid to the Club itself. Notwithstanding the foregoing, however, the Club shall not indemnify or hold harmless any officer or governor with respect to matters as to which the officer and/or governor shall be adjudged in such action, suit or proceeding to be liable for negligence or willful misconduct in the performance of duties as such officer or governor, nor with respect to matters as to which any settlement or compromise is effected unless the corporation is advised by independent counsel that the officer or governor so indemnified was not negligent or guilty of willful misconduct in the performance of duties as such officer or governor. The foregoing right of indemnification shall not be exclusive of any other right to which any officer or governor may be entitled or which may be lawfully granted to an officer or governor; the granting of such foregoing right by the Club shall be in addition to and not in restriction or limitation of any other privilege or power which the Club may have with respect to the indemnification or reimbursement of officers or governors.

### **Article III Meetings of Voting Members**

Section 1. Annual and Semi-Annual Meetings: There shall be an Annual Meeting, of the voting members of the Corporation to be held during the month of ~~October~~ November at such time and place as shall be determined by the board of Governors, for the transactions of such business as may come before the meeting. There shall be a Semi- Annual Meeting of the voting members of the corporation to be held during the month of April at such time and place as shall be determined by the Board of Governors for the transaction of such business as may come before the meeting. Notice of each Annual Meeting and Semi-Annual Meeting, stating the time and place of same, shall be sent to the last known address of all voting members at least ten (10) days prior to said meeting. Any member may tape record or videotape Annual and/or Semi-Annual Meetings of the membership subject to the rules prescribed by the Board of Governors.

Section 2. Special Meetings: Special Meetings of the voting members shall be held whenever called by the Board or by 15% of the voting interests. Notice of each special meeting, stating the time, place and a description of the purpose for which the meeting is called shall be sent by mail to the last known address of all voting members at least (10) days prior to said meeting.

Section 3. Proxy: Every voting member may cast one vote, either in person or by proxy, for each lot owned in fee simple by that particular voting member, solely or

jointly, or by the corporation owning the lot or lots of which he is a stockholder and the voting member thereof.

a. The proxy must be dated, state date, time and place of the meeting for which it is given, and be signed by the voting member. A proxy is effective only for the specific meeting for which originally given, as that meeting may be adjourned and reconvened. A proxy automatically expires 90 days after the date of the meeting. A proxy may be revoked at any time by the voting member who executes it.

Section 4. Quorum: At any meeting of the voting members a quorum shall consist of voting members owning jointly or solely, in fee simple, or voting members representing corporations owning in fee simple, 30% of the total voting interests in Gables Estates Subdivisions Number 2, Number 3, Number 4, Lots 14 through 21, of Block 1 of Cocoplum Section Two, Plat "A", present either in person or by proxy, and a majority of such quorum shall decide any question that may come before the meeting.

#### **Article IV Membership**

Section 1. Qualifications: The qualifications for membership in this corporation shall be that a person be of good moral character and such additional qualifications as shall be prescribed by the Charter by-laws or by the Board of Governors. The membership committee shall be instructed to consider among those qualities examined in an applicant, good moral character, congeniality of the applicant and family, and financial responsibility. In no event shall applicant be rejected on the basis of race, color, age, religion, sex, handicap, familial status or national origin.

Section 2. Voting Members: Only persons owning real property in Gables Estates Subdivisions Number 2, Number 3, Number 4, Lots 14 through 21, of Cocoplum Section One, or Lots 1 through 9, of Block 12, of Cocoplum Section Two, Plat "A", or owning stock in a corporation owning real property in any of said Subdivisions shall be eligible to become a voting member.

a. Where two or more persons are the joint owners of real property in Gables Estates Subdivisions Number 2, Number 3, Number 4, Lots 14 through 21, of Block 1 of Cocoplum Section One, or Lots 1 through 9, of Block 12, of Cocoplum Section Two, Plat "A", one, and only one, shall become a voting member. Where two or more persons are stockholders in a corporation owning real property in any of said Subdivisions, one, and only one, shall become a voting member.

b. All corporations owning real property in Gables Estates

Subdivisions Number 2, Number 3, Number 4, Lots 14 through 21, of Block 1, of Cocoplum Section One, or Lots 1 through 9, of Block 12, of Cocoplum Section Two, Plat "A" shall be required to annually re-certify the eligibility of their voting members.

c. Whenever a voting member shall cease to own real property in Gables Estates Subdivisions Number 2, Number 3, Number 4, Lots 14 through 21, of Block 1 of Cocoplum Section Two, Plat "A", or shall cease to own stock in a corporation that owns real property in any said Subdivisions, such member shall automatically be dropped from the membership roll of the Club.

Section 3. Non-Voting Members: Non-Voting members shall consist of persons in the immediate family of a voting member residing on property located in Gables Estates Subdivisions Number 2, Number 3, Number 4, Lots 14 through 21, of Block 1, of Cocoplum Section One, or Lots 1 through 9, of Block 12, of Cocoplum Section Two, Plat "A", stockholders (other than the voting member) of any corporation owning a lot, or lots in any of said Subdivisions, Tenants and lessees of property located in said Subdivisions and members of the immediate families residing on real property located in said Subdivisions.

a. Persons in the immediate family of voting member residing on the said property shall automatically become non-voting members of the Club when the said voting member obtains his voting membership. Stockholders (other than the voting member) of any corporation owning a lot, or lots in Gables Estates Subdivisions Number 2, Number 3, Number 4, Lots 14 through 21, of Block 1 of Cocoplum Section One, or Lots 1 through 9, of Block 12, of Cocoplum Section Two, Plat "A", and tenants and lessees of real property located in said Subdivisions, must be approved in the same manner as voting members are approved as set forth in Section 5 of this Article, in order to become non-voting members of the Club. Once a tenant or lessee is approved, the members of his immediate family residing on the real property in said Subdivision shall automatically also become non-voting members of the Club.

b. Whenever the voting member shall automatically be dropped from the membership roll of the Club as provided above, the membership of the non-voting member, which membership is contingent upon the membership of the voting member, shall automatically cease and terminate.

Section 4. A member, voting or non-voting, shall have no vested right, interest or privilege of, in or to the assets, functions, affairs or franchises of this corporation, or any right, interest or privilege which may be transferable or inheritable, or which shall continue after membership ceases, or while not in good standing.

Section 5. Manner of Admission: Every person, except as heretofore provided in the Club's Charter, desiring to become a voting member of the Club shall make written application therefore to the Secretary, giving complete information regarding the applicant's qualifications, residence address, business address, nature of business, club affiliations, bank references, business references, and a copy of the purchase contract and any document deemed necessary by Gables Estates Club to disclose the eventual purchaser and such other information as the Board of Governors shall from time to time require along with payment of a non-refundable application fee in an amount as set forth by the Board of Governors.

a. In addition to the foregoing, a corporation seeking voting membership on behalf of a stockholder otherwise qualified under ARTICLE IV Section 3, of these By-Laws, shall provide a sworn, sealed statement which shall describe: (1) the business of the corporation; and (2) the relationship between the corporation and the individual nominated as its voting member.

b. At least two (2) voting members in good standing with Gables Estates Club, Inc. who are personally acquainted with the applicant shall write letters of recommendation to the Secretary.

c. In the event an applicant is not acquainted with any members of Gables Estates Club, Inc., introductions may be arranged by the President, other officer, or the Secretary.

d. The Admissions Committee submits its recommendation to the Board of Governors. The Board of Governors may reject an applicant for cause. Approved applications for voting members shall become final when the applicant shall become owner of real property in Gables Estates Subdivisions Number 2, Number 3, Number 4, Lots 14 through 21, of Block 1 Cocoplum Section One of Lots 1 through 9, of Block 12, of Cocoplum, Section Two, Plat "A", or the owner of stock in a corporation owning real property in any of said Subdivisions, or the corporation of which the applicant is a stockholder shall become the owner of real property in any of said Subdivisions, as the case may be.

Section 6. Membership Not Transferable: No membership may be sold, assigned, or transferred, voluntarily or by will or by operation of law except that in the event of the death of a member, a membership may devise to the surviving spouse, or lineal descendants. An individual voting member may transfer title to

a business or other entity owned entirely by the voting member or title may be transferred from business entity or other entity to the individual voting member upon submission of an application and the payment of a transfer fee to Gables Estates Club, Inc. as established by the Board of Governors.

Section 7. Termination of Membership: Whenever any voting member shall cease to have all the qualifications necessary for admission to membership in the Club, then such membership shall terminate.

Section 8. Admissions Committee: The President shall appoint an Admissions Committee consisting of not less than three (3) and not more than seven (7) voting members of the Club, who may, but need not, be members of the Board of Governors.

Section 9. Non-Refundable Application Fee: Every applicant shall be required to pay a non-Refundable application fee, the amount of which shall be determined by the Board of Governors for each membership and may be changed from year to year by the Board of Governors.

Section 10. Annual Dues: Every voting member shall be required to pay annual dues, the amount of which shall be determined by the Board of Governors and may be changed from year to year by the Board of Governors or by the voting members.

#### **Article V Loss of Property**

Section 1. The Board of Governors shall not be liable or, responsible for the destruction or the loss of, or damage to the property of any member or the guest of any member, or visitor, or other person.

#### **Article VI Maintenance Fee**

Section 1. The Board of Governors of Gables Estates Club, Inc., shall have the right and power to subject the property situated in Gables Estates Subdivisions Number 2, Number 3, Number 4, Lots 14 through 21, of Block 1 of Cocoplum Section One, and Lots 1 through 9, of Block 12, of Cocoplum Section Two, Plat "A", except streets, ways and parks, to an annual maintenance fee. The fee will be delinquent when not paid within ninety (90) days after it becomes due. All delinquent maintenance fees shall bear interest at 18% per annum. The Maintenance fee may be adjusted from year to year by the Board of Governors of Gables Estates Club, Inc.

The Treasurer shall forward to the Secretary of the Club a list of delinquent property owners when the owners accounts become ninety (90) days delinquent, and the Board of Governors shall be empowered to take the necessary action to

cause liens to be filed against any such property owner. Upon payment of delinquent maintenance fees, the Board of Governors shall cause a Release of Lien to be executed and the member shall be responsible for the Board of Governors' reasonable attorneys fees. In no case shall the officers of the Club be allowed to carry a delinquent account on the books of the Club without filing a lien beyond their term of office.

Any member of the Club who has notified the Club that he does not intend to pay the assessment or any member who is ninety (90) days delinquent in payment of the Club assessment, or who has a lien filed against the member's property for delinquent assessments shall not be elected to the Board of Governors.

Section 2. The Maintenance Fund may be used: For lighting, improving and maintaining the streets and dedicated right-of-ways maintained for the general use of the owners and occupants of land included in said Subdivisions:

For operating and maintaining any storm-water drains now or hereafter constructed in said Subdivisions that are not or will not be under the direct supervision of the State or County.

For collection and disposing of garbage, ashes and rubbish; For employing policemen and watchmen; and

For doing any other thing necessary or desirable, in the opinion of the Board of Governors of the Club, to keep the property neat and in good order, and to eliminate fire hazards, or, which in the opinion of the Board of Governors, may be of general benefit to the owners or occupants of the land included in said Subdivisions.

Section 3. Gables Estates Club, Inc., shall have a lien on all the lots in Gables Estates Subdivisions Number 2, Number 3, Number 4, Lots 14 through 21, of Block 1 of Cocoplum Section One, and Lots 1 through 9, of Block 12, of Cocoplum Section Two, Plat "A", to secure the payment of maintenance charges due and to become due, and the record owners of such lots shall be personally liable for all maintenance charges. Upon demand, the Gables Estates Club, Inc., shall furnish to any owner or mortgagee or person interested, a certificate showing the unpaid maintenance charges against any lot or lots.

Gables Estates Club, Inc., may, in its discretion, subordinate in writing, for limited periods of time, the liens of the said Club against any lots for the benefit or better security of a mortgage.

## **Article VII Notice**

Section 1. Notice: Whenever, according to these by-laws, a notice shall be

required be given to any member or Governors, it shall be as described in Section 3 of Article II.

Section 2. Waiver of Notice: Any notice required to be given by these by-laws may be waived by the person entitled thereto.

### **Article VIII Corporate Seal**

Section 1. Corporate Seal: The Corporate seal shall have engraved thereon the following: "Gables Estates Club, Inc.-Seal-Incorporated 1957 Florida." It shall remain in the custody of the Secretary and shall be affixed to all certificates of membership of the corporation and to all instruments in writing requiring the corporate seal for complete execution. An impression thereof is directed to be affixed to these by-laws.

### **Article IX Fiscal Year**

Section 1. The fiscal year of the corporation shall begin on the 1st day of October, and terminate on the 30th day of September of each year.

### **Article X Interpretation and Amendment**

Section 1. The Board of Governors shall have full power and authority to interpret these by-laws, and its decisions on all questions shall be final, binding and conclusive.

Section 2. These by-laws, or any paragraph or section thereof, may be amended or repealed in whole or in part, by 51 percent of the voting interests at any annual, semi-annual or special meeting.

Section 3. The Board of Governors, by a majority vote, may amend or repeal these by-laws, or any part thereof, at any regular or special meeting of the Board. Within ten (10) days of any such action having been taken, a notice of any amendment or repeal of these by-laws by the Board of Governors shall be sent to the general membership. The voting members may veto any amendments or repeal at a special meeting called in accordance with ARTICLE III, Section 2, of these by-laws, within 60 days of the action taken by the Board of Governors.

### **Article XI**

Pursuant to Section 14 of the Declaration of Protective Covenants entitled "Remedies for Violations", Gables Estates Club, Inc. in enforcing any rights or remedies for violations or breach of restrictions set forth therein, or in enforcing any provisions of the Charter and/or By-Laws of Gables Estates Club, Inc. shall be entitled to reasonable attorney's fees and costs from the party or parties in violation thereof.

## **Article XII Special Permits**

Section 1. Prior to securing a special permit from the City of Coral Gables to allow construction on weekends, holiday and/or for extended hours, owner shall obtain written consent from neighbors on all sides of, and across the street and/or across the waterway, if applicable of the property under construction and present written request with neighbors' consents to the Board of Governors. Then Board of Governors will issue a written determination of non-objection or objection to the request. This written determination shall not be required if owner requests an emergency one day special permit, unless the day in question is a legal holiday, in which case the Board of Governors' determination will be required. The Board of Governor's determination shall be delivered to the City along with the request for special permit with a copy to the Secretary of the Board of Governors.

**Article XIII. Maintenance.** All homes, structures and property located within Gables Estates community, more specifically defined as all of Gables Estates Number 2, Gables Estates Number 3, Gables Estates Number 4, Lots 14 through 21 Block 1 of Cocoplum Section One and Lots 1 through 9 of Block 12 of Cocoplum Section 2, Plat "A" (hereinafter "Gables Estates") are located within the City of Coral Gables, subject to the Coral Gables City Code of Ordinances and are required to comply with those Codes. In addition, each home, structure and property located within Gables Estates and each owner or resident thereof is required to comply with the below listed standards and requirements for maintenance thereof. This obligation shall exist regardless of whether the home, structure or property is occupied or vacant. Whether a given home or property is vacant, in the process of transferring title, or on the market to be sold does not excuse compliance with the obligations for the maintenance of homes, structures and property located in these By Laws and the Coral Gables City Code of Ordinances. The Board of Governors of the Gables Estates Club. Inc. shall be specifically empowered to add to, amend and delete these as it may find to be necessary from time to time.

Section 1: Maintenance of Homes, Structures and Property;

- (a) All doors and windows in any given structure must be closed and locked when the structure is vacant.
- (b) All walls, railings or structures of any kind must be maintained in good repair, properly painted with a Gables Estates Club. Inc. approved color and free of any unsightly damage or defects as may be determined by the Board of Governors of the Gables Estates Club, Inc.

- (c) In addition, all front, rear and side yards and/or property must be kept free of debris, trash, rubbish, weeds or other unsightly or unsanitary items.
- (d) All grass and/or undergrowth on any portion of the property must be kept at a height of six inches or less from the ground.

Failure to comply with the above referenced standards for homes, structures and/or property located within Gables Estates will lead to a notice given by certified mail to the owner of the property upon which the violation exists to the address listed within the Gables Estate Club Inc.'s (the "Club") records advising the owner of the violation. If the owner fails to remedy the violation within the number of days set forth in the notice, the Club shall have the right to remedy the violation on the owner's behalf and at the owner's expense. All expenses associated with remedying the violation will be levied as a charge against the property upon which the violation exists, which will be collected in the same manner as past due assessments due to the Club may be collected. Further, should more than one violation occur under this Section, the Club shall have the right to remedy future violations without further notice at the owner's expense.

All owners are responsible for ensuring that any agent or employee, including realtors and/or brokers, responsible for the home in the owner's absence complies with the standards set forth in the Coral Gables Code and in these By-Laws and any Rules and Regulations adopted by the Board of Governors of the Gables Estates Club. Inc.

#### Section 2: Landscaping:

Owners and occupants of homes and properties within Gables Estates shall ensure that any service providers that perform landscaping services for the owner's home of Property shall comply with all of the Coral Gables Code of Ordinances governing such services. In addition to any published Coral Gables City Code of Ordinances that may govern such landscaping-services, the following restrictions shall apply;

- (a) All landscapers or other service providers shall either remove the landscaping or yard debris from the property and dispose of it properly and pursuant to City Code outside of Gables Estates or on the right of way that corresponds to the property upon which the landscaper or service provider is providing services. No owner,

- resident nor any agent or employee of any owner or resident, may dump any refuse on any right of way within Gables Estates other than their own property's right of way. Residents, occupants and their service providers are prohibited from depositing household refuse in trash piles, any earlier than 6:00 p.m. of the day preceding the designated collection day and any later than 7:00 a.m. on the day of the scheduled collection.
- (b) No landscaping services using any noise-producing lawn mowers, lawn-edgers, weed trimmers, blowers, chippers, chain saws, power tools or other noise-producing tools which are used to maintain a lawn or landscaping shall be provided to any property located with Gables Estates earlier than 7:30 a.m. nor later than 6:00 p.m. on Mondays, Tuesdays, Wednesdays, Thursdays or Fridays. No such services be provided to any property located within Gables Estates before 9:00 a.m. or after 5:00 p.m. on any Saturday. No such services shall be provided to any property located within Gables Estates on Sunday or any holiday as established by Section 1-2 of the Coral Gables City Code of Ordinances.
  - (c) Any vehicles or receptacles which have been temporarily placed on a street located within Gables Estates for the purpose of rendering landscaping services or facilitating the rendering of landscaping services to a property located within the Gables Estates shall be surrounded by orange traffic cones placed around the vehicle and/or receptacle to alert drivers of the vehicle's or receptacle's stationary position. Also, any such vehicles and/or receptacles shall be removed as soon as practicable after the services are rendered. Under no circumstances may such vehicles and/or receptacles remain on the street past those hours set forth above for the provision of the services. Violation of this provision will lead to towing and/or removal of such vehicle and/or receptacle without further notice and at the cost of the owner of the property for which the vehicle and/or receptacle was used to provide services.

### Section 3: Building/Construction:

- (a) No construction, alteration or general repair of any building, structure or other item for which a permit to construct, alter or repair is required by any ordinance of the City of Coral Gables, nor any dredging or land filling operation, nor site preparation, assembly, erection, substantial repair, alteration, delivery of materials, demolition or similar action, which disturbs the peace

and quiet of the neighborhood, shall be done in Gables Estates before 7:30 a.m. or after 6:00 p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday: nor shall any such activity take place on any Saturday before 9:00 a.m. or after 5:00 p.m. nor on a Sunday or any holiday as established by Section 1-2 of the Coral Gables City Code of Ordinances.

- (b) Any person desiring a special permit for the purpose of doing construction, alterations or repair from the City of Coral Gables must first seek and receive the written approval of the Board of Governors of the Gables Estates Club, Inc. for such special permits. Thereafter, the requirements of the Coral Gables City Code of Ordinances shall be followed for the procurement of any special permits.
- (c) All properties located within Gables Estates shall comply with the above referenced requirements in this Article XII and any other Rules or Regulations that may be adopted by the Board of Governors of the Club regarding the maintenance of property in Gables Estates, regardless of the status of any building or construction that may be occurring on the property. Even if substantial construction is occurring on the property, to the extent possible, such properties shall be kept clean, debris free, free of weeds and overgrowth of grass and other construction debris. Any such refuse must be removed daily and in accordance with this Article and/or Coral Gables City Code of Ordinances, whichever is stricter.
- (d) All construction sites, whether they be new construction, repairs, additions or otherwise, shall be properly fenced in and screened to avoid improper entry onto the construction site and to minimize the likelihood of construction debris and dust from exiting the construction site and damaging personal property or structures located outside the construction site.
- (e) All work performed and services provided within Gables Estates must conform with the requirements of Coral Gables City Code. All required licenses, permits, or other City requirements must be properly obtained and displayed on the property prior to commencing any work. All required inspections must be timely sought and completed to the City's satisfaction.

#### Section 4: Owners Must Ensure Compliance

It is the responsibility of each owner and member to ensure that all contractors, service providers and workers who perform work or provide services to the owner or member's property or home comply with the requirements and restrictions listed in this Article and any other Rules that may be enacted by Board of Governors. Each owner and member is required to certify to the Club that: (1) he or she has provided a copy of this Article and any other Rules governing such work or service to any and all contractors, service providers and workers who will perform work or provide services to the owner or member's property or home and (2) the contractors, service providers and workers will abide by the stated restrictions.

Owners must also provide the Club with the Name, Address and License Number for each contractor, service provider and worker who will be providing services to his or her home, as well as estimated dates of service and work.

#### **ARTICLE XIV**

The Board of Governors shall be entitled to enact or amend Rules and Regulations governing the use, maintenance and/or occupancy of all of the real property in Gables Estates Subdivisions Numbers 2, 3, 4, Lots 14 through 21 of Block 1 of Cocoplum Section 1 and Lots 1-9 of Block 12 of Cocoplum Section 2, Plat "A", and any other Rule and Regulation that may be authorized by Florida law.

#### **ARTICLE XV**

The Board of Governors may, pursuant to Florida Statute, Chapter 720 as amended from time to time, levy reasonable fines against a parcel not to exceed the maximum amount permissible by law, for failure to comply with the provisions of the Board policies and governing documents (Declarations of Protective Covenants, Articles of Incorporation, By-laws and Rules and Regulations), by members, occupants, licensees, tenants and invitees. A fine may be imposed for each day of a continuing violation at the highest rate allowable by law per violation with a single notice and opportunity for hearing, provided that no fine shall in the aggregate exceed \$10,000.00.

A fine may not be imposed without prior notice of at least fourteen (14) days to the person sought to be fined and an opportunity for a hearing before a committee of at least three (3) members appointed by the Board who are not

officers, directors, or employees of Gables Estates Club, Inc., or the spouse, parent child, brother, sister of an officer, director or employee. If the committee, by a majority vote, does not approve a proposed fine or suspension, it may not be imposed. Notice of the fining hearing is effective when mailed. The levying of a fine does not preclude the Board from pursuing any other remedy allowed by the Gables Estates' governing documents or Florida law, including an action for an injunction.