

This instrument prepared by:

Paul L. Wean, Esquire
WEAN & MALCHOW, P.A.
646 East Colonial Drive
Orlando, Florida 32803

**CERTIFICATE OF APPROVAL OF AMENDMENTS
TO THE DECLARATION OF CONDOMINIUM OF XANADU, A CONDOMINIUM**

The undersigned authorities hereby certify that the unit owners of Xanadu, A Condominium, and the Board of Directors of Xanadu Condominium Association, Inc. ("the Association") have duly adopted the attached amendments to the Declaration of Condominium of Xanadu, A Condominium ("Declaration"), as originally recorded in the Public Records of Brevard County, Florida at Official Record Book 2417, Page 1831, as amended.

The attached amendments were approved in accordance with Article XIII of the Declaration and section 617.0701(4), Fla. Stat. by at least seventy-seven (77) of one hundred eight (108) total voting interests, representing in excess of two-thirds of all voting interests in the Association, each of whom executed a written consent without a meeting, accumulated between May 16, 2009 and July 14, 2009.

Witness our hands and seals this 20th day of November, 2009.

"ASSOCIATION"
XANADU CONDOMINIUM ASSOCIATION, INC.

By Jerry Shea
Jerry Shea, President

STATE OF FL :
COUNTY OF BREVARD :

Before me, the undersigned authority, personally appeared Jerry Shea, to me personally known to be the President of Xanadu Condominium Association, Inc., or having produced FLDL as identification and did/did not take an oath, and he acknowledged before me that he freely and voluntarily executed the same as such officer, under authority vested in him by said Association.

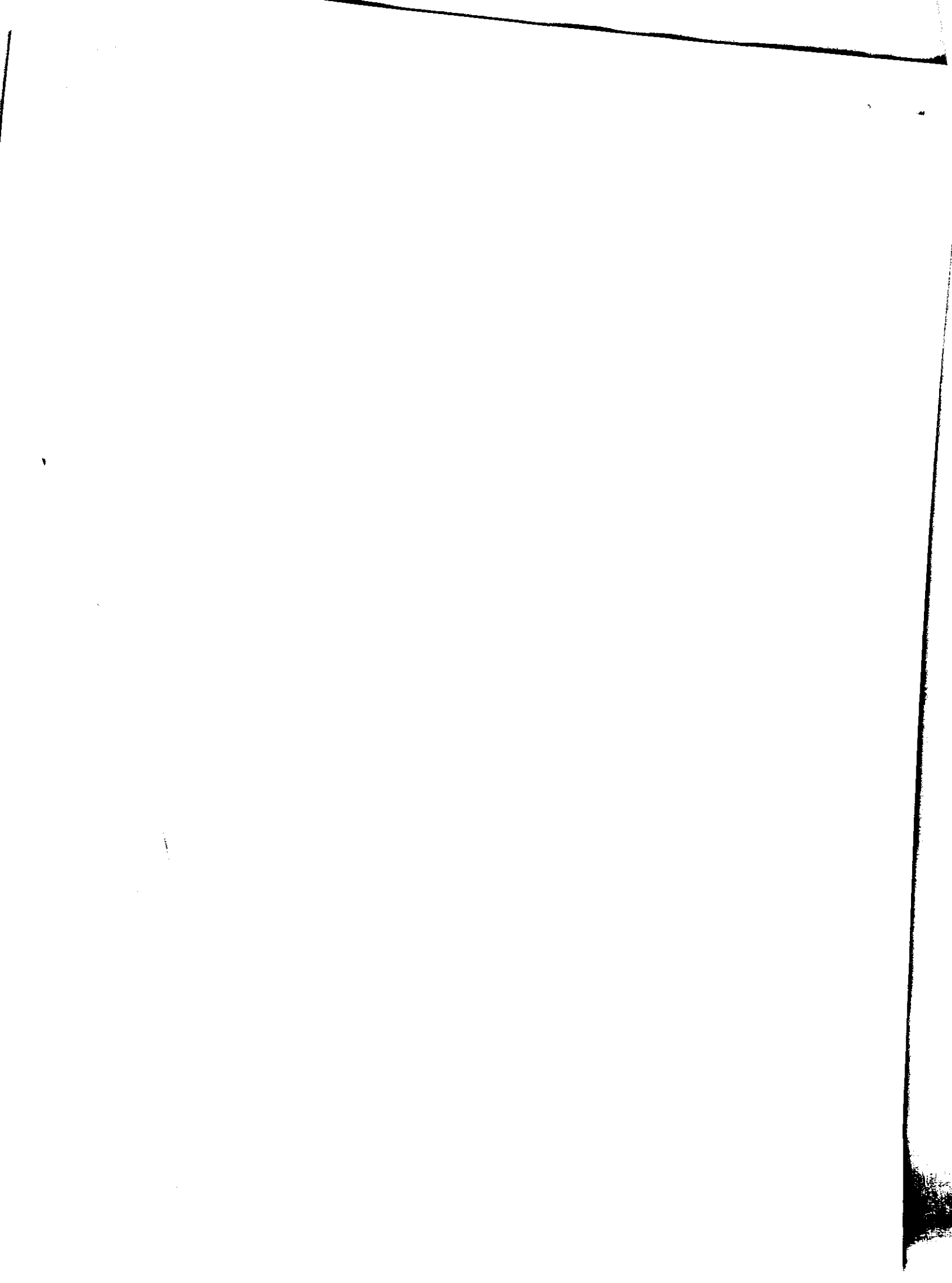
Witness my hand and official seal in the State and County last aforesaid, this 2 c
of November, 2009.

Jennifer L. Hunter
(SIGN)

My Commission Expires: 7/20/13

Jennifer L. Hunter
(PRINT)
Notary Public, State of Florida at Larg





ATTEST:

Gale Kuznicki
Gale Kuznicki, Secretary

STATE OF Florida :
COUNTY OF Brevard :

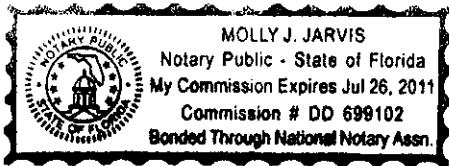
Before me, the undersigned authority, personally appeared Gale Kuznicki, to me personally known to be the Secretary of Xanadu Condominium Association, Inc., or having produced FLDL as identification and did/did not take an oath, and she acknowledged before me that she freely and voluntarily executed the same as such officer, under authority vested in her by said Association.

Witness my hand and official seal in the State and County last aforesaid, this 9 day of September, 2009.

Molly J. Jarvis
(SIGN)

My Commission Expires: July 26, 2011

Molly J. Jarvis
(PRINT)
Notary Public, State of Florida at Large



**AMENDMENT TO THE
DECLARATION OF CONDOMINIUM
OF
XANADU, A CONDOMINIUM**

Proposed additions shown in **bold underlining**

Proposed deletions shown in ~~strikeouts~~

Omitted but unaffected provisions are represented by * * *

* * *

IV

APARTMENT BOUNDARIES, COMMON ELEMENTS,
AND LIMITED COMMON ELEMENTS

The apartments of the condominium consist of that volume of space which is contained within the decorated or finished exposed interior surfaces of the perimeter walls, floors (excluding carpeting and other floor coverings) and ceilings of the apartments, the boundaries of which apartments are more specifically shown on Exhibit "A", pages 7 through 20, attached hereto. The dark solid lines on the floor plans herein above mentioned represent the perimetrical boundaries of the apartments, while the upper and lower boundaries of the apartments, relating to the elevations of the apartments, are shown in notes on said plan.

There are limited common elements appurtenant to each of the units in this condominium, as shown and reflected by the floor and plot plans. These limited common elements are reserved for the use of the units appurtenant thereto, to the exclusion of other units, and there shall pass with a unit, as an appurtenance thereto, the exclusive right to use the limited common elements so appurtenant. In addition, there are one hundred thirty-seven (137) garages or garage spaces numbered 1 through 39, inclusive, B-1 through B-16, inclusive C-1 through C-16, inclusive, and D-1 through D-66, inclusive, and storage areas shown on Sheets 7 through 20 of Exhibit "A" which are common elements but which the Developer reserves the right to designate for use by individual unit owners and upon such designation by Developer said garages or garage spaces and storage areas shall become limited common elements.

Expenses of maintenance, and repair or replacement relating to the limited common elements shall be treated as and paid for as part of the common expenses of the Association, except that the expense of the maintenance, repair or replacement made necessary by the act of any unit owner shall be borne by said unit owner. In addition, the expenses of the maintenance relating to the decorated or finished exposed interior floor, ceiling and inside walls surfaces, as well as the expenses for maintenance, repairs and replacement of facilities, such as garage enclosures, entrance grills, hurricane shutters, etc., constructed at the owner's expense in common or limited common areas shall be borne by and assessed against the individual unit owner, except that when, in accordance with Article XII hereof, an owner is given credit for shutters installed by the owner, the cost of operating, maintaining and replacing those shutters shall then be borne by the Association.

The common elements of the condominium consist of all of the real property, improvements and Facilities of the condominium other than the apartments and the limited common elements

as the same are hereinabove defined, and shall include easements through the apartments For conduits, pipes, ducts, plumbing, wiring and other facilities for the furnishing of utility services to the apartments, limited common elements and common elements and easements of support in every portion of an apartment which contributes to the support of improvements and shall further include all personal property held and maintained for the joint use and enjoyment of all the owners of the apartments.

There are located on the common grounds of the condominium property swale areas for the purpose of water retention and these areas are to be perpetually maintained by the Association so that they will continue to function as water retention areas.

A. Transfer of Limited Common Element Use Rights: The transfer of the right to use Limited Common Elements within the Condominium may occur only in strict compliance with the following requirements.

1. Such transfer must be approved in writing in advance by the Association upon not less than thirty (30) days prior written notice setting forth the true terms and conditions of the proposed transfer and accompanied by evidence reasonably acceptable to the Association that the transferor has, as an appurtenance to the transferor's unit, the lawful right to use the Limited Common Element which the transferor proposes to transfer to another unit. Such evidence may be in the form of an issued title insurance policy or commitment, or in the form of a title report prepared by a licensed insurer, provided that such policy, commitment or report specifically references the Limited Common Element by description or number, if a number exists. Approval from the Association shall be granted in writing in recordable form.

2. The transfer shall be made by a written instrument that is executed with the formalities of a deed and recorded in the land records of Brevard County, Florida. The instrument of transfer must specify the legal description of both the Unit that is transferring limited common elements use rights, as well as the legal description of the Unit obtaining the transfer of those use rights, and shall describe with specificity the Limited Common Element use rights being transferred.

3. No Limited Common Element use rights may be transferred except to a person or entity that is a current Owner of a Condominium Unit in Xanadu, a Condominium, and all Limited Common Element use rights must be appurtenant to a Unit in the Condominium at all times.

4. Use rights that are reserved to a single Unit by the Declaration of Condominium as originally recorded may not be transferred to the use of more than one Unit. Limited Common Elements may be used only for the purpose for which they were intended.

5. All holders of liens on both the Unit that is transferring the use rights and the Unit that is receiving the transfer of use rights must also consent to the transfer in a written instrument, evidence of which must be recorded with the instrument of transfer.

B. Attempted transfers of Limited common Element use rights occurring prior to the adoption of this amendment shall become effective upon compliance with the procedures set forth above.

C. Limitation on Transfers: Notwithstanding any other provision in this Declaration to the contrary, no person or entity, either in its own name or in a representative capacity, whether disclosed or undisclosed, may hold at one time an interest of any type in more than three (3) of the one hundred thirty-seven (137) garages or garage spaces, as shown on the Exhibits to the Declaration, nor more than (2) storage areas, also as shown on the Exhibits to the Declaration.

1. The limitation provided for in this subparagraph (C) shall not apply to transfers of garages or garage spaces nor to transfers of storage areas where such transfer or transfers were made by the Developer pursuant to the right to designate reserved to the developer under the second paragraph of this Article IV, and this exemption shall apply for so long as the Developer-designated limited common elements shall remain appurtenant to the units to which the Developer designated them.

2. This provision shall not apply to institutional lenders who hold units and their appurtenances as security or who obtain units and their appurtenances deed in lieu of foreclosure or by judicial foreclosure proceedings, so long as no transfer shall result in any unit having appurtenances that exceed the limits contained in this Section. For purposes of the foregoing, an "institutional lender" shall mean and refer to banks, credit unions, savings and loan institutions, insurance companies and other financial businesses licensed by the State of Florida or by another state and which regularly engage in the business of writing purchase money mortgages for the general public.

3. Failure to comply with this Section shall be a basis for denial of approval to transfer the Limited Common Element use right. The failure of a person or entity to fully disclose its interest in a Limited Common Element use right shall be a basis for an action to set aside the entire transfer, and shall also constitute a basis for denial of the future right to transfer Limited Common Element use rights to any other person or entity who participated in the transfer. In any proceeding arising under this provision the prevailing party shall be entitled to recover its reasonable attorney's fees and costs.

4. No unit may transfer a limited common element parking area or storage area if the result of the transfer will leave the unit without at least one (1) garage or garage space and one (1) storage area.

* * *

Prepared by: Paul L. Wean, Esquire
Dated: April 28, 2009

PARKING AND STORAGE SPACE ASSIGNMENTS TO UNITS

07/16/2001

SPACE/ STORAGE	ORIGINAL UNIT	OR/PAGE DATE	SUBSEQ. UNIT	DATE	SUBSEQ. UNIT	DATE	SUBSEQ. UNIT	DATE	SUBSEQ. UNIT	DATE
1	703	06/30/1983	706	08/31/1990	301	01/28/1999				
2	405	05/21/1984								
3	803	05/22/1983	1205	08/07/1987	803	06/16/2000				
4	209	07/19/1983								
5	503	02/26/1985								
6	1109	03/29/1983								
7	704	06/29/1983								
8-C	PH06	06/07/1983								
9	1506	04/25/1983								
10	903	06/02/1983								
11	1503	07/08/1983								
12-C	206	06/30/1983								
13	604	04/08/1983								
14	PH01	04/25/1983								
15	1206	05/27/1983								
16	1408	03/21/1984	204	05/30/1986						
17-C	903	06/02/1983								
18-C	1103	03/30/1983	1203	06/10/1999						
19-C	703	03/29/1983	Sunfl/Xan	06/30/1983	1406	08/05/1983	309	05/01/1998	1406	05/12/2000
20-C	908	12/09/1983								
21-C	PH06	06/07/1983								
22-C	701	09/24/1984	306	11/05/1984						
23-C	603	03/29/1983	1406	08/23/1995	603	04/20/2000				
24	1406	03/29/1983								
25-C	PH4	03/25/1983								
26-C	PH4	03/25/1983								
27	PH4	03/25/1983								
28-C	PH4	03/25/1983								
29	602	03/29/1983								
30	1409	05/11/1983								
31-C	1104	03/24/1983								
32-C	1409	05/11/1983								
33-C	1104	03/29/1983								
34-C	PH03	10/04/1983								
35-C	607	05/27/1983								

PARKING AND STORAGE SPACE ASSIGNMENTS TO UNITS

07/16/2001

SPACE/ STORAGE	UNIT	DATE	UNIT	DATE	UNIT	DATE	UNIT	DATE	UNIT	DATE
36-C	303	03/29/1983								
37-C	706	03/29/1983								
38	1403	03/29/1983								
39	1106	05/11/1983								
B-1	304	09/12/1983								
B-2	601	03/29/1983								
B-3	1203	07/10/1985	1103	06/10/1999						
B-4	607	05/27/1983								
B-5	1108	03/29/1983								
B-6	1009	04/08/1983								
B-7	703	03/29/1983								
B-8	403	04/19/1983								
B-9	806	03/29/1983								
B-10	606	03/29/1983	Sunff/Xan	08/08/1983	606	01/07/1985				
B-11	306	11/05/1984								
B-12	303	03/29/1983								
B-13	706	03/29/1983								
B-14	PH03	10/04/1983								
B-15	1509	05/12/1983	501	06/21/1995						
B-16	206	06/30/1983								
C-1	505	06/07/1983								
C-2	1401	08/08/1983	701	06/20/1986						
C-3	1205	08/07/1987	405	01/06/1993						
C-4	901	05/29/1985								
C-5	203	04/08/1983								
C-6	506	04/08/1983								
C-7	406	06/02/1983								
C-8	1207	07/01/1983								
C-9	404	04/06/1983								
C-10	908	12/09/1983								
C-11	PH-02	10/01/1991								
C-12	508	03/29/1983								
C-13	504	03/29/1983								
C-14	1209	06/07/1983								
C-15	PH-06	06/07/1983								

PARKING AND STORAGE SPACE ASSIGNMENTS TO UNITS

07/16/2001

SPACE/ STORAGE	UNIT	DATE	UNIT	DATE	UNIT	DATE	UNIT	DATE	UNIT	DATE
C-16	204	07/19/1983								
D-1	308	05/11/1983								
D-2	302	07/14/1983								
D-3	302	07/14/1983								
D-4	208	10/07/1985								
D-5	1201	01/12/1987								
D-6	205	04/08/1983								
D-7	705	10/01/1983								
D-8	902	05/20/1983	Xanadu	08/15/1986						
D-9	1001	07/03/1984								
D-10	1102	03/25/1983	1005	12/05/1988						
D-11	1005	09/05/1984								
D-12	1106	05/11/1983								
D-13	1008	01/07/1985								
D-14	302	04/08/1983	Sunfl/Xan	07/14/1983	1509	09/20/1984				
D-15	501	06/20/1983	1509	06/21/1995						
D-16	603	03/29/1983								
D-17	1506	04/25/1983								
D-18	405	05/21/1984								
D-19										
D-20	1405	08/07/1987								
D-21	301	10/12/1984								
D-22										
D-23	709	04/24/1984								
D-24	305	01/06/1984								
D-25	609	06/14/1989	906	09/24/1996						
D-26	906	3/25/83								
D-27	904	01/07/1985								
D-28	1003	03/29/1983								
D-29	309	05/20/1983	1406	02/03/1987	906	11/15/1995	609	09/24/1996	309	05/16/2000
D-30	1101	05/25/1983								
D-31	509	04/27/1984								
D-32	1201	04/01/1988								
D-33	608	05/29/1984	Sunflower	11/15/1984	708	12/07/1984				
D-34	608	11/15/1984	405	04/09/1993	1008	06/17/1994				

PARKING AND STORAGE SPACE ASSIGNMENTS TO UNITS

07/16/2001

SPACE/	STORAGE	UNIT	DATE	UNIT	DATE	UNIT	DATE	UNIT	DATE	UNIT	DATE
D-35	409	11/30/1984									
D-36	1501	05/13/1997	303	08/07/1999							
D-37	1401	08/08/1983	805	09/04/1986							
D-38	807	07/19/1984									
D-39											
D-40	909	08/02/1983									
D-41	909	08/02/1983									
D-42	804	11/09/1983									
D-43	1408	02/12/1986									
D-44	1007	04/16/1985									
D-45	1402	02/27/1987									
D-46	1004	03/14/1984									
D-47	407	10/07/1983									
D-48	1006	06/07/1983									
D-49	1509	05/12/1983	1006	06/07/1983							
D-50	401	11/26/1984									
D-51	702	10/27/1985									
D-52	1401	05/31/1985									
D-53	1008	03/26/1984	1505	11/03/1993							
D-54	905	08/07/1987									
D-55	809	12/18/1984									
D-56	808	09/06/1983									
D-57	606	08/08/1983									
D-58	606	08/08/1983									
D-59	401	05/20/1983	PH-05	03/06/1985							
D-60	1208	08/25/1983									
D-61	1508	03/21/1984									
D-62	408	06/07/1983									
D-63	904	01/11/1984	Xanadu	01/07/1985	1404	05/19/1994					
D-64	1105	05/25/1983									
D-65	1204	10/25/1983									
D-66	1504	08/07/1987	1205	07/21/1989							
SS1	703	06/30/1983	706		301	01/28/1999					
SS2	703	03/29/1983	706		301	01/28/1999					
SS3	806	03/29/1983									

PARKING AND STORAGE SPACE ASSIGNMENTS TO UNITS

07/16/2001

SPACE/ STORAGE	UNIT	DATE	UNIT	DATE	UNIT	DATE	UNIT	DATE	UNIT	DATE
SS4	708	12/07/1984								
SS5	1009	04/08/1983								
SS6	603	03/29/1983								
SS7	401	11/26/1984								
SS8	901	05/29/1985								
SS9	501	06/20/1983								
SS10	1506	04/25/1983								
SS11	1103	03/30/1983								
SS12	803	05/23/1983								
SS13	503	02/26/1985								
SS14	903	06/02/1983								
SS15	1503	07/08/1983								
SS16	206	06/30/1983								
SS17	604	04/08/1983								
SS18	PH-01	04/25/1983								
SS19	1206	05/27/1983								
SS20	602	03/29/1983								
SS21	606	03/29/1983								
SS22	1406	03/29/1983								
SS23	PH-04	03/25/1983								
SS24	1403	03/29/1983								
SS25	1106	05/11/1983								
SS26	1106	05/11/1983								
SS27	706	03/29/1983								
SS28	706	03/29/1983								
SS29	607	05/27/1983								
SS30	303	03/29/1983								
SS31	1104	03/29/1983								
SS32										
SS33										
SS34	203	04/08/1983								
SS35	209	07/19/1983								
SS36	308	05/11/1983								
SS37	303	03/29/1983								
SS38	303	08/05/2003								

PARKING AND STORAGE SPACE ASSIGNMENTS TO UNITS

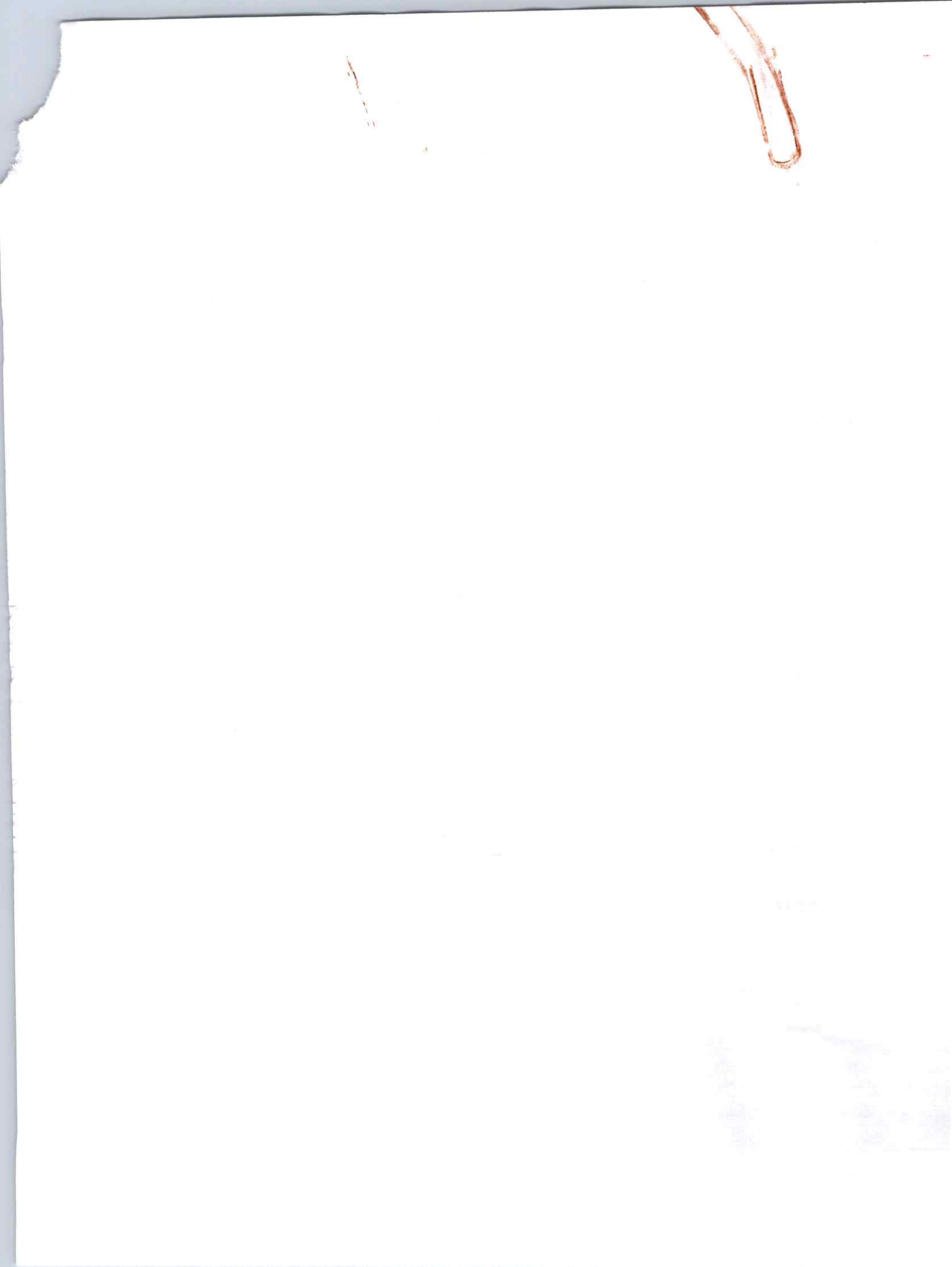
07/16/2001

SPACE/ STORAGE	UNIT	DATE	UNIT	DATE	UNIT	DATE	UNIT	DATE	UNIT	DATE
SS39	302	07/14/1983								
SS40	406	06/02/1983								
SS41	209	01/07/1985								
SS42	407	06/19/1989								
SS43	509	04/27/1984								
SS44	405	05/18/1984	Sunflower	06/11/1984						
SS45	506	04/08/1983								
SS46	501	06/20/1983								
SS47	601	03/29/1983								
SS48	603	03/29/1983								
SS49										
SS50	609	08/05/1983								
SS51										
SS52	705	02/02/1984								
SS53	304	09/12/1983								
SS54	706	08/05/1983								
SS55	908	12/09/1983								
SS56	806	01/04/1984								
SS57	804	01/07/1985								
SS58										
SS59	904	01/11/1984	301	03/11/1997						
SS60	909	08/02/1983								
SS61	1001	07/03/1984								
SS62	1004	03/14/1984								
SS63	1006	06/07/1983								
SS64	1006	08/05/1983								
SS65	701	09/24/1984								
SS66	1203	07/10/1985								
SS67	1109	08/05/1983								
SS68	1005	01/07/1985								
SS69	1401	05/31/1985	1108	12/30/1993	PH-04					
SS70	1201	06/07/1984								
SS71	1404	08/20/1998								
SS72	1209	06/03/1985								
SS73										

PARKING AND STORAGE SPACE ASSIGNMENTS TO UNITS

07/16/2001

SPACE/ STORAGE	UNIT	DATE	UNIT	DATE	UNIT	DATE	UNIT	DATE	UNIT	DATE
SS74	1408	03/21/1984								
SS75	1508	03/21/1984								
SS76	1501	02/25/1985								
SS77	1509	05/12/1983	1404	05/01/1994						
SS78	1509	05/12/1983								
SS79	PH-05	03/06/1985								
SS80	PH-06	01/05/1984								
SS81	PH-04	03/25/1983								
SS82										
SS83										
SS84										
SS85										



FLOORING RULE

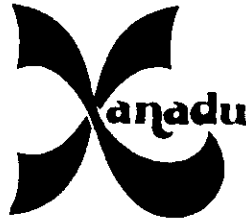
1. In our continuing effort to promote a more tranquil neighborly atmosphere, this rule identifies a particular nuisance prohibited by Article 10 (c) of Xanadu's Declaration of Condominium Documents which states that "no nuisances shall be allowed to be committed or maintained upon the condominium property, nor any use or practice that is the source of annoyance to residents or which interferes with the peaceful possession and proper use of the property by its residents".
2. Floor coverings, particularly floor coverings such as hardwood or tile, may be the source and cause of a continuing noise nuisance to the residents, especially those living in units directly below the floor covering. Owners must understand that it is the individual owner's responsibility when installing a floor covering to ensure that the installation includes environmentally safe and adequate sound deadening materials.
3. In the case of carpeting, the carpeting shall be of a normal residential grade and of sufficient thickness to dampen the noise of normal residential activity.
4. With regard to materials other than carpet, installation must include sound deadening materials which shall consist of either:
 - A. A sub-layer of cork or similar material of not less than six (6) millimeters thickness which shall be permanently bonded to the floor surface. or
 - B. A sub-layer of padded carpet of equivalent thick-ness, which may be a permanent or non-permanent installation, or
 - C. Other material which is demonstrated to have equal or superior sound damp-ening property.
5. Should anyone install a floor covering that is the source of a noise nuisance then, in that event, it shall be the owner's responsibility to immediately eliminate the nuisance. The Board has the power and the duty to enforce the provisions of Xanadu's Condominium Documents including its rules and regulations (Reference Articles III, Paragraph 5 of the Articles of Incorporation and Articles XIX and XX of the Declaration of Condominium).

Procedure for Flooring Rule Complaints

1. Owner should attempt to talk to person responsible privately about the noise nuisance.
2. Owner should then put complaint in writing to the Board of Directors describing the noise nuisance problem.
3. Owner should provide copies of documentation of communication between the two owners to the Board.
4. The Association may give notices to the concerned owners involved, conduct an inspection and/or bring in a sound engineer or other appropriate expert to take sound readings. The complainant must pay for the expert's service.
5. For a preexisting condition, all interactions take place directly between the owners. The Association is not involved.
6. If several owners are complaining about the same noise nuisance, then the Association is involved.
7. Violations of New Rule:
Follow steps 1. through 4. above. Expense for taking sound readings to be borne by the Association.

Note: Section X.c. Nuisance does not apply when it only affects one owner (Legal definition)

May 23, 2001



CONDOMINIUM ASSOCIATION, INC.
750 North Atlantic Avenue
Cocoa Beach, Florida 32931
(321) 784-2692 • FAX (321) 784-1835

Gale Kuznicki
750 N. Atlantic Avenue, #302
Cocoa Beach, FL 32931

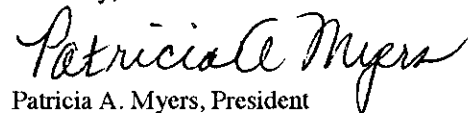
Dear Ms. Kuznicki:

In reference to your letters dated February 21, and April 2, 2001, regarding the noise nuisance that you are experiencing. As you know this has recently become a problem, and a new flooring rule was passed at the Board of Directors Meeting on April 26, 2001. We have consulted with our attorney, Paul Wean, for a procedure to follow regarding these complaints:

1. Owner should attempt to talk to person responsible privately about the noise nuisance.
2. Owner should then put complaint in writing to the Board of Directors describing the noise nuisance problem. (Which you have already done by your two letters.)
3. Owner should provide copies of documentation of communication between the two owners to the Board.
4. The Association may give notices to the concerned owners involved, conduct an inspection and/or bring in a sound engineer or other appropriate expert to take sound readings. The complainant must pay for the expert's service.
5. For a pre-existing condition, all interactions take place directly between the owners. The Association is not involved. (As I understand this is a pre-existing condition, before the new flooring rule was passed.)
6. If several owners are complaining about the same noise nuisance, then the Association is involved. (No other owners are complaining about the noise that you are experiencing.) Paul Wean also stated that nuisance does not apply when it only affects one owner (legal definition).

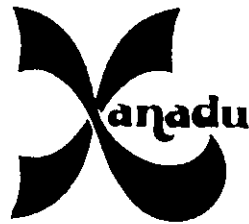
Perhaps, something could be done that would alleviate this problem. We suggest that you contact your neighbor above, Robert Leakey, unit 602, at 799-3883, and try to work out a solution to this problem.

Sincerely,


Patricia A. Myers, President
Xanadu Condominium Association, Inc.

Cc: Board of Directors

May 23, 2001



CONDOMINIUM ASSOCIATION, INC.
750 North Atlantic Avenue
Cocoa Beach, Florida 32931
(321) 784-2692 • FAX (321) 784-1835

C. Timothy Farrell
750 N. Atlantic Avenue, #503
Cocoa Beach, FL 32931

Dear Mr. Farrell

In reference to your letter dated January 13, 2001, regarding the noise nuisance that you are experiencing. As you know this has recently become a problem, and a new flooring rule was passed at the Board of Directors Meeting on April 26, 2001. We have consulted with our attorney, Paul Wean, for a procedure to follow regarding these complaints:

1. Owner should attempt to talk to person responsible privately about the noise nuisance.
2. Owner should then put complaint in writing to the Board of Directors describing the noise nuisance problem. (Which you have already done by your letter.)
3. Owner should provide copies of documentation of communication between the two owners to the Board.
4. The Association may give notices to the concerned owners involved, conduct an inspection and/or bring in a sound engineer or other appropriate expert to take sound readings. The complainant must pay for the expert's service.
5. For a pre-existing condition, all interactions take place directly between the owners. The Association is not involved. (As I understand this is a pre-existing condition, before the new flooring rule was passed.)
6. If several owners are complaining about the same noise nuisance, then the Association is involved. (No other owners are complaining about the noise that you are experiencing.) Paul Wean also stated that nuisance does not apply when it only affects one owner (legal definition.).

Perhaps, something could be done that would alleviate this problem. We suggest that you contact your neighbor above, Dale Coxwell, unit 603, at 799-0747, and try to work out a solution to this problem.

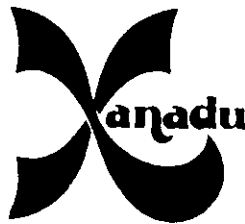
Sincerely,

A handwritten signature in cursive script that reads 'Patricia A. Myers'.

Patricia A. Myers, President
Xanadu Condominium Association, Inc.

Cc: Board of Directors

February 20, 2001



CONDOMINIUM ASSOCIATION, INC.
750 North Atlantic Avenue
Cocoa Beach, Florida 32931
(321) 784-2692 • FAX (321) 784-1835

Dale Coxwell
750 N. Atlantic Avenue, #603
Cocoa Beach, FL 32931

Dear Mr. Coxwell:

It has been brought to the Board of Directors attention by one of your neighbors that there is a noise problem coming from your unit. He states just normal walking on your tile vibrates right through the floor. It has been reported that since your tile was installed, anytime your unit is occupied, the noise exists. We thought that we should at least make you aware of this problem.

In our condominium documents, Declaration of Condominium, Article X, Use Restrictions, paragraph c. which states: "No nuisances shall be allowed to be committed or maintained upon the condominium property, nor any use or practice that is the source of annoyance to residents or which interferes with the peaceful possession and proper use of the property by its residents."

Perhaps, something could be done that would alleviate this problem. We suggest that you contact your neighbor, Tim Farrell, unit #503, at 868-4649, and try to work a solution to this problem.

Sincerely,

A handwritten signature in cursive script that reads "W. Linwood Jones". To the right of the signature is a circular stamp containing the initials "RB".

W. Linwood Jones, President
Xanadu Condominium Association, Inc.

Cc: Board of Directors
Tim Farrell, unit #503

C. TIMOTHY FARRELL

750 N. Atlantic Ave #503
Cocoa Beach FL 32931
321-868-4649
farr1000@efl.net.com

January 13, 2001

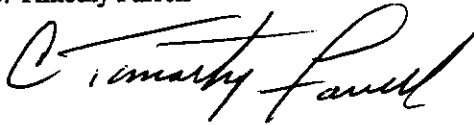
Xanadu Condominium Association
750 N. Atlantic Ave.
Cocoa Beach, FL 32931

Dear Board of Directors

Under Condominium Documents section X, Use Restrictions paragraph C.
The unit above me (603) has installed a tile flooring that makes it impossible to live a peaceful existence in my unit (503). It is like living in a drum. Last night just put me over the edge, just normal walking on his part, vibrates right through the floor. The situation is just intolerable. I have spoke to Krista about this matter for quite some time now and she asked me to write this letter to the board. I would like a meeting with the board as soon as possible.

Sincerely, C. Timothy Farrell

Signature



“RULES & REGULATIONS”
to be considered by The Board of Directors
at their April 26, 2001 meeting.

1. In our continuing effort to promote a more tranquil neighborly atmosphere, this rule identifies a particular nuisance prohibited by Article 10 (c) of Xanadu's Declaration of Condominium Documents which states that “no nuisances shall be allowed to be committed or maintained upon the condominium property, nor any use or practice that is the source of annoyance to residents or which interferes with the peaceful possession and proper use of the property by its residents.”.

2. Floor coverings, particularly floor coverings such as hardwood or tile, may be the source and cause of a continuing noise nuisance to other residents, especially those living in units directly below the floor covering. Owners must understand that it is the individual owner's responsibility when installing a floor covering to ensure that the installation includes environmentally safe and adequate sound deadening materials. *

3. Should an owner install a floor covering that is the source of a noise nuisance then, in that event, it shall be the owner's responsibility to immediately eliminate the nuisance. The Board has the power and the duty to enforce the provisions of Xanadu's Condominium Documents including its rules and regulations (Reference Article III, Paragraph 5 of the Articles of Incorporation and Articles XIX and XX of the Declaration of Condominium). This applies to any such noise nuisance regardless of the date of ~~installation of the floor covering.~~

* Our Attorney has advised following the procedure available in the Xanadu Office.

February 21, 2001

TO: Xanadu Condominium Board of Directors

FROM: Gale Kuznicki

RE: Noise Nuisance

I noticed that you have a compliant in writing and are going to discuss it in the next board meeting. Therefore, I decided to also put my compliant in writing so you would know that there is more than one owner with the same/similar nuisance. This was mentioned a couple times to Krista (as well as in a couple rules meetings), but it was not put in writing.

I own Condo Unit 302, and evidently the owner in Unit 602 made renovations to the fifth story of his unit. The Master Bedroom is directly above my Master Bedroom on the fourth floor.

Between 9:30 p.m. and Midnight, and around 8 a.m., there is a lot of noise coming from the upper unit. It sounds at times like a trunk is being dragged across the floor, things being dropped on the floor (the noise is magnified significantly - sounding like it is in my room. When the closet doors, glass-sliding doors, and evidently even dresser drawers are opened and closed it is very disturbing. The glass-sliding doors are opened and closed many, many times a day and night.

I have lived in my unit for ten (10) years now, and this is the first time we have had such noises coming from upstairs. We did not hear these noises prior to work being done on the Unit. If we're asleep when the person(s) happens to come into their Master Suite Unit, the noise awakens us. All regular-living noises are increasing as well, i.e., their jacuzzi tub, shower, washer, etc.

It began four (4) months or so; and in the beginning, I thought after all the renovations were completed, the noise would settle down, but it hasn't. The Owner must have put tile on the floor, replacing the original carpet.

This not only seriously impacts my quality of life on a continuing basis, but it is bound to have an effect on any chance of resale of my unit. While I believe everyone should be entitled to upgrade their units, this action should not be permitted to degrade the quality of life of their neighbors. I wish to note that noise transmission characteristics of this type of structure project past or through the immediate surrounding units. Continuation of this type of problem can only seriously degrade the over-all value and desirability of the Xanadu complex.

Thanks for your attention to this matter.


Gale Kuznicki, Unit 302

FLOORING RULE

1. In our continuing effort to promote a more tranquil neighborly atmosphere, this rule identifies a particular nuisance prohibited by Article 10 (c) of Xanadu's Declaration of Condominium Documents which states that "no nuisances shall be allowed to be committed or maintained upon the condominium property, nor any use or practice that is the source of annoyance to residents or which interferes with the peaceful possession and proper use of the property by its residents".
2. Floor coverings, particularly floor coverings such as hardwood or tile, may be the source and cause of a continuing noise nuisance to the residents, especially those living in units directly below the floor covering. Owners must understand that it is the individual owner's responsibility when installing a floor covering to ensure that the installation includes environmentally safe and adequate sound deadening materials.
3. In the case of carpeting, the carpeting shall be of a normal residential grade and of sufficient thickness to dampen the noise of normal residential activity.
4. With regard to materials other than carpet, installation must include sound deadening materials which shall consist of either:
 - A. A sub-layer of cork or similar material of not less than six (6) millimeters thickness which shall be permanently bonded to the floor surface. or
 - B. A permanent or non-permanent sub-layer of padded carpet of equivalent thickness, which may be a permanent or non-permanent installation. or
 - C. Other material which is demonstrated to have equal or superior sound dampening property.
5. Should an owner install a floor covering that is the source of a noise nuisance then, in that event, it shall be the owner's responsibility to immediately eliminate the nuisance. The Board has the power and the duty to enforce the provisions of Xanadu's Condominium Documents including its rules and regulations (Reference Articles III, Paragraph 5 of the Articles of Incorporation and Articles XIX and XX of the Declaration of Condominium).



To: Paul Wean
From: Pat Myers
RE: Xanadu Proposed Flooring Rule

Related to use so
Thank you for your suggestions regarding the above subject. The following are some concerns I have about the subject:

- XE
1. If the Board assumes the responsibility of approval will we also have any liability? *refer to negligence*
 2. Do Articles XIX and XX (page 15) of our docs cover this situation?
 3. How does Article X apply? or does it?
 4. Can this rule be written in simpler terms? Our Rules are written in a straight-forward manner and, although we do want to incorporate this rule into our docs (and have a committee who is working on this project) the wordage you propose seems incongruent with the rules format.
 5. The last paragraph of your proposed rule (which speaks of failure to comply. . . grants the Association powers which I don't believe we have-i.e. denying owners the right to rent or sell. Will you clarify this for me? *More delay Laches*
 6. If the rule says "In order to prevent the creation or perpetuation of a noise annoyance. . ." does that mean that owners who now have a problem with the noise from tile or wood floors above their unit can ask the Association to address the problem (under Article X c.). We have owners now who are asking us to do so. *delay issue when we know there's a problem*
 7. Can this rule be grandfathered in? *no- because it is a "nuisance" already comes under Xa*
 8. Today's technology demands the six mm padding. If tomorrow's technology says something else, how do we respond?

Contemporary home decor says tile or wooden floors. Even as we speak we have two more owners (one present and one new) who are redecorating in this fashion. There may be others that I am not aware of. So we must address this problem. It is the Board's intention to do so at our next meeting on April 19.

Your input is appreciated.

Art. IX

Art. X c & X e

Art. XI Limitations
put it here

Problem - violation of Xc

- if this goes to court*
- Acoustics expert - acoustal (decible) level
 - Lease sound recording equip -
 - Record sound -
 - Guidelines for decible -
 - Right to inspect -
 - determine

objed-
itely

To: Paul Wean
From: Pat Myers
RE: Xanadu Proposed Flooring Rule

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Your input is appreciated.

WEAN & MALCHOW, P.A.

1305 East Robinson Street
Orlando, Florida 32801

Tel: 407-894-0040

Fax: 407-894-5677

E-mail: w-m@ix.netcom.com

FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: (321) 784-1835

To: Krista Baska, Mngr.
Of: Xanadu Condominium Association, Inc.
From: Paul L. Wean
Date: April 10, 2001

DOCUMENTS	NUMBER OF PAGES*
Attempted re-draft at Flooring Rule to make it more straightforward - In anticipation of our teleconference.	1
Revised Q & A Sheet	1
COMMENTS:	* NOT COUNTING COVER SHEET.

IMPORTANT: IF YOU DO NOT RECEIVE ALL PAGES, PLEASE PHONE US IMMEDIATELY. This message is intended only for the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the addressee, or the employee or agent responsible for delivering the message to the addressee, you are notified that dissemination, distribution or copying of this communication is strictly prohibited. If you received this communication in error, please notify us immediately by collect telephone call. We will reimburse you for your cost in returning the original message to us at the above address via the Postal Service. **THANK YOU.**

FLOORING RULE

A. To prevent the creation or continuation of a noise annoyance to other residents of the Condominium, from the date of adoption of this rule no one may install a floor covering in any portion of a condominium unit located above the first floor of the Condominium unless the Association shall have first approved the installation in writing.

B. Any one wishing to install or replace a floor covering in a unit above the first floor shall first give the Association at least ten (10) days written notice. The notice shall give the date and time the work will be undertaken. The notice also shall be accompanied by a written statement specifying the make and type of materials to be used. The notice and specifications shall be delivered to the Association office in care of its manager. The Association shall promptly determine whether the materials are likely to create or continue a noise problem and shall approve or disapprove of the installation in writing within five (5) days of receipt of the notice and specifications. The Association shall have the right to perform a visual inspection at the time of or after the work is performed to verify full compliance with this rule and any conditions contained in the written approval.

C. In the case of carpeting, approval shall be given provided that the carpeting is of a normal residential grade and of sufficient thickness to dampen the noise of normal residential activity. No approval shall be required for installation of area rugs over existing floor surfaces.

D. With regard to materials other than carpet, installation must include sound deadening materials which are also biologically and environmentally safe. The sound deadening materials shall consist of either:

- (1) A sub-layer of cork or similar material of not less than six (6) millimeters thickness which shall be permanently bonded to the floor surface, or
- (2) A permanent or non-permanent sub-layer of padded carpet of equivalent thickness, which may be a permanent or non-permanent installation, or
- (3) Other material which is demonstrated to have equal or superior sound dampening property.

E. All approvals for other than carpeting are conditioned on the right of the Association to require removal or modification of the floor covering at the owner's sole cost and expense, if the Association determines that the installation has in fact created or continued a sound problem.

WEAN & MALCHOW, P.A.

ATTORNEYS AT LAW

HELENA GUTIERREZ MALCHOW, JD

PAUL LEONARD WEAN, JD*

JAMES E. OLSEN, JD
*MEMBER OF MASSACHUSETTS BAR

1365 EAST ROBINSON STREET
ORLANDO, FLORIDA 32801

(407) 894-0040
(800) 895-WEAN
FAX (407) 894-5677
W.M@IX.NETCOM.COM

SABRINA MILLER
WANDA K. COX
† (PARALEGAL)

March 28, 2001

SENT VIA FACSIMILE TO (321) 784-1835

Xanadu Condominium Association, Inc.
Attn: Board of Directors
750 North Atlantic Avenue
Cocoa Beach FL 32931

RE: Proposed Flooring Rule

Dear Krista:

I have reviewed the proposed rule regarding installation of sound deadening material. I have taken the liberty of re-writing the suggested rule as follows:

In order to prevent the creation or perpetuation of a noise annoyance to other residents of the Condominium, from and after the date of adoption of this rule no Owner or lawful resident may install a floor covering in any portion of a condominium unit located above the first floor of the Condominium unless and until the Association shall have first approved such installation as provided herein.

Written notice of the intent of such Owner or resident to install or replace a floor covering and the date and time such proposed work will be undertaken shall be given to the Association not less than ten (10) days prior to undertaking same. The notice shall be accompanied by a written statement specifying the make and type of materials to be used in said installation or replacement. The notice and specifications shall be delivered to the Association office in care of its manager. The Association shall promptly determine whether the materials are likely to create, perpetuate or heighten a noise problem and shall approve or disapprove of the installation in writing within five (5) days of receipt of the notice and specifications. The Association shall have the right to perform a visual inspection at the time of or after the work is performed to verify full compliance with this rule and any conditions contained in the written approval.

In the case of the proposed installation of carpeting, approval shall be given provided that such carpeting is of a normal residential grade and sufficient thickness to dampen the noise of normal residential activity. No approval shall be required for installation of area rugs over existing carpeting.

03/28/01 09:30



Xanadu Condominium Association, Inc.

-2-

March 28, 2001

With regard to materials other than carpet, such materials must be accompanied by installation of sound deadening materials which in all instances must be biologically and environmentally safe. Such sound deadening materials shall consist of either a sub-layer of cork or similar material of not less than six (6) millimeters thickness which shall be permanently bonded to the floor surface, or a permanent or non-permanent sub-layer of padded carpet of equivalent thickness, which may be a permanent or non-permanent installation.

All approvals of non-carpet floor covering shall be deemed (whether expressly stated in the approval or not) to be conditioned on the right of the Association to require removal or modification of the floor covering at the owner's sole cost and expense, if the Association determines that the installation has in fact created, perpetuated or heightened a sound problem.

Failure of an Owner to comply with the provisions of this rule shall be grounds to deny the Owner permission to rent or sell the Owner's unit until the violation is corrected.

allows the Board to use article X C to correct violation

Please call me if you have any questions about the content of the proposed rule or the reasons for any change from the original draft.

Sincerely,

PAUL L. WEAN,
For the Firm

PLW/fms



April 2, 2001

TO: Xanadu Condominium Board of Directors

FROM: Gale Kuznicki, Unit 302

RE: Board Meeting, March 22, 2001

1. Noise Nuisance: As promised the Board President following the March 22nd Board Meeting, here is another letter from Unit 302. My last letter was regarding the noise from installation of floor coverings being installed without soundproofing materials. In the meeting, it was not apparent to me that anything will be done about this situation, but I hope I am wrong. I am asking Krista to make copies of some articles I clipped from the Orlando Sentinel and Today Newspapers. Number one on one of these clippings discuss **NOISE** from other units being the first thing people should investigate when looking for a Condominium as a residence.

A Condo Unit Owner, Tim Farrell, also wrote a letter to the board and was particularly adamant at the meeting about the noise level he is experiencing in his unit. It was decided that a group of people would go to Mr. Farrell's condo and let one of the Xanadu's Staff members enter the condo unit above Mr. Farrell and walk around to see whether the noise is the cause of a nuisance. Maybe it would be a good idea to have a sound level monitor to see what the decibel count is in the "target" unit; that would be more accurate and less subjective than people just listening. I have asked to also be invited to be in Mr. Farrell's Condo when this evaluation is being conducted. Mainly to see if the noise sounds the same as the noise I am experiencing in my Condo. The sound level monitor could also be used to accurately determine what the background sound levels are, both night and day, to see if there is a significant difference.

The problem with my noise situation is that the really annoying noise always seems to begin after 9 p.m. in the evening. During the day, I can hear a washer/dryer, jacuzzi tub, walking up/down stairs, and some other normal type noises (none being TV, Music, or people talking). But, the occurrences, as I mentioned in the February 23 letter, happen mainly midnight until about four o'clock or so in the morning. I don't think a committee would like to sit for several "early morning" sessions, in my bedroom, to hear this happen. I have not noticed a specific pattern, i.e., every night, every second or third day or just weekends. Seems the person is not at home for a few days - then he/she is there for several days. There is either no noise at all - then when the owner returns, there is significant, unusual type noises as mentioned in last month's letter. *See newspaper clipping re: Soundproofing.

2. Garage Roof: In discussions regarding the garage roof, I thought Mr. Grey, Unit 309, made a very good recommendation. There are owners living in the Xanadu that are

Letter to the Board - From Gale Kuznicki
Dated April 2, 2001 (Cont'd.)

building contractors and many different types of engineers. Many of these owners would be very happy and probably feel a sense of partnership to be asked by the Board for their expertise in areas of their capability. This would be particularly valuable since it seems some owners' think their concerns and observations are being ignored by the Board. Perhaps you could initiate a letter, asking for owners to respond with a listing of their qualifications and skills that could help the association save money, which in turn, would save on the association dues.

The President has a valid concern that these people are not licensed and could be a problem with the insurance company, etc. One of the **newspaper articles, attached, explains that if the Manager is licensed, Unit Owners, like employees, could work/volunteer services without being licensed. That is unless it is something particularly hazardous, i.e., pesticide spraying, electrical system components, etc. As an example: In the case of the garage roof, it might be prudent to have the volunteer owner assure the board beforehand that there is not a problem for them to climb to the roof. The owner could also be asked to sign a waiver that he/she understands that the Association is not responsible for any injury - that it is strictly a volunteer effort.

The Association has formed committees to investigate exercise equipment, perform some landscaping activities, and such. Why not save money by forming a committee of owners instead of hiring, for several thousand dollars, consultants from the outside. The benefits of an increased sense of participation by the members, in the over-all well being of the organization might well help to alleviate the increasing wave of resentment towards the board.

It is my opinion (and I am sure other owners feel the same) that the Board would gain more respect and confidence from the owners and less resistance when an assessment is required if they helped the Board with these decisions. They would be assured that these people are concerned about the integrity of the Xanadu, and are not performing the evaluation just for the money (as a Contractor would be). It appears to many of the owners that the Board tries to ramrod some of these projects through the system; they (the board) appear to listen, but do not show respect or respond to the owners when they make suggestions or ask questions. Probably, in most of the cases, the committee of owners would come to the same conclusion as an outside investigator, but at least the cost of the services would be reduced or eliminated, and the owners would have a claim of ownership for the decisions. If Owners do not respond to the request, then they cannot complain that the Board hires a consultant.

3. Balconies: While I am on a roll, would also like to be on record to issue a complaint re: my balcony problem. I have a two-story unit and my balconies were redone early on. I told Krista about the problem; she and Shawn looked at the work right away. (this was shortly after the work was supposedly completed). I thought the

Letter to the Board - From Gale Kuznicki
Dated April 2, 2001 (Cont'd.)

Contractor did a sloppy job, but they said the coating was all right. My concern was that it would chip up. Just this week, I noticed a place at the corner of my bedroom glass sliding door has chipped. I don't know if this is just a one-area thing, or if it is going to continue throughout the balcony.

The second issue was that the railings had already corroded. Krista had the workers come back to fix that. All the Contractor did was repaint the areas that were corroded - over the original corrosion. Now, it has come through again in those areas, and the "new" railings are as bad now as the ones that were replaced a year or so ago.

Both "fixes" were performed without removing the corrosion, accumulated salt spray, residue, dirt/dust, bird deposits, etc. Hardly a professional approach.

4. Conclusion: This letter is in no way intended to reflect a negative connotation on the commendable performance of the existing Xanadu Condo staff.

It appears to me that we are spending a lot of money to keep this condominium complex in top quality condition, but are getting less than top quality repairs/replacement in return. Another example of this is the concrete repair work on the driveway areas.

An answer to help our situation may be to obtain the services of a Property Management Firm. These firms must be checked out thoroughly. I have read where they handle many properties, therefore, have a lot more clout than just one Condominium; they know the best contractors for each type of job, and get a good price on the work. They can get this response because they give Contractors so much business. The Contractors know that if they don't do a good job, they won't get jobs for the other Condos that the firm manages, etc. and their reputation could be destroyed. JUST A THOUGHT - MAYBE WORTH THINKING ABOUT!! ***See newspaper clipping re: Management Firms.


Gale Kuznicki
Unit Owner - 302

Attachments: Four (4)

1. Put Soundproofing at Top of Condo Checklist - Robert Bruss
2. Nuisance Question; Volunteers vs. Licensed Contractors - Gary Poliakoff
3. Find Out about Condo Management - Robert Bruss
4. Board Reverses Decision by Telephone Vote - Gary Poliakoff - On Condo Living (Note: Information only; not mentioned above.) This happened on By-Laws Committee Charter change. President apologized in March Board Meeting

Real Estate Notebook

Put soundproofing at top of condo checklist

By ROBERT BRUSS

TRIBUNE MEDIA SERVICES

Recently I enjoyed a few days in sunny Sarasota. The purpose of my trip was to participate in the *Sarasota Herald-Tribune's* Ask the Real Estate Experts Day. It was fun sharing real estate information and learning about the booming Sarasota realty market, especially for condo sales.

A man asked me, "What should I look for when buying a condominium?" Before I could answer, another questioner standing nearby blurted out, "Good soundproofing!" She was 100 percent correct. Poor soundproofing is the No. 1 complaint of condo dwellers.

I then suggested that when he finds a condo he wants to buy, before making a purchase offer, he should ask the adjoining condo neighbors to turn on their televisions and stereos. If the "boom, boom, boom" of the bass notes can be heard in the condo under consideration for purchase, keep shopping.

Once I owned a condo where the soundproofing was so poor I could hear the upstairs family arguing almost every evening with their teenage son. Although I spent several thousand dollars installing extra soundproofing, I still heard their nightly arguments. But I should be grateful because I sold that condo at a handsome profit and then bought my current single-family detached house.

Having owned several condos, and currently owning a second-home condo, I know they can be great personal residences. However, they are not always great investments. Condo market values are held down by recent sales prices of comparable condos in the same complex — and nearby complexes.

The primary reason most condos do not appreciate as rapidly in market value as similarly priced single-family detached houses is there is less demand for condos than for houses. Virtually everyone wants to own a house. But have you ever met anyone who says, "Someday I want to own a condominium"? You probably haven't.

Yet condos offer many advantages over houses. Most maintenance costs are handled by the condo homeowners association, of which each condo is a member. However, if the association doesn't believe in high-quality maintenance, the complex will deteriorate and become less desirable than similar nearby well-maintained condos.

I usually visit my condo once a month for a few days of weekend vacation. When I leave, I especially enjoy turning the key in the door and not having to worry about maintaining my condo. That's all taken care of by the homeowners association.

What is a condo?

Every state has laws regarding condominiums, also known as vertical subdivisions. Condos became popular in the United States in the 1970s. Historically, they originated in about 2000 B.C. in Babylonia, where a document has been found referring to the sale of the first floor of a house where the seller retained title to the second floor.

The Brooklyn Museum contains a condominium deed written in 434 B.C., which describes an apartment, its boundaries, the right of sale and even an early version of

dominiums in the United States, followed by a 1962 Federal Housing Administration statute. By 1967, all 50 states had condo laws. In 1970, there were only about 300,000 U.S. condos. Today, there are millions.

Theoretically and legally, condominiums are just the sale of air. That's because condo owners own only the airspace between the floor, ceiling and walls. The building structure, common areas (such as hallways, elevators, grounds and parking areas), plumbing, wiring and everything else beyond the condo inside wall surfaces are owned by and are the maintenance responsibility of the condo homeowners association.

Often, a condo owner has the exclusive use of a limited extra area, such as a balcony or a patio. But that outdoor space belongs to the homeowners association. Condo deeds also usually include the exclusive "right to use" one or more parking spaces.

How the financing works

Each condo owner can obtain an individual mortgage, just like with single-family houses. Some mortgage lenders, however, refuse to make loans in complexes where there are more than 25 percent renters. The reason is the foreclosure rate in such complexes is usually much higher than where most of the condos are owner-occupied.

For this reason, and to maintain high standards, many condos restrict or prohibit condo rentals. When buying a condo, it is usually best to stay away from complexes with more than 10 percent renters because renters often don't take care of the property as well as owner-occupants. Another problem is absentee landlords often vote against improvements that require monthly assessment increases.

In addition to checking the pros and cons of the specific condo unit and the features of the complex under purchase consideration, here are five key questions:

Ask several of your prospective new neighbors "What do you like best and least about living here?" Because you will be living in close proximity to these people, listen closely to their answers. Most condo dwellers will quickly disclose the good and the bad.

③ Find out about the condo management. Is the association professionally managed or do the homeowner directors handle the management tasks without outside help? Professional management is best. Ask how long the same management firm has been employed. The longer, the better; indicating the condo owners are satisfied. My condo has been well-managed by the same company for 24 years.

What is the financial condition of the condo homeowners association? You'll need to get a recent financial statement from either the condo seller or the association's treasurer. Look closely at the reserves. Ask lots of questions, such as when were the monthly assessments last increased, are any future assessment increases planned, and are any major repairs planned?

Are there any unusual bylaws, rules or covenants, conditions and restrictions? The real estate agent and the condo seller must have these documents readily available for prospective buyers to read.

Ask about restrictions on pets and rentals. A few condo associations have the right to approve prospective buyers; don't even consider purchasing there.

When buying a brand-new condo, ask how many units are sold and closed and what is the procedure for turning over the common areas to the homeowners association. You don't want to be an early buyer, where the developer retains title to the unsold condos.

Robert Bruss is a consumer real estate columnist based in San Francisco. His comments reflect a national perspective. Readers should investigate local conditions.

New board revises governing documents

QUESTION: Before moving into my new home in a community governed by a homeowners association, I reviewed the governing documents supplied by the builder and found them to be acceptable to me. However, within three months of the closing, the development was turned over to the homeowners, and a new board was elected. This new board, along with a committee, decided to revise the governing documents.

Most of the new rules and regulations I agree with and will benefit the community. However, others restrict the manner in which I can use my home. For example, a garage can now only be used for storage of a vehicle and other items and bicycles can no longer be stored on rear patios.

Does the board have the power to pass rules and regulations which affect existing rights?

ANSWER: Historically, Florida's courts have sanctioned amendments of governing documents, even changes which drastically alter the manner in which an owner could use his/her home, such as no-leasing provisions.

The rationale for the court's decision was that a purchaser bought the home knowing that the documents could be amended.

Recently, several appellate courts have reversed this precedent, ruling instead to prohibit the application of new amendments to vested property rights.

For example, when an amendment sought to ban leasing of units, the court held such an amendment could not be applied to existing unit owners who purchased their unit as an investment.

At some point, contradictions created by these recent decisions will have to be reconciled by Florida's Supreme Court. Until then, you must look to the law governing your district.

Q: I own a townhouse in a subdivision regulated by a homeowners association. A mahogany tree planted between my property and my neighbor's continuously has branches that break off, and seeds the size and weight of small coconuts that fall off onto my car. My car is pitted and dented from

the seeds. My assigned parking spaces are under the tree, so I can't park elsewhere. I contacted the manager to ask that the tree be trimmed, and was told the car was my responsibility. What can I do?

A: We can't live without trees. Yet their seeds, sap, leaves and branches can cause as much of a nuisance as anything else.

I find the manager's indifference and lack of concern to be reflective of a failure to fully understand the role of a community association manager, part of which is to find workable solutions to problems offending the members of the association. Given the scenario, I would suggest alternative parking spaces be found or that the tree be pruned and maintained, as you suggest.

Unfortunately, if the association continues to ignore your requests, there is not much you can do short of taking legal action.

Q: In a recent column you stated that "no one should be permitted to perform maintenance work on the common elements of a condominium unless that individual is licensed and insured." Does this apply to association employees, or strictly outside contractors? What about unit owners who volunteer to do minor maintenance tasks without pay and well within their capabilities?

A: My statement was primarily intended to apply to independent contractors and not to individual association employees working under the supervision of a licensed community association manager.

However, even then, unlicensed community association employees should not be permitted to perform work for which a license is required. The latter statement applies to volunteers. There are certain tasks, such as spraying chemicals for pest control, which, by

law, can only be performed by licensed individuals.

Q: I wish to purchase two condominium units in Palm Beach County and join them together via a lift archway between an inside firewall, securing it with a fire door, if required by code. Obviously, I would continue to pay assessments on each unit. What procedure must I follow in order to obtain board/member approval for such an undertaking?

A: First, examine the condominium documents to determine if combining units in the manner you suggest is permitted without the approval of the board or unit owners; many documents do allow it.

If not, then at issue will be the piercing of the common element wall separating the units, which may in fact require the approval of the board and, in some cases, the unit owners. Without examining the documents, it is impossible to advise you of the vote required to undertake this project, since it is the condominium documents and not state law which will govern.



GARY POLIAKOFF
ON CONDO LIVING

Board reverses decision by telephone vote

QUESTION: Is it legal for the board to vote on an issue at the regular meeting and then change its mind and do a telephone vote to change the outcome of the previous vote? There have been telephone votes where measures were passed, but all of the board members were not even contacted. Is it true that only owners whose names are on a deed can vote for or run for the board of directors or any office in a homeowners association?

For example, a husband and wife with only the husband's name on the deed. Does the wife have the right to vote in his place, and can she run for the board?

ANSWER: Following the vote on a matter, the board can vote to reconsider it; however, such a vote can only be taken if the motion to reconsider is made by a person on the prevailing side of the vote.

★ For the board to reverse itself after the close of the board meeting at which an action was taken, the motion to do so must be made and approved at a duly noticed meeting of the board, open to all members.

Accordingly, if the board's action was reversed through the process of polling the board, the result would be invalid.

Board members can participate at board meetings via telephone as long as there is a speakerphone, which enables those in attendance to hear the person(s) on the phone and those on the phone to hear the discussions taking place.

Insofar as who can qualify to serve on the board, qualifications for office are established within the articles or bylaws. Most community associations require members of the board to be a "unit owner", or a "record" title owner, in which case only the person whose name appears on the deed would be eligible to serve.

The spouse of an owner, not listed on a deed, could only vote if designated on a proxy for a particular meeting.

Following a recent election of directors at a condominium, it was discovered that two individuals who were elected to the board failed to qualify because they were not record title owners.

The question arose as to

whether the elected board filled the vacancies, or if the next two highest vote getters were deemed to have been elected.

GARY POLIAKOFF
ON CONDO LIVING

Using Robert's Rules of Order as a resource, it was determined that the next highest vote getters were elected, since votes cast for the unqualified directors were deemed invalid.

A: For those whose letters I do not answer, please understand that there is only a limited amount of space each week so there is a limited number of letters which can be answered.

In response to your question, given the fact that the association's manager serves the interests of all members of the association, it would probably be best if he/she reserved comment until asked by the board. I always remind the attorneys within my own firm that today's dissidents may well be tomorrow's board, so treat each person with the same level of respect one would expect for oneself.

Q: I have been told that if a homeowners association is unable to find individuals who are willing to serve on the board that the State of Florida can or would step in and appoint an administrator.

I have been told that the prior statement is covered by

Florida Statute. What, in fact, happens if there are not enough people willing to serve on the board to maintain the common areas?

A: The Homeowners Association Act [Chapter 720 Florida Statutes], does not address the issue you raised. The Condominium Act [Chapter 718, Florida Statutes], provides that if there is an insufficient number of individuals willing to serve on the board to constitute a quorum, any owner may petition the court to appoint a receiver to run the association.

Correction: In response to a reader's question concerning the notice required for an annual meeting, it was stated that, in addition to mailing the notice it had to be posted "at least 48 continuous hours preceding the meeting." As many readers noted, notices of annual meetings must be posted 14 days prior to the meeting. The 48 hours notice pertains to board meetings.

X-Sender: ljones5@pop-server
Date: Fri, 2 Mar 2001 22:08:09 -0500
To: Xanadu BOD;;
From: Linwood Jones <ljones5@cfl.rr.com>
Subject: Fwd: Hard Surface Flooring - speed is of the essence....

FYI

This is on the agenda for our next meeting.

Linwood

From: "Jim Schumacher" <gymshoe@bellsouth.net>
To: "Linwood Jones" <ljones5@cfl.rr.com>
Subject: Hard Surface Flooring - speed is of the essence....
Date: Fri, 2 Mar 2001 19:32:22 -0500
X-Priority: 3

Hello Linwood,

There has been much discussion at the Document Revision Committee about the need for sound-deadening material installed under tile and other hard surface flooring. The committee is nearly unanimously in favor of such action. Because of the particularly strong construction of this building (steel-reinforced concrete with no "soft" materials - like wood - to absorb sound and vibrations), sound and vibrations carry extremely well in this building. This has created severe nuisances for those living underneath or close to units which have hard-surface flooring without sound-deadening. While the number of individuals affected may as yet be small, as more and more units are putting tile in, it will affect a growing number of Xanadu owners and residents. This is soon to become a major "quality of life" issue in this building if we do not act quickly to address the problem.

Unfortunately, the revision of the condominium documents is not a quick process because there are several items under consideration, not just the issue of hard-surface flooring. While we work on the condo documents, more and more tile is being laid daily. Therefore, it is our recommendation that the Board of Directors propose and adopt a new "Rule and Regulation" to address this issue *as soon as possible*, and before much more tile is laid. We would suggest the following verbage (or equivalent):

"When planning to install tile or other hard surface floorings, owners, in order to prevent the creation of a noise nuisance to neighboring units, must install sound deadening material which at a minimum shall consist of 6-mm cork or an equivalent material which is biologically and environmentally safe. To prove compliance with this subsection, the owner shall provide to the Association a copy of the bill-of-sale for said floor installation at least 3 days prior to installation, and shall at the same time notify the Association of the planned installation time. The Association reserves the right to perform a visual inspection to verify compliance with the installation."

The specification of 6-mm is one which is used by other existing condominiums, such as "Solara" in Cape Canaveral. Alternatively, the Board could propose a moratorium on new tile or hard-surface floorings.

There are some who will oppose the requirement for installing sound deadening material under hard-surface flooring. Their only argument is that this will raise the overall cost of installing new flooring. They may even argue that tile is so "popular" amongst potential condo-buyers, that if we require sound-deadening material to be installed under new hard-surface flooring, then this will scare away potential buyers and lower property values. It is the opinion of nearly everyone on the committee that this is a falacious and flawed argument. The potential damage to property values is far greater once word is out that Xanadu is incredibly noisy and living in Xanadu is like "living in a drum". Sound-deadening material may be our only means of preserving property values by preserving a high "quality of life". [Quality of life = property values!]

I apologize that I have not had time to speak to you in person about this matter, but I have been extremely busy at work and we are about to go out of town. I encourage you to share this matter with the other board members.

Thank you for consideration of this matter,

Linwood Jones, 3/2/01 10:08 PM -0500, Fwd: Hard Surface Flooring - speed is

2

Jim Schumacher

July 1, 2003



CONDOMINIUM ASSOCIATION, INC.
750 North Atlantic Avenue
Cocoa Beach, Florida 32931
(321) 784-2692 • FAX (321) 784-1835

Mike McCaughin, Chief Building Official
City of Cocoa Beach
P.O. Box 322430
Cocoa Beach, FL 32932

Re: Policy regarding Installation of Glass Windows and Doors

Dear Mr. McCaughin:

Enclosed please find a copy of the policy adopted by the Board of Directors. The Board adopted this policy in order to comply with the new building codes. Could you please review and comment on this policy? The Board may need to amend this policy. Also, enclosed are copies of correspondence with Mr. Randy Frey, unit #1203, in regards with the replacement of his sliding glass doors.

The Board of Directors has asked me to contact you for help and guidance on this matter. We also wanted to know if you had any manufacturer sources for buying sliding glass doors and windows that will meet the code and won't change the look of the building?

Thank you for your help and if you have any questions, please give me a call. If you would like to meet with a couple of Board Members and myself, please let me know at your earliest convenience.

Sincerely,

A handwritten signature in cursive script that reads 'Krista L. Baska'.

Krista L. Baska, General Manager
Xanadu Condominium Association, Inc.

Cc: Board of Directors

GENERAL POLICIES

Date: 5/21/02

SUBJECT: Installation of Glass Windows and Doors

POLICY

The Association shall have the power to authorize the repair or new installation of glass windows and glass doors by individual unit owners provided that these windows and doors are uniform in appearance and in harmony with the color scheme of the exterior of the condominium. No repair or installation glass windows or doors shall be performed by a unit owner without the prior written consent of the Association. The maintenance of the glass windows and doors will be the responsibility of the owner, at the owner's expense.

PROCEDURE

Any unit owner who wishes to have glass windows or doors repaired or new installation shall make a request in writing to the Board of Directors.

1. Specifications for impact and wind load resistant glass window and doors installation shall comply with the current building code requirements of the City of Cocoa Beach. No installation shall commence until a valid building permit is obtained by a licensed contractor, and written approval is granted by the Board of Administration..
2. Administrative Requirements of the Association
 - A. The contractor shall obtain a copy of the association specifications and sign a certification that he will meet all the requirements.
 - B. Frame Color: Bronze
 - C. The Xanadu Condominium Board will review, in advance, all proposed glass window or door installations.
 - D. Contractor shall submit to the Board: proof of liability and Worker's Compensation insurance, vehicle insurance, current Brevard County occupational license, proof that the City of Cocoa Beach has given engineering approval, a color sample of the window/door frame and glass, and a valid building permit.

- E. Owners shall give the Board sufficient notice of intent to install new window frames or glass doors frames to permit inspection of the window opening or balcony deck. If deterioration is found, then required repairs must be completed before installation begins.

Krista Baska

From: Randy@freyresearch.com

Sent: Tuesday, May 20, 2003 6:31 PM

To: XANADU-FL@EARTHLINK.NET

Subject: Glass Sliding Door Replacement Issue: Please Forward to Condo Board- thanks

To: Xanadu Condo Association Board

From: Randy Frey Unit 1203

Subject: Replacement of Glass Sliding Doors: Cannot do without changing look.

During my research into replacing the glass sliding doors in my unit, I have discovered a fundamental issue that I believe the Condo Association needs to deal with.

I believe there is no way to meet both the requirement of the City of Cocoa Beach to install +/- 50 PSI hurricane pressure rated doors (for me on the 12th floor, perhaps lower below the forth floor) and the requirement of the condo to not change the look from the outside.

I believe that in order to meet the pressure requirement the doors must fundamentally be the thicker framed French Style doors (along with added structural support), and in fact there must be totally new door frame with a permanent vertical support member in the middle of the four doors (essentially using two, two-door frame sections on either side of this center support).

I base this on detailed investigation and interaction with product engineers from Pella Inc, a well know premium quality window and door company and several phone calls to Mike McCaughin, (868-3309) the Chief Building Official for Cocoa Beach. I have also examined the web sites of Anderson and PGT and have not found anything different- the most significant hurricane protection products (those with expensive certified testing data results) are the thick framed French door style.

FYI, although the Miami Dade code seems to require small and large "missile" impact protection, it seems the City of Cocoa Beach has taken a position that it will NOT impose an impact spec for replacement windows/doors. The rub, is that it is likely that one MUST buy a glass sliding door product with the impact resistant glass (2 layers of glass with a soft glue/plastic in the middle), because that is all that is available in certified hurricane tested products. The manufactures will only certify a small number of products because of cost.

My recommendation is that the Board hire a product evaluation oriented engineer to create a list of products that will meet the hurricane requirements for the units (height and width matter a lot) and the board make a selection of these products based on aesthetics, that are acceptable for owners to install.

The previous board action to try and summarize the hurricane requirements does not meet the practical issue of an owner selecting a "board approved" product given that change in the look that MUST be accepted in order to meet the hurricane requirements.

5/21/2003

Also- I have heard that the board may have been under a belief that owners could simply purchase replacement doors just like what is there and that would be permissible. 1) Mike from the City told me that refurbishment of EXISTING doors (rollers etc) is OK, but replacement is NOT and 2) One cannot buy a replacement door anyway because the company is out of business and 3) According to Steve of Anchor Aluminum, there is NO WAY to refurbish the water seals on the existing doors because one cannot buy replacement sealant material AND the channel the seal sets into are sufficiently corroded to prevent alternative sealing from being effective.

There are many issues to consider, however, I would be happy to brief the board on what I learned in more detail.

Sincerely Yours,

Randy Frey, Unit 1203

P.S. I may want to specifically request that the Board approve the specific Pella product I found that meets the requirement, if the board is open to considering that.

5/21/2003



CONDOMINIUM ASSOCIATION, INC.
750 North Atlantic Avenue
Cocoa Beach, Florida 32931
(321) 784-2692 • FAX (321) 784-1835

June 11, 2003

Mr. Randy Frey
1356 West Lake Colony Drive
Maitland, FL 32751

Re: Replacement of Sliding Glass Doors: Cannot do without changing look.

Dear Mr. Frey:

Thank you for your letter dated May 20, 2003, regarding the replacement of sliding glass doors. The Board of Directors passed their policy when the new building codes were first established. As your letter points out the Board must re-visit this policy again. We will be contacting the City Building Department for more guidance and probably will have to amend this policy.

Your letter gives the Board enough detail, but it's hard to visualize what the French Style doors would look like. It would be helpful if you could provide the Board with any pictures of the type of sliding glass doors you're considering for our review. The General Manager will be contacting Mike McCaughin in regards to any contacts he may have for manufacturer sources.

Again, thank you for bring this matter to the Board's attention and we will respond to you as soon as we get more information. We thank you in advance for giving us time to investigate this matter.

Sincerely,

A handwritten signature in cursive script that reads 'Patricia A. Myers'.

Patricia A. Myers, President
Xanadu Condominium Association, Inc.

Cc: Board of Directors



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5/21/2003

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5/21/2003



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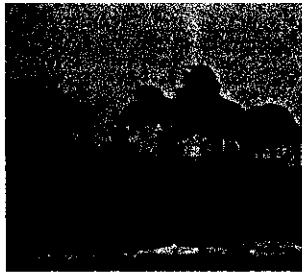
The Multi-Story line offers professional PGT dealer service, supporting a product that passes some of the strictest codes in the country. They successfully test up to pressures of 140-150 psf*, making them ideal for buildings over three stories high, such as:

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*Based on glass type. See design pressure charts for details.



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Each window and door is custom-built to exact specifications, making PGT Multi-Story a perfect choice for replacement applications as well as for new construction. With our wide variety of options in frame colors, glazing and tints, you can customize windows to complement any existing or new architecture. And since all Multi-Story windows and doors are delivered by our own fleet of trucks, you can count on them to arrive on time.



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You can rest assured of PGT's consistent quality and our outstanding customer support network. Our Multi-Story Series 800 Windows and Doors are

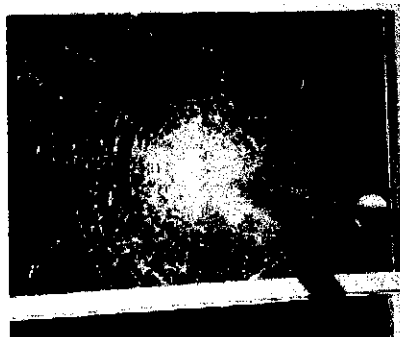
custom-built in our state-of-the-art 420,000 sq. ft. manufacturing facility and 56,000 sq. ft. glass laminating plant in Venice, Florida.

- PGT uses only the highest-quality materials in the construction of our windows and doors.
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The only thing as good as our product is our service. PGT and our authorized dealers provide start-to-finish customer support, from our computerized ordering system to our Customer Service Center that provides help before, during and after the sale. Our Architect CD provides a wealth of useful information, including the design pressure calculations you'll need to specify the windows and doors for multi-story buildings. We also offer engineering and technical assistance to assure that you get exactly what you need without paying for what you don't. Whether you're building new or replacing the old, PGT Multi-Story Series 800 Windows and Doors provide you with the convenience and peace of mind that comes only from working with the very best.



Testing



- All laminated products have passed Miami-D Protocols TAS 201, 202, 203
- Meets or exceeds all current AAMA/NWWDA 97 specifications
- Passes ASTM E987 for deglazing
- Passes ASTM E547/E331 for water resistance
- Passes ASTM E283 for air infiltration
- Operable windows pass AAMA 1302.5 for resistance
- Doors pass AAMA 1303.5 for forced entry resistance

Materials & Construction

Frames

- Heavy duty extruded aluminum is painted with an electrostatic paint for a low-maintenance finish
- Frame depth is 2-3/4" for windows and 5-1/8" for sliding glass doors
- Nominal wall thickness is .062 for operable windows and doors and .093 for picture windows

windows

- Stainless steel assembly screws
- Installation holes are pre-punched for easy installation

Glazing

- Multiple glazing options are available to meet various design requirements (See Pressure Guides)
- All products are wet glazed for greater strength and seal
- All products have a structural extruded aluminum glazing bead for stronger resistance to wind loads

Weather Stripping

- Fully weather-stripped throughout with fin seal and vinyl bulb to reduce air and water infiltration

Screens

- Window screens have roll-formed frame
- Sliding glass door screen has extruded frame
- 18 x 16 fiberglass mesh

Options

- Frames available in white, gray or bronze ESP finish. Custom colors are also available through your dealer.
- White or custom color interlayer (small missile only)

White	Bronze	Gray
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Because of differences in computer monitors and printers, or lighting variations that you may experience, the colors shown here may look different from the installed product color in your home. Please consult your dealer before making your final color choice.

- Double applied colonial muntins
- Mull bars and mull clips

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WEAN & MALCHOW, P.A.

ATTORNEYS AT LAW

PAUL LEONARD WEAN, JD*

HELENA GUTIERREZ MALCHOW, JD

JAMES E. OLSEN, JD

*(MEMBER OF MASSACHUSETTS BAR)

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FAX (407) 999-LAW 1
<http://www.wmlo.com>

SABRINA MILLER †
CHRISTINE A. OWEIS †
(†PARALEGAL)

September 16, 2003

Xanadu Condominium Association, Inc
Attn: Board of Directors
750 North Atlantic Avenue
Cocoa Beach FL 32931

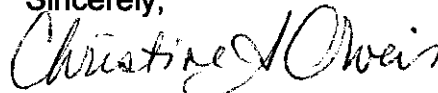
Re: Frequently Asked Questions and Answers Sheet

Dear Members of the Board:

Enclosed please find a revised Frequently Asked Questions and Answers Sheet which Mr. Wean has prepared as per your request.

If you have any questions, please feel free to call our office.

Sincerely,



CHRISTINE A. OWEIS,
Paralegal

CAO/fms
Enclosure

FREQUENTLY ASKED QUESTIONS AND ANSWERS SHEET
XANADU CONDOMINIUM ASSOCIATION, INC., ***

Q: What are my voting rights in the condominium association?

A: There is one (1) vote for each unit. Please refer to Article VI of the Declaration of Condominium and Article IV(D) of the Articles of Incorporation. The vote must be cast by a designated voter if there is more than one (1) co-owner, or if the owner is a corporation. Designated Voting Members may vote in person or by a proper proxy. Please refer to Article 2 of the By-Laws for more complete information.

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A: There are various restrictions on the use of units. Please refer to Article X of the Declaration of Condominium generally. Additionally the Board of Directors has the power to make and amend reasonable rules and regulations respecting the use of all property in the Condominium. See Article X(e) of the Declaration of Condominium, Article III of the Articles of Incorporation, and Article 4 of the By-Laws.

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Q: Do I have to be a member in any other association? If so, what is the name of the association and what are my voting rights in this association? Also, how much are my assessments?

A: No.

Q: Am I required to pay rent or land use fees for recreational or other commonly used facilities? If so, how much am I obligated to pay annually?

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Q: Is the condominium association or other mandatory membership association involved in any court cases in which it may face liability in excess of \$100,000? If so, identify each such case.

A: No.

Q: Where do I procure a set of Association documents? Is there a charge?

A: A complete and official copy of all recorded documents and recorded amendments for both Associations may be had at the Public Records of Brevard County, located in Viera, FL. The Association's on-site manager and records custodian is Krista Baska. A copy of the documents, with all amendments, from the official records of the Association may be had at an unknown cost. A copy of the documents from its official records custodian of can be obtained from its manager at a cost of \$ 20.00.

*** as of July 20, 2003. These answers are summary in nature and should not be relied upon as being a complete statement of your rights and obligations. You should review the documentary provisions referenced and also seek independent outside advice to best protect your rights.

**CHAPTER 468, PART VIII,
FLORIDA STATUTES
COMMUNITY ASSOCIATION MANAGEMENT**

Editor's Note: There were no changes to Part VIII of Chapter 468, Florida Statutes in 2002. The student should review this material for familiarity with the license requirements.

468.431 Definitions.—

- (1) "Community association" means a residential homeowners' association in which membership is a condition of ownership of a unit in a planned unit development, or of a lot for a home or a mobile home, or of a townhouse, villa, condominium, cooperative, or other residential unit which is part of a residential development scheme and which is authorized to impose a fee which may become a lien on the parcel.
- (2) "Community association management" means any of the following practices requiring substantial specialized knowledge, judgment, and managerial skill when done for remuneration and when the association or associations served contain more than 50 units or have an annual budget or budgets in excess of \$100,000: controlling or disbursing funds of a community association, preparing budgets or other financial documents for a community association, assisting in the noticing or conduct of community association meetings, and coordinating maintenance for the residential development and other day-to-day services involved with the operation of a community association. A person who performs clerical or ministerial functions under the direct supervision and control of a licensed manager or who is charged only with performing the maintenance of a community association and who does not assist in any of the management services described in this subsection is not required to be licensed under this part.
- (3) "Community association manager" means a person who is licensed pursuant to this part to perform community association management services.
- (4) "Council" means the Regulatory Council of Community Association Managers.
- (5) "Department" means the Department of Business and Professional Regulation.

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Krista Baska

From: Mark Benson [markb@bensonsinc.com]
Sent: Friday, June 25, 2004 8:55 AM
To: Florida Community Association Managers Alliance (E-mail)
Subject: FW: New Florida Legislation

LATEST NEWS
11:44 AM EDT Thursday

Bush signs condominium laws

Gov. Jeb Bush on Wednesday signed legislation that protects a homeowner's right to fly a flag.

The legislation creates a Condominium Ombudsman Office with the Florida Division of Land Sales, Condominiums & Mobile Homes and requires sellers and developers to make more disclosures to potential homeowners.

The two bills, which the governor's office said will better protect Florida home and condominium owners, include recommendations from a task force the governor created last summer to improve relations between homeowners, homeowners' associations and other, related entities.

The governor signed bills:

- SB 2984 -- An act relating to condominium and community associations. The legislation, the government said, significantly broadens homeowners' right to fly flags; requires sellers and developers to make complete disclosures before homeowners buy into an association; provides homeowners the right to be heard at homeowners association board meetings; protects homeowners from liens based on unpaid fines or fees; and provides for arbitration and mediation to be available for aggrieved homeowners in order to avoid litigation.
- SB 1184 -- An act related to condominium and community associations. The legislation provides for creation of the Condominium Ombudsman Office with the Florida Division of Land Sales, Condominiums and Mobile Homes. The Ombudsman's Office is to be charged with election monitoring and dispute resolution. Additionally, the government said, the ombudsman will be a liaison between parties within a dispute. The legislation also calls for creation of an Advisory Council on Condominiums and provides for additional homeowners' association requirements.

Krista Baska

From: Mark Benson [markb@bensonsinc.com]
Sent: Wednesday, June 23, 2004 8:17 AM
To: Florida Community Association Managers Alliance (E-mail)
Subject: CONSTRUCTION DEFECT LAW WAS SIGNED BY GOV. BUSH ON JUNE 18th

From Becker & Poliakoff

Governor Bush has signed HB 1899 into law. This construction defect bill further defines procedures to initiate and pursue construction defect claims under Section 558.01, et seq., Florida Statutes (also known as the Florida Construction Defect Statute).

This law will become effective on July 1, 2004. The bill requires owners of single family homes, units in multi-family buildings (such as condominiums, cooperatives, etc.) and other residential buildings to provide notice and an opportunity for contractors and those working under them to cure a construction defect or extend a monetary offer before litigation can proceed. Failure to comply with the various pre-suit requirements set forth in this bill may limit a homeowner's damages or result in court-imposed sanctions in the event the claim eventually proceeds to court.

IT IS IMPORTANT TO REMEMBER THAT ALL DESIGN, CONSTRUCTION AND REMEDIAL/RENOVATION CONTRACTS ENTERED INTO ON OR AFTER JULY 1, 2004, MUST CONTAIN A CONSPICUOUS NOTICE OUTLINING THE STATUTORY PROCEDURES REGARDING NOTICE OF CONSTRUCTION DEFECT CLAIMS AND THE OPPORTUNITY TO CURE THOSE CLAIMS.

Of course, the parties, by written mutual agreement, may waive or alter the statutory procedure. When negotiating design, construction or renovation contracts, you should consult your association attorney to be sure (a) you have the proper conspicuous language regarding the new Chapter 558 notice requirements in your contract and (b) you and your contractor agree, in writing, to waive those requirements if you determine it is in your best interests to do so.

**REGULATIONS OF THE
XANADU CONDOMINIUM ASSOCIATION**

I. Responsibility

A. Each owner of a condominium unit at Xanadu is responsible for the occupancy and use of his/her facilities so as not to disturb other residents or interfere with the general operations of the condominium property.

B. The Board of Administration is responsible for the enforcement of these Regulations. Day-to-day enforcement shall be carried out by the Management. Every resident is also encouraged to enforce these Regulations. Any questions relative to these Regulations, violations or their enforcement should be submitted in writing to the Board.

C. Children under 16 are to be supervised to the extent necessary to ensure proper decorum, property preservation, safety, and activities not detrimental to the rights, comfort or convenience of other residents.

D. Individual owners will be responsible for any infraction of these Regulations by themselves and their visitors.

II. General

A. These published Regulations shall be observed by all who use the facilities of this condominium.

B. The recreational facilities are for residents, guests and house-guests. "Guests" are defined as persons visiting residents, but not remaining overnight. Guests will not be permitted to use the recreational facilities when the owner is not in residence. "House-guests" are defined as persons who are in residence overnight. House-guests who occupy the premises when the owner is not in residence must be identified to and registered with the General Manager prior to their occupancy. All House-guests must be registered with the General Manager - upon arrival or, if the office is closed, as soon as the office is opened.

C. No resident or contractor doing improvements to units shall make any disturbing noise between 7:00 PM and 8:00 AM during weekdays. On Saturdays, Sundays and Holidays there will be no loud noises so as to interfere with the comfort and convenience of other residents at anytime. Residents are responsible for the conduct of their visitors, and it is recommended that visitors be accompanied by residents when using the common facilities.

D. The building must be locked at all times for the security and safety of all residents and property. Entrances (doors) may not be blocked open for any reason, except for moving large objects. The General Manager is to be notified in advance of such moving. Then, the service entrance door to the garage area may be left open under the full-time supervision of the owner moving or his agent. Such moving is not to take place on Saturdays, Sundays or holidays unless approved in writing in advance by two or more Board of Administration members.

E. All deliveries and removal of large objects are to be made through the service door to the garage area. Residents are required to personally provide access to the building to their visitors and service personnel.

F. The elevators, hallways, alcoves, stairways and open garages shall not be used as playgrounds or storage areas.

G. Bicycles, motorcycles, mopeds, roller skates and skate boards shall not be used on the common property, except during entrance or egress from the building. Bicycles shall be walked and roller skates and skate boards shall be carried inside the building if they are to be taken into a unit.

H. Radios, "boom boxes," etc., used in any common area, indoors or outdoors, shall be used only with earphones so no one else will be disturbed.

I. After being at the beach, everyone must remove all sand and tar from their feet or shoes prior to entering the pool area or the building. Cleaning fluid and water are located outside the beach walk gate. Gates and doors to the pool and beach areas should be locked after use.

J. Bathing suits must be sufficiently dry so as not to drip water before entering the building. Bathing suits are not acceptable for lounging in the lobby at any time. It is highly recommended that shoes and tops be worn by all persons in the common areas.

K. There shall be no soliciting in the building.

III. Swimming Pool & Whirlpool

Capacities: Pool - 23; Whirlpool - 7 maximum

A. All persons use the pools at their own risk. There is no lifeguard.

B. Proper bathing attire shall be worn in the pool and whirlpool at all times.

C. Children under 13 years of age are not permitted in the pool without parental supervision. No one under the age of 13 is permitted in the whirlpool even with parental supervision (per our insurance company). The whirlpool is a therapeutic facility; it is not a "children's pool."

D. Children not toilet trained are not permitted in the pool or whirlpool. Children in diapers are prohibited.

E. Running, horseplay or indecent behavior are not permitted.

F. Toys, floats, snorkels, fins and other such equipment are not permitted. Flotation devices (such as noodles) are permitted for exercising. Swimming aids attached to the body are permitted.

G. After bathing in the ocean, everyone must shower before entering the pools.

H. Those using sun lotions or any oils must shower before entering the pools; also, chairs and lounges must be covered with towels before use prior to showers.

I. The steps at the pools are for entering and leaving. Sitting on steps or hanging on hand rails is prohibited.

J. Only unbreakable drinking containers are permitted on any part of the common areas. No food is permitted at poolside.

K. Quiet must be maintained in all common areas after 11 PM, particularly around the pools. The whirlpool blower is to remain turned off. The entire pool area is closed from 11 PM to 6 AM.

L. Chairs and lounges shall not be reserved for persons not in the pool area nor removed from the immediate pool area. This also applies to persons who go to the beach or elsewhere for a short time and then return to the pool area.

M. Personal chairs or lounges may not be left overnight in the pool area.

N. Management has the right to ask anyone to leave the pool area for violating these Regulations or creating a nuisance.

IV. Parking Areas

A. Stopping in front of the building is permitted only to load or discharge passengers or packages. No unattended vehicles are permitted at any time in front of the building. The garage entrances and exits are not to be blocked at any time.

B. The garage drive-through passageways are to be kept clear at all times. Attended vehicles may stop for loading or unloading briefly only.

C. Vehicles shall not be parked in any parking space in a manner which in any way interferes with the free use of adjoining parking spaces.

D. Handicap parking spaces may be used only by those vehicles with state permits. Violators will be cited by the police and subject to towing fees upon removal.

E. No auto parking space may be used for any purpose other than parking automobiles which are in operating condition. No other vehicles or objects, including but not limited to trucks, motorcycles, trailers and boats, may be parked or placed upon such portions of the condominium property unless specially permitted by the Board of Administration. Temporary overnight exceptions shall be requested from the General Manager in advance.

F. There is a 5 MPH speed limit in all areas. All directional arrows must be followed. No through traffic is permitted in the outer garage. Cars may enter here only for the purpose of assigned parking in this area.

V. Tennis Courts

A. Residents and their visitors desiring to use the tennis court must sign up no earlier than 2 days in advance on the board near the entrance court.

B. Court time shall be forfeited if there is no appearance of players within the first 10 minutes of the hour.

C. Tennis shoes and shirt are required.

D. Hitting the court in anger with a racquet is prohibited.

E. The lock on the court gate must be relocked and lights turned off when leaving the court.

F. All trash must be deposited in the container located inside of the court. No glass or breakable beverage containers are permitted on the court or common areas.

VI. Exercise Room

- A. Exercise at your own risk: Care is required to avoid injuries.
- B. Use towels in contact areas for sanitary reasons.
- C. Children under 16 must be accompanied by an adult.
- D. Follow rules posted in fitness room.

VII. Flooring Rule

A. In our continuing effort to promote a more tranquil neighborly atmosphere, this rule identifies a particular nuisance prohibited by Article 10 (c) of Xanadu's Declaration of Condominium Documents which states that "no nuisances shall be allowed to be committed or maintained upon the condominium property, nor any use or practice that is the source of annoyance to residents or which interferes with the peaceful possession and proper use of the property by its residents".

B. Floor coverings, particularly floor coverings such as hardwood or tile, may be the source and cause of a continuing noise nuisance to the residents, especially those living in units directly below the floor covering. Owners must understand that it is the individual owner's responsibility when installing a floor covering to ensure that the installation includes environmentally safe and adequate sound deadening materials.

C. In the case of carpeting, the carpeting shall be of a normal residential grade and of sufficient thickness to dampen the noise of normal residential activity.

D. With regard to materials other than carpet, installation must include sound deadening materials which shall consist of either:

- 1. A sub-layer of cork or similar material of not less than six (6) millimeters thickness which shall be permanently bonded to the floor surface. or
- 2. A sub-layer of padded carpet of equivalent thickness, which may be a permanent or non-permanent installation, or
- 3. Other material which is demonstrated to have equal or superior sound dampening property.

E. Should anyone install a floor covering that is the source of a noise nuisance, then, in that event, it shall be the owner's responsibility to immediately eliminate the nuisance. The Board has the power and duty to enforce the provisions of Xanadu's Condominium Documents including its rules and regulations (Reference Articles III, Paragraph 5 of the Articles of Incorporation and Articles XIX and XX of the Declaration of Condominium.)

VIII. Installation of Antennas for TV Reception

We request notification prior to any installation. Antennas not for receiving TV reception service are prohibited. Rules govern mounting of antennas (dishes) that are one meter (39.37") or less in diameter at Xanadu. All antennas must be installed wholly within the unit or limited common element.

A. No common elements can be used to mount antennas or be used to carry wiring to the unit.

B. Specific installation of antenna, wiring and hardware for Xanadu residents must be as follows:

1. All antennas must be painted to match the building wall color except those wholly within the unit.
2. The antenna mounting method must be in accordance with this policy and the details in the attachment (see diagram, back page of regulations). Only balcony indented walls may be penetrated. (See attached diagram for indented walls, see last page of regulations for diagram.)
3. At no time can any antenna or wiring protrude over or out from the balcony railing (must be contained wholly inside railings on balcony).
4. No cables or other wiring (connections, power etc.) may be run across, under or through common elements.
5. No screw holes may pierce exterior building walls, balcony floors or railings.
6. Equipment must not interfere with hurricane shutters.
7. Antenna, it's wiring or mounting hardware cannot constitute a safety hazard during a storm.
8. All installations must conform to local building and electrical codes.
9. TV antennas are permissible only wholly inside the unit and/or be within a units' limited common element (balcony).
10. Should any property damage or association costs arise from installation of antenna, owner of satellite (dish) antenna will be responsible for damage or harm.

Installation of Antennas for TV Reception Mounting Criteria

- A. Only balcony indented wall mounting is allowed. There will be no mounting to, or penetration of, the deck or handrail.
- B. All metal fasteners and brackets must be fabricated of either stainless steel or aluminum.
- C. All wall penetrations, whether for antenna mounting or cable routing, must be sealed with silicone based sealant, providing a waterproof seal.

IX. Installation of Hurricane Shutters

The Association shall have the power to authorize the installation of storm shutters by individual unit owners provided that the storm shutters are in uniform in appearance and in harmony with the color scheme of the exterior of the condominium. No storm shutter shall be installed by a unit owner without the prior written consent of the Association. The maintenance of the storm shutters will be the responsibility of the owner, at the owner's expense. Any owner who wishes to have storm shutters installed shall make a request in writing to the Board of Directors.

1. Specifications for impact and wind load resistant hurricane shutters and installation shall comply with the current building code requirements of the City of Cocoa Beach. No installation shall commence until a valid building permit is obtained by a licensed hurricane shutter contractor, and written approval is granted by the Board of Administration.
2. Administrative Requirements of the Association:

A. The contractor shall obtain a copy of the association specifications and sign a certification that he will meet all the requirements:

B. Shutter Color: White

C. The Xanadu Board will review, in advance, all proposed shutter installations.

D. Contractor shall submit to the Board: proof of liability and worker's compensation insurance, vehicle insurance, current Brevard County occupational license, proof that the City of Cocoa Beach has given engineering approval, a color sample of the shutters and a valid building permit.

E. Owners shall give the Board sufficient notice of intent to install hurricane shutters to permit inspection of the balcony deck, under the shutter track. If deterioration is found, required repairs must be completed before shutter installation begins.

X. Installation of Glass Windows and Doors

The Association shall have the power to authorize the repair or new installation of glass windows and glass doors by individual unit owners provided that these windows and doors are uniform in appearance and in harmony with the color scheme of the exterior of the condominium. No repair or installation of glass windows or doors shall be performed by a unit owner without the prior written consent of the Association. The maintenance of the glass windows and doors will be the responsibility of the owner, at the owner's expense. Any owner who wishes to have glass windows or doors repaired or new installation shall make a request in writing to the Board of Directors.

1. Specifications for impact and wind load resistant glass windows and doors installation shall comply with the current building code requirements of the City of Cocoa Beach. No installation shall commence until a valid building permit is obtained by a licensed contractor, and written approval is granted by the Board of Administration.

2. Administrative Requirements of the Association:

A. The contractor shall obtain a copy of the association specifications and sign a certification that he will meet all the requirements.

B. Frame Color: Bronze

C. The Xanadu Condominium Board will review, in advance, all proposed glass window or door installations.

D. Contractor shall submit to the Board: proof of liability and worker's compensation insurance, vehicle insurance, current Brevard County occupational license, proof that the City of Cocoa Beach has given engineering approval, a color sample of the window/door frame and glass, and a valid building permit.

E. Owners shall give the Board sufficient notice of intent to install new window frames or glass door frames to permit inspection of the window opening or balcony deck. If deterioration is found, then required repairs must be completed before installation begins.

XI. Miscellaneous

A. Smoking is not allowed in the elevators: State Law. Smoking is not allowed in all inside common areas of the building, except in the recreation room during private parties.

B. Towels, bathing suits or other materials may not be draped over balcony railings. State law permits U.S. Flags.

C. Clothes lines or racks for drying clothes may not be used on balconies.

D. Open Charcoal grills or hibachis may not be used on balconies. Electric grills may be used with caution. There shall be no LP Gas Containers larger than 2-1/2lbs. LP-Gas capacity connected to a grill located on any balcony regardless of the floor level. No more than 5-lbs capacity (total may be stored in each living space unit).

E. Mops, rags, etc., may not be shaken from balconies.

F. Nothing may be thrown from balconies, especially cigars or cigarettes.

G. No lighted cigars, cigarettes or similar items are ever to be put into the garbage chute because of the fire hazard.

H. Recycling containers located in the southwestern corner of the parking area should be used for plastic beverage bottles, glass bottles and jars, aluminum cans and newspapers. Detailed instructions have been provided to all residents, and further information is available in the office.

I. Uncooked fish must be deposited in the dumpster located at the southwestern corner of the parking area, not in the garbage chute.

J. Garbage not placed down the kitchen sink disposal must be drained and wrapped in plastic before it is deposited in the garbage chute.

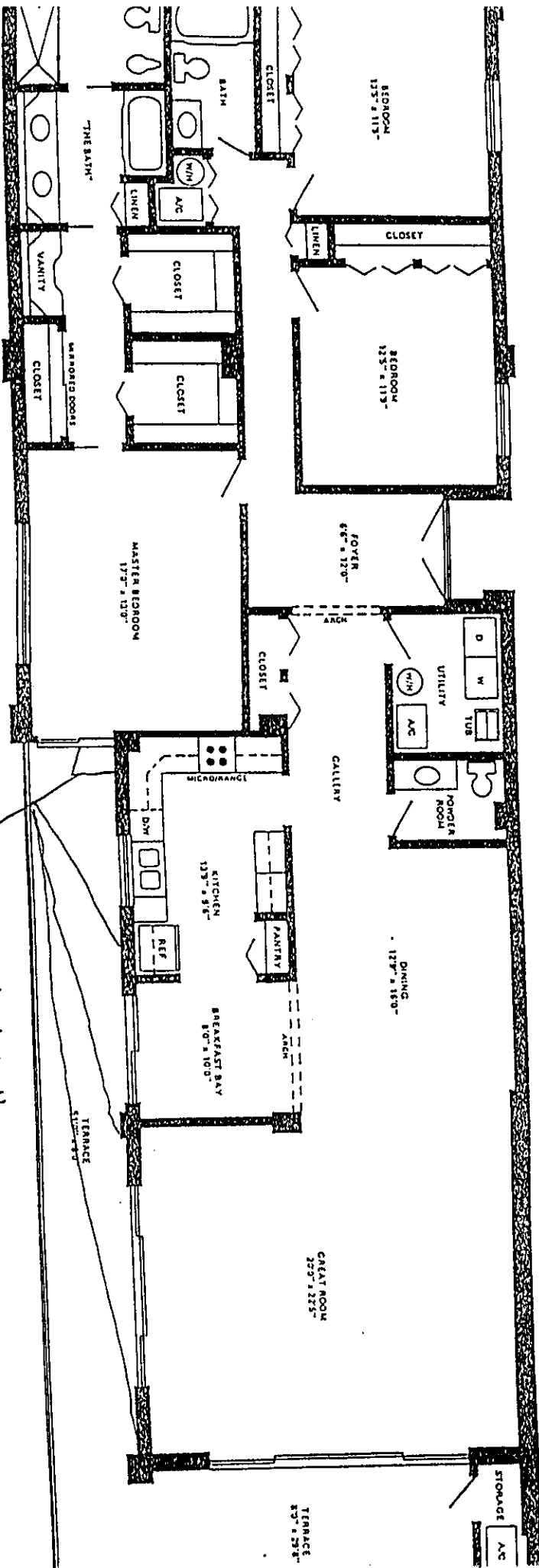
K. Boxes shall not be put in the chute, but must be broken down and deposited in the outdoor dumpster.

L. Any spillage on walkways or in the trash chute area is to be cleaned up by the person responsible.

M. The trash chute shall not be used between 10 PM and 8 AM.

Updated 10/23/03

Diagram



Indented Walls

ALL DIMENSIONS ARE APPROXIMATE. PLEASE
 VERIFY ALL DIMENSIONS AND FINISHES WITH
 THE ARCHITECT OR GENERAL CONTRACTOR AT THE
 TIME OF CONSTRUCTION. THIS PLAN IS NOT TO BE
 USED FOR ANY OTHER PURPOSES WITHOUT THE
 WRITTEN PERMISSION OF ARGADU.

LIVING AREA 2,342 Sq. Ft.
 TERRACE 486 Sq. Ft.
 TOTAL AREA 2,828 Sq. Ft.

FREQUENTLY ASKED QUESTIONS AND ANSWERS SHEET
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Q: Where do I procure a set of Association documents? Is there a charge?

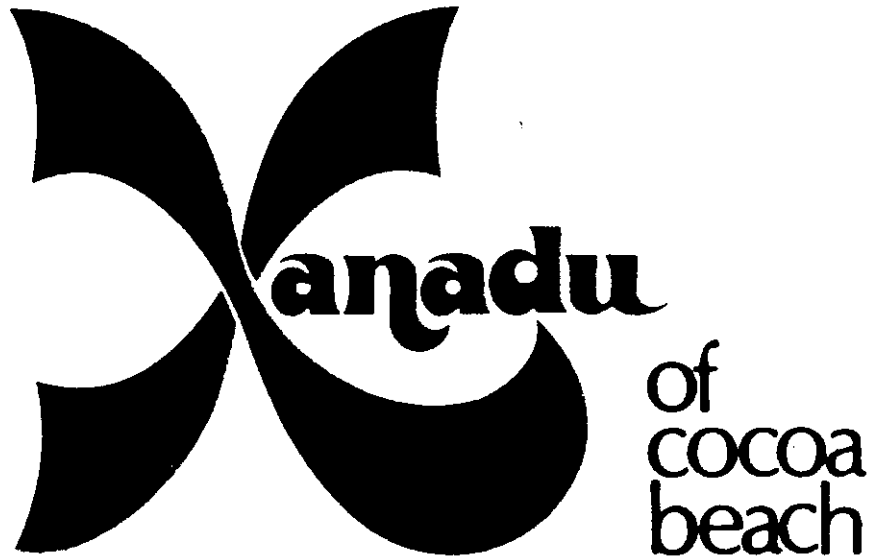
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*** as of July 1, 2004. These answers are summary in nature and should not be relied upon as being a complete statement of your rights and obligations. You should review the documentary provisions referenced and also seek independent outside advice to best protect your rights.

LIST OF VIOLATIONS 2003

UNIT #	NAME	DATE	VIOLATION
PH-3	DISMORE	1/5/03	Guest motorcycle parked in fire lane.
901	KINCAID	1/21/03	Unit front door hardware.
1501	LYDEN	1/23/03	Guests at the pool 3:00 AM.
504	HELMAN	3/5/03	Motorcycles on property.
805	KINLE	5/10/03	Fireworks on beach.
1201	BOUGHNER	5/31/03	Glass by pool.
1103	RUPPERT	5/31/03	Front door blocked open.
806	MACAULAY	6/29/03	Cutting tiles on Sat.
806	MACAULAY	7/4/03	Spraying water off balcony.
1203	FREY	10/8/03	Boogie boards in pool.
704	DAVIS	10/13/03	Throwing ball in atrium.
505	MARCINIAK	11/18/03	Children in jacuzzi with toys.
1005	TRAN-SON-TAY	12/30/03	Children in jacuzzi.

Updated



INFORMATION GUIDE

Amenities

Club Room

The recreational facilities of your condominium are for residents, their immediate families, actual house guests and occasional parties. If you desire to reserve the clubroom for a private function, please request a reservation at the office. Use privileges are not to be freely extended to friends or casual acquaintances. An owner renting out his unit relinquishes his rights and privileges to all recreational facilities during the period of the rental. The resident is always responsible for the conduct of his guests.

The last person leaving must clean up, straighten chairs, turn off air conditioning and lights. The clubroom may be used only between the hours of 9:00 a.m. and 10:00 p.m., unless special arrangements have been made with the manager. Observe rules as posted. No wet bathing suits allowed in the clubroom.

Swimming Pool - Whirlpool

Please observe the following rules which are designated to make your pool use enjoyable and safe:

***Please be considerate of other residents when inviting guests to swim in the pool. No more than two guests per resident at one time should be invited and they must be accompanied by a resident of the community.

***Anyone using the pool does so at his or her own risk and responsibility.

***Visiting children under 10 years of age and non-swimmers must be accompanied by an adult (who can swim) at all times. No babies with diapers or non-toilet trained children will be allowed in the pool at any time.

***No diving in the shallow end of the pool.



... the name is as exotic as the dream that inspired it. In a lush, tropical seaside setting, the glowing legend of Kubla Khan takes on a special meaning. Enjoy shimmering days on a long stretch of uncrowded beach with the blue Atlantic waters sparkling in the sun. An elegant environment, exclusive and reserved for the truly discriminating.

An Enchanting Oasis in a Relaxed Tropical Setting As the sun rises, a multitude of pleasures awaits the fortunate residents of Xanadu. Awake to the call of seagulls and the caressing ballad of the surf with the joyful realization that you are among the privileged few to reside in Xanadu.

A tennis court beckons for your best game. Relax in your beautiful sauna or be soothed by your churning whirlpool. If golf is your game, try the challenge of many great courses within short driving distances. Later, soak in the sun on a comfortable chaise around your sparkling blue pool.

At sunset, Xanadu comes alive with convivial conversation in the comfortable recreation room where good friends and neighbors meet for a cocktail or enjoy a game of backgammon or bridge.

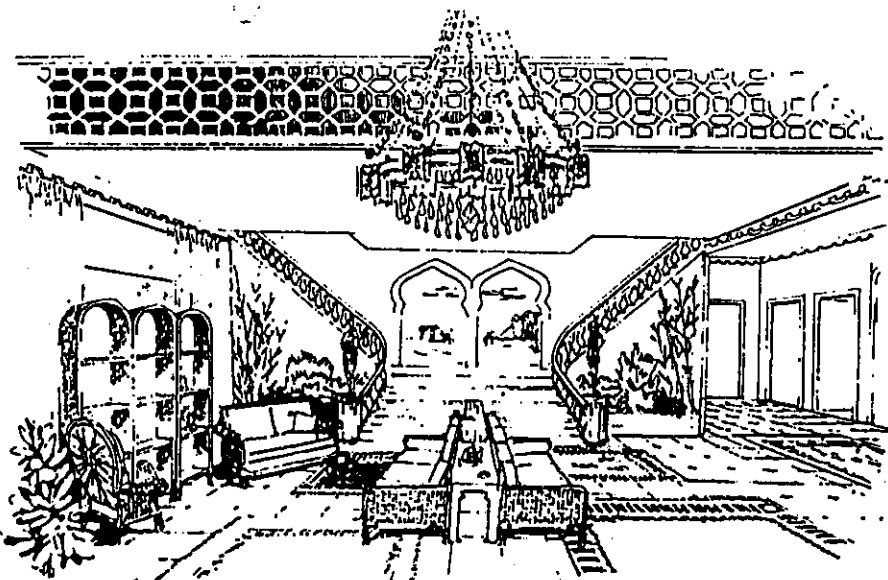
Later return to peace and privacy with a moonlight stroll along the wide, sandy beach . . . listening to the sea, gazing at the stars. An incomparable way to end another perfect Xanadu day!

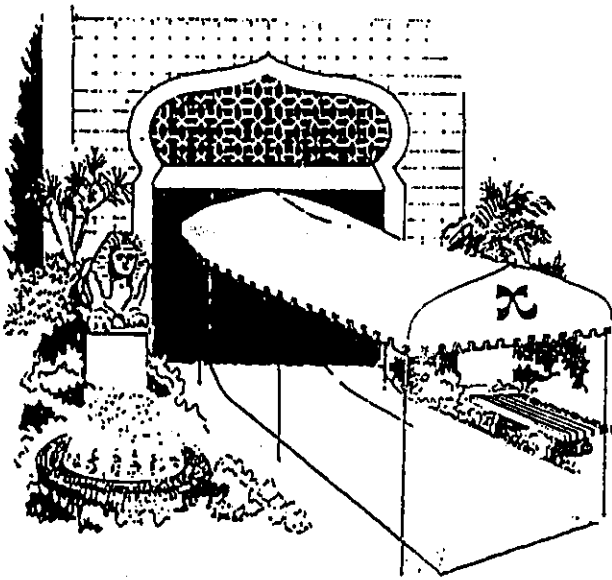
For Splendor and Style Nothing Equals Xanadu's Stunning Selection of Luxurious Condominium Homes

There are many ways to live at Xanadu . . . each more elegant than the other . . .

Choose the magnificent **MONARCH SUITE**, with three bedrooms, two and one-half baths and a fantastic wrap-around terrace of 74 feet, for an ultimate panoramic vista of sea, river and sky.

The **SULTAN SUITE** is an unusually dramatic two-story home, with two bedrooms and two and a half baths with magnificent views of the Atlantic Ocean and Indian River from your choice of two terraces.





The *EMPEROR SUITE* is a palacial three bedroom, two bath residence with a private southwestern oversized wrap-around terrace for unrivaled views of the sunset.

The *EMPRESS SUITE* is a gracious and well designed two bedroom, two bath residence allowing the fortunate owners the vistas of ocean and river from a private terrace.

The *RAJAH SUITE* is an exciting two bedroom, two bath, oceanfront residence with a breathtaking view directly on the ocean.

Fifteen floors of splendor are highlighted by seven magnificent penthouse suites which tower over Cocoa Beach's beautiful waterways and command a sweeping view of the blue Atlantic and its broad white beaches.

Enjoy the good new life which you richly deserve and revel in Xanadu's distinguished, yet carefree, lifestyle.

Xanadu Features Unusual Space and Unusual Comforts

The unmatched quality of living available at Xanadu is in part the result of uncompromising insistence upon excellence and attention to detail . . . in construction, landscaping and in the abundance of features to be found in each residence. The result is a quality of lifestyle that is reflected in everything from the minutest detail, to the broad scope of vistas that surround your residence.

While each condominium at Xanadu is designed to be a unique island unto itself, all of them share many uncommonly desirable amenities.

Kitchens feature custom designed wood or formica cabinets and storage spaces, a deluxe self-cleaning oven unit with microwave, a deluxe dishwasher, and an ice dispenser refrigerator, disposal and a stainless steel double sink.

Master baths are truly elegant, with a deep cultured marble tub and shower and room for an optional bidet in the master bath of most units. Customized floors, walls and marble double sink vanities, with decorator goldtone fixtures, are featured throughout.

In the master suites, mirrored closet doors are standard. Raised 8'8" ceilings offer a sense of openness in both the living and bedroom areas. The walk-in closets are a full 6' wide.

Other amenities include a full sized washer and dryer; security and fire-smoke alarm systems; cable television; oversized terraces; and covered parking for your automobiles.

The quality and attention does not stop at your carved, double entry doors. Quality exterior features include a sauna bath and exercise rooms; tennis court; 24-hour security system; recreation center, including lounge, billiard area, bar and kitchen; fountains; gardens and pool; high speed elevators; spectacularly decorated public areas; and over 300 feet of sandy beach and magnificent ocean, river and city views. A full time professional manager lives on the premises to cater to the needs and desires of the Xanadu residents.

Despite the uncompromising standards of excellence incorporated into every Xanadu residence, there is full opportunity for each owner to express his own unique taste in his home. To insure this, a generous allowance, to be applied to floor covering decoration, is provided as part of each Xanadu sales contract.

Nothing has been spared in our effort to make Xanadu the finest oceanfront condominium in Central Florida.



Travel the world over . . . the Caribbean, the Riviera, the Isle of Capri, Hawaii . . . and you will never discover a more serene seaside setting than Xanadu, anywhere in the bustling world of today.

Privacy and seclusion can be yours at your custom designed residence at Xanadu, where you can get away from it all without getting out of touch with the rest of the world. Discover uncrowded and unhurried Cocoa Beach and the uncompromising luxury of Xanadu! Whether fishing, sailing, swimming, or just strolling along the broad sandy beach, you know your dreams have been fulfilled.

Reservations are now being accepted. Visit our sales center and let your imagination wonder of life at Xanadu, then see the realities . . . you will want to stay for a lifetime!

Xanadu is not for everyone!

Xanadu is an adult community, peaceful and serene, no children under 16 years permitted to reside year round, except for visits.

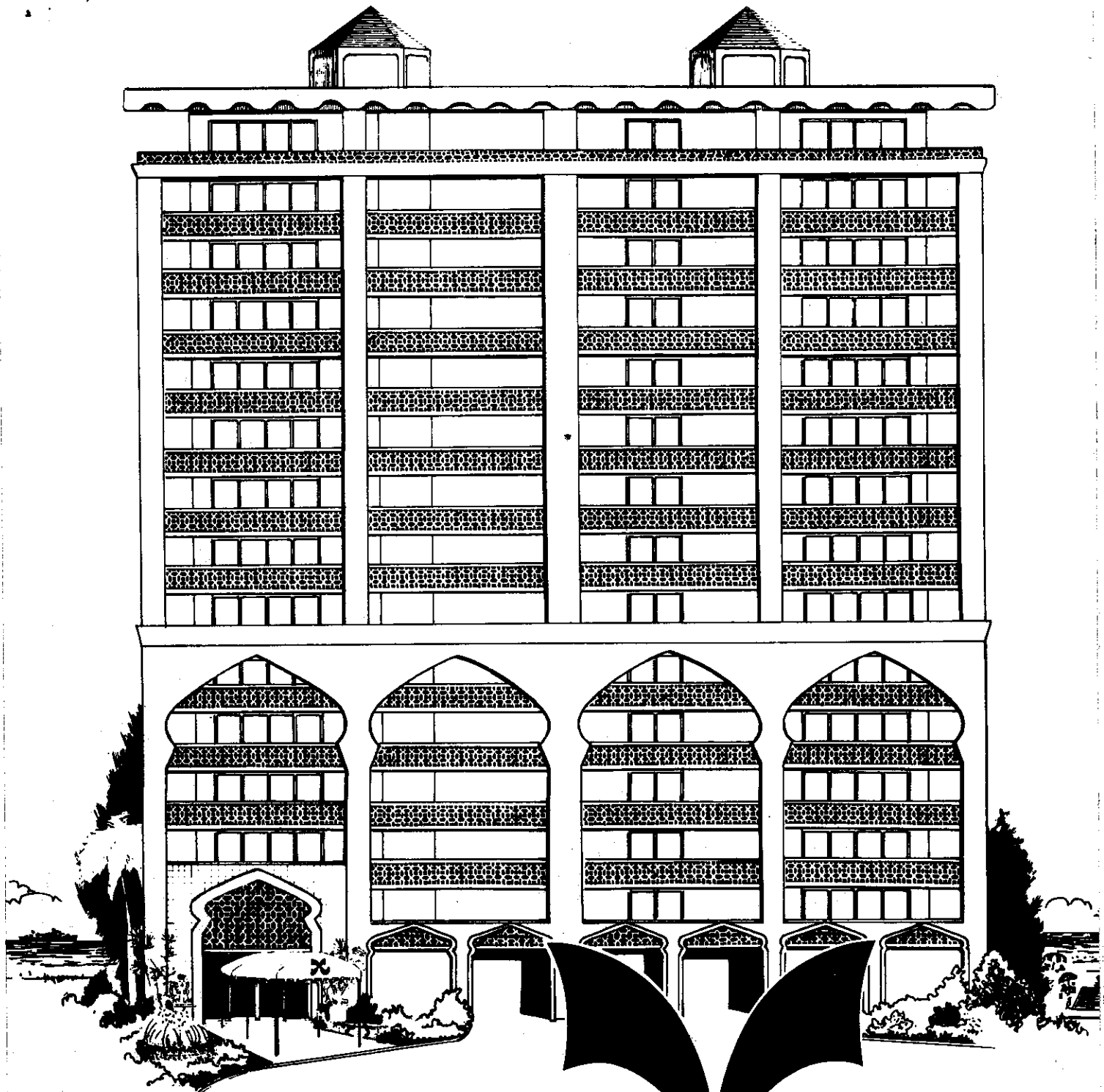
To avoid inconvenience to our owners, no pets are allowed.

Rentals are restricted to one year leases.

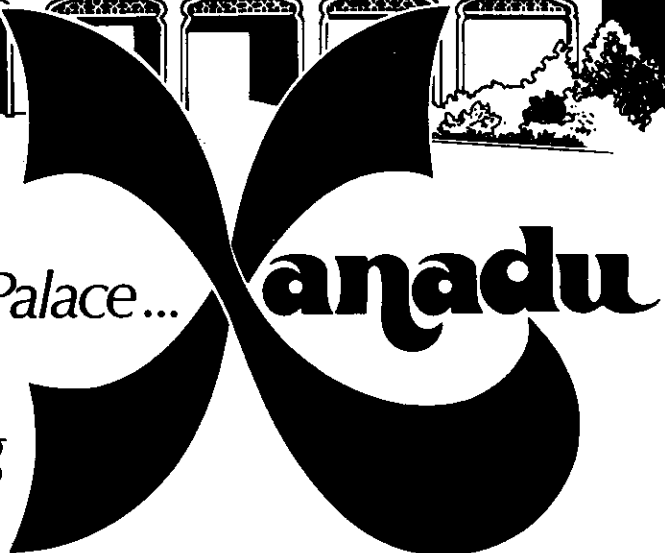
*Another quality condominium community designed and constructed by
Univel, Inc.*

ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING REPRESENTATIONS OF THE DEVELOPER. FOR CORRECT REPRESENTATIONS REFERENCE SHOULD BE MADE TO THIS BROCHURE AND TO THE DOCUMENTS REQUIRED BY FLORIDA STATUTES SECTION 718.503 TO BE FURNISHED BY A DEVELOPER TO A BUYER OR LESSEE.

All drawings are artist's conception and are subject to revisions.



*A Magnificent Oceanfront Palace...
Luxurious Privacy in a
Secluded Beachside Setting*



SHORT VERSION OF REGULATIONS OF THE XANADU CONDOMINIUM ASSOCIATION

I. RESPONSIBILITY

- A. Each owner of a condominium unit at Xanadu is responsible for the occupancy and use of his/her facilities so as not to disturb other residents or interfere with the general operations of the condominium property.

II. GENERAL

- A. The recreational facilities are for residents, family members of residents, guests and house-guests. All guests must sign in. "Guests" are defined as persons visiting residents, but not remaining overnight. Guests will not be permitted to use the recreational facilities when the owner is not in residence.
- B. No resident or contractor making improvements to units shall make any disturbing noise between 5:00 p.m. and 9:00 a.m. during weekdays.
- C. The building must be locked at all times for the security and safety of all residents and property. The office must be notified in advance of any moving activity. No moving is to take place on Saturday, Sunday or Holidays unless there is a written request and written approval by two or more board members.
- D. All deliveries and removal of large objects are to be made through the service door to the garage area.

III. SWIMMING POOL & WHIRLPOOL (Capacities: Pool - 23; Whirlpool - 7 maximum)

- A. Pool hours are 7:00 am to 10:00 p.m. per City of Cocoa Beach Code.
- B. All persons use the pool at their own risk. There is no lifeguard.
- C. No one under the age of 13 is permitted in the whirlpool even with parental supervision (per Xanadu Insurance Policy). The whirlpool is for therapeutic use only.
- D. Children under the age of 15 are not permitted in the pool without parental supervision.
- E. Only unbreakable beverage containers are permitted on any part of the common areas. No food permitted in the pool area.
- F. Please be mindful of the umbrellas by ensuring that they are down in windy conditions.
- G. Before entering the building, please completely dry off. Wet floors are dangerous.
- H. No diving into the swimming pool.
- I. Children that are not toilet trained are not to be in the pool or whirlpool (diapers of any sort are prohibited).
- J. Toys, floats, balls, snorkels, fins, and other such equipment are not permitted. Floatation devices (such as noodles) are permitted for exercising. Swimming aids attached to the body are permitted.

IV. PARKING AREA

- A. Stopping in front of the building is permitted only to load or unload passengers or packages.
- B. No skateboarding, bicycles, motorcycles allowed.

V. TENNIS COURTS

- A. Residents and their visitors desiring to use the tennis court must sign up no earlier than 2 days in advance on the board near the court entrance.

VI. INSTALLATION OF FLOORING, ANTENNAS, HURRICANE SHUTTERS AND GLASS AND WINDOWS

- A. We request notification prior to any installation of any antennas.
- B. Owners must understand that it is the individual owner's responsibility when installing a floor covering to review the long version of Xanadu's Regulations and ensure that the installation includes environmentally safe and adequate sound deadening materials. Please refer to section VII of the Xanadu Regulations for further details.
- C. No storm shutters, doors, or glass windows shall be installed by a unit owner without prior written consent of the Association.

VII. MISCELLANEOUS

- A. Towels, bathing suits or other materials may not be draped over balcony railings. State law permits U.S. Flags.
- B. Gas grills, charcoal grills or hibachis may not be used on balconies per City of Cocoa Beach Fire Code.
- C. Recycling containers located in the southwestern corner of the parking area should be used for plastic beverage bottles, glass bottles and jars, aluminum cans and newspapers.
- D. The trash chute shall not be used between 10 p.m. and 8 a.m.
- E. If your clothes dryer has a vent facing the interior walkway, owners need to check for lint and clean any lint off the walkway, walls, and vent exhaust regularly.

VIII. XANADU REGULATIONS

This is a short version of the Xanadu Regulations. Any inconsistencies between this short version and the Xanadu Regulations shall be governed by the Regulations.

Updated 5-23-13

REGULATIONS OF THE XANADU CONDOMINIUM ASSOCIATION

I. Responsibility

A. Each owner of a condominium unit at Xanadu is responsible for the occupancy and use of his/her facilities so as not to disturb other residents or interfere with the general operations of the condominium property.

B. The Board of Directors (BOD) is responsible for the enforcement of these Regulations. Day-to-day enforcement shall be carried out by the BOD, the staff of Xanadu Condominium Association at the direction of the BOD and every resident is also encouraged to enforce these Regulations. Any questions relative to these Regulations, violations, or their enforcement should be submitted in writing to the BOD.

C. All children of any age are to be supervised to the extent necessary to ensure proper decorum, property preservation, safety, and activities not detrimental to the rights, comfort, or convenience of other residents.

D. Individual owners will be responsible for any infraction of these Rules and Regulations by themselves and their visitors.

E. The Xanadu Association's insurance policies cover the Association's liability, the property, the building, the wallboard, plumbing pipes and electrical cables and wires within the wall. Please note the excerpt from the Xanadu Consolidated and Restated Declaration VIII (a) pages 11 & 12:

All insurance policies upon the condominium property shall be purchased by the Association. The named insured shall be the Association and the apartment owners and their mortgagees as their interest appear. Provisions shall be made for the issuance of mortgagee endorsements and/or memoranda of insurance to the apartment owners and their mortgagees.

The insurance purchased by the Association does not insure for injury or damages resulting from an accident within an owner's unit, therefore each unit owner is responsible for purchasing an HO-6 policy with special assessment coverage of no less than \$2,000 per occurrence.

II. General

A. These published Rules and Regulations shall be observed by all who use the facilities of this condominium.

B. The recreational facilities are for residents, guests and house-guests. "Guests" are defined as persons visiting residents, but not remaining overnight. Guests will not be permitted to use the recreational facilities when the owner is not in residence. "House-guests" are defined as persons who are in residence overnight. House-guests who occupy the premises when the owner is not in residence must be identified to and registered with the Xanadu office upon arrival. All house-guests must be registered with Xanadu office upon arrival. If the office is closed, please leave a note in the office door mail slot (note should have name of guest(s), unit number, and period of time the guest(s) are planning to be at Xanadu).

C. Residents or contractors, performing improvements to unit(s) shall not make any disturbing noise between 5:00 p.m. and 9:00 a.m. during weekdays. On Saturdays, Sundays and Holidays there will be no loud noises so as to interfere with the comfort and convenience of other residents at anytime. Residents are responsible for the conduct of their visitors, and it is recommended that visitors be accompanied by residents when using the common facilities.

D. The building must be locked at all times for the security and safety of all residents and property. Entrance doors may not be blocked open for any reason except for moving large objects. The office and maintenance staff is to be notified in advance of such moving. Then, the service entrance door to the garage area may be left open under the full-time supervision of the owner moving or his agent. Such moving is not to take place on Saturdays, Sundays or holidays unless approved in writing in advance by two or more members of the BOD.

E. All deliveries and removal of large objects are to be made through the service door to the garage area. Residents are required to personally provide access to the building to their visitors and service personnel.

F. The elevators, hallways, alcoves, stairways, and open garages shall not be used as playgrounds or storage areas.

G. Bicycles, motorcycles, mopeds, roller skates, and skate boards shall not be used on the common property, except during entrance or egress from the building. Bicycles shall be walked; roller skates and skate boards shall be carried inside the building if they are to be taken into a unit.

H. Radios, "boom boxes," etc. used in any common area, indoors or outdoors, shall be used only with earphones so no one else will be disturbed.

I. Upon return from the beach, everyone must remove all sand and tar from their feet or shoes prior to entering the pool area or the building. Cleaning fluid and water are

located outside the beach walk gate. Gates and doors to the pool and beach areas should be locked before and after use.

J. Bathing suits must be sufficiently dry so as not to drip water before entering the building. Bathing suits are not acceptable for lounging in the lobby at any time. It is highly recommended that shoes and tops be worn by all persons in the common areas.

K. There shall be no soliciting in the building.

L. it is requested that owners clean their dryer vents out periodically to avoid fire, as well as keeping the Atrium hallway clean.

M. The BOD requests that braided hoses be placed on all washing machines. This helps to reduce explosions of washing machine hoses leading to flooding.

M. Pets (all types of animals) are **NOT ALLOWED** on Xanadu property at any time. This includes inside unit owners residences. No exceptions. This includes short-term visitors with pets.

N. Please do not prop open elevator doors past their expired time. If you are moving or having multiple pieces of furniture or equipment being delivered, please call the Xanadu office and ask for maintenance to lock down the elevator (run/stop key) and install elevator pads prior to arrival. Also, the exterior doors are not to be left open. If you have furniture or appliances begin delivered, the unit owner needs to let the delivery people in and give them keys to use while they are at Xanadu.

III. Swimming Pool & Whirlpool

CAPACITIES: Pool = 23; Whirlpool = 7 Maximum

A. All persons use the pools at their own risk. There is no lifeguard on duty at any time.

B. Proper bathing attire shall be worn in the pool and whirlpool at all times.

C. Children under the age of 15 years of age are not permitted in the pool without parental supervision. No one under the age of 13 is permitted in the whirlpool even with parental supervision (per Association insurance company). The whirlpool is a therapeutic facility; it is not a "children's pool."

D. Children that are not toilet trained are not permitted in the pool or whirlpool. Children wearing diapers are prohibited.

E. Running, horseplay or indecent behavior are not permitted.

F. Toys, floats, snorkels, fins, and other such equipment are not permitted. Flotation devices (such as noodles) are permitted for exercising. Swimming aids attached to the body are permitted. Throwing anything in or around the pool is prohibited.

G. After bathing in the ocean, everyone must shower before entering the pools.

H. Those using sun lotions or any oils must shower before entering the pools; chairs and lounges must be covered with towels before use prior to showers.

- I. The steps at the pools are for entering and leaving. Sitting on steps or hanging on rails is prohibited.
- J. Only unbreakable drinking containers are permitted on any part of the common areas. No food is permitted at poolside.
- K. Quiet must be maintained in all common areas after 10:00 p.m., particularly around the pools. The whirlpool blower is to remain turned off. The entire pool area is closed from 10:00 p.m. to 6:00 a.m.
- L. Chairs and lounges shall not be reserved for persons not in the pool area; they also shall not be removed from the immediate pool area. This also applies to persons who go to the beach or elsewhere for a short time and then return to the pool area.
- M. Personal chairs or lounges may not be left overnight in the pool area.
- N. The BOD or maintenance staff, at the request of the BOD, has the right to ask anyone to leave the pool area for violating these Regulations or creating a nuisance.

IV. Parking Areas

- A. Stopping in front of the building is permitted only to load or discharge passengers or packages. No unattended vehicles are permitted at any time in front of the building. The garage entrances and exits are not to be blocked at any time.
- B. The garage drive-through passageways are to be kept clear at all times. Attended vehicles may stop to quickly load or unload items.
- C. Vehicles shall not be parked in any parking space in a manner which, in any way, interferes with the free use of adjoining parking spaces.
- D. Handicap parking spaces may be used only by those vehicles with state permits. Violators will be cited by the police and subject to towing fees upon removal.
- E. Auto parking spaces may not be used for any purpose other than parking automobiles (those having current license plates, and are in operating condition). No other vehicles or objects, including but not limited to oversize trucks (more than four wheels, and/or business signs attached), motorcycles, trailers and boats, may not be parked or placed upon such portions of the condominium property unless specially permitted by the Board of Directors. Temporary overnight exceptions shall be requested from the BOD in advance. Please note the excerpt from the Xanadu Consolidated and Restated Declaration X (k) pages 16 & 17:

No auto parking space may be used for any purpose other than parking automobiles which are in operating condition. No other vehicles or objects, including but not limited to trucks, motorcycles, trailers, and boats, will be parked or placed upon such portions of the condominium property unless permitted by the Board of Administration. No parking space shall be used by

any other person other than an occupant of the condominium who is an actual resident or by a guest or visitor and by such guest or visitor only when such guest or visitor is, in fact, visiting and upon the premises.

F. There is a 5 MPH speed limit in all areas of Xanadu property. All directional arrows must be followed. No through traffic is permitted in the outer garage. Cars may enter here only for the purpose of assigned parking in this area.

V. Tennis Courts

A. Residents and their visitors desiring to use the tennis court must sign up on the board, near the court entrance, no earlier than two (2) days in advance.

B. Court time shall be forfeited if there is no appearance of players within the first 10 minutes of the hour designated on the sign-up board.

C. Proper attire, including tennis shoes and shirts are required on the court.

D. Hitting the court with a racquet, in anger, is prohibited.

E. The lock on the court gate must be relocked and lights turned off when leaving the court.

F. All trash must be deposited in the container located inside of the court. No glass or breakable beverage containers are permitted on the court or common areas.

VI. Exercise Room

The exercise room is used by unit owners, guests, and tenants.

A. Exercise at your own risk. Care is required to avoid injuries.

B. Use towels in contact areas for sanitary reasons.

C. Proper attire, including shirts and shoes, must be worn while in the fitness room.

D. Children under 16 years of age must be accompanied by an adult.

E. Follow rules posted in fitness room.

VII. Flooring Rule

A. Floor coverings, particularly floor coverings such as hardwood or tile, may be the source and cause of a continuing noise nuisance to the residents, especially those living in units directly below the floor covering. Owners must understand that it is the individual owner's responsibility when installing a floor covering to ensure that the installation includes environmentally safe and adequate sound deadening materials. Please note the excerpt from the Xanadu Consolidated and Restated Declaration X (c) page 16:

No nuisances shall be allowed to be committed or maintained upon the condominium property, nor any use or practice that is the source of annoyance to residents or which interfere with the peaceful possession and proper use of the property by its residents.

B. In the case of carpeting, the carpeting shall be of normal residential grade and of sufficient thickness to dampen the noise of normal residential activity.

C. With regard to materials other than carpet, installation must include sound deadening materials which shall consist of either:

1. A sub-layer of cork or similar material of not less than six (6) millimeters thickness which shall be permanently bonded to the floor surface.
2. A sub-layer of padded carpet of equivalent thickness, which may be a permanent or non-permanent installation.
3. Other material which is demonstrated to have equal or superior sound dampening property.

D. Should anyone install a floor covering that is the source of a noise nuisance, then, in that event, it shall be the owner's responsibility to immediately eliminate the nuisance. The BOD has the authority and duty to enforce the provisions of Xanadu's Condominium Documents including its Rules and Regulations. Please note the excerpt from the Xanadu Consolidated and Restated Declaration XIX page 25:

The owner of each apartment shall be governed by and shall comply with the provisions of this declaration as well as the Bylaws and Articles of Incorporation of the Association. Any apartment owner shall be liable for the expense of any maintenance, repair or replacement made necessary by his act, neglect or carelessness, or by that of any members of his family, or his or their guests, employees, agents or leasees, but only to the extent that such expense is not met by the proceeds of insurance carried by the Association.

VIII. Installation of Antennas for TV Reception

The BOD requests notification prior to any installation. Antennae not for receiving TV reception service are prohibited. Rules govern mounting of antennae (dishes) that are one meter (39.37") or less in diameter at Xanadu. All antennas must be installed wholly within the unit or limited common element.

A. No common elements can be used to mount antennae or be used to carry wiring to the unit.

B. Specific installation of antenna, wiring and hardware for Xanadu residents must be as follows:

1. All antennae must be painted to match the building wall color except those wholly within the unit.
2. The antenna mounting method must be in accordance with this policy and the details in the attachment. Only balcony indented walls may be penetrated. (See attached diagram for indented walls on last page of these regulations).
3. At no time can any antenna or wiring (connections, power, etc.) protrude over or out from the balcony railing; it must be contained wholly inside railings on unit balcony.
4. No cables or other wiring (connections, power, etc.) may be run across, under, or through common elements.
5. No screw holds may pierce exterior building walls, balcony floors or railings.
6. Equipment must not interfere with hurricane shutters.
7. Antennae and its wiring or mounting hardware cannot constitute a safety hazard during a storm.
8. All installations must conform to local building and electrical codes.
9. TV antennae are permissible only wholly inside the unit and/or be within a units' limited common element (balcony).
10. Should any property damage or association costs arise from installation of antenna, owner of satellite (dish) antenna will be responsible for damage or harm.

Installation of Antennae for TV Reception Mounting Criteria

- A. Only balcony indented wall mounting is allowed. There will be no mounting to, or penetration of the deck or handrail.
- B. All metal fasteners and brackets must be fabricated of either stainless steel or aluminum.
- C. All wall penetrations, whether for antenna mounting or cable routing, must be sealed with silicone based sealant, providing a waterproof seal.

IX. Installation of Hurricane Shutters

The Board of Directors shall have the power to authorize the installation of storm shutters by individual unit owners provided the storm shutters are uniform in appearance and in harmony with the color scheme of the exterior of the condominium. No storm shutters shall be installed by a unit owner without the prior written consent of the BOD. The maintenance of the storm shutters will be the responsibility of the owner, at the owner's expense. Any owner who wishes to have storm shutters installed shall make a request in writing to the Xanadu Board of Directors.

A. Specifications for impact and wind-load resistant hurricane shutters and installation shall comply with the current building code requirements of the City of Cocoa Beach. No installation shall commence until a valid building permit is obtained by a licensed hurricane shutter contractor, and written approval is granted by the BOD.

B. Administrative Requirements of the Association:

1. The contractor shall obtain a copy of the Association specifications and sign a certification that he will meet all requirements.
2. Shutter Color: White
3. The Xanadu Board will review, in advance, all proposed shutter installations.
4. Contractor shall submit to the Board: proof of liability and worker's compensation insurance, vehicle insurance, current Brevard County Occupational License, proof that the City of Cocoa Beach has given engineering approval, a color sample of the shutters, and a valid building permit.
5. Owners shall give the Board sufficient notice of intent to install hurricane shutters to permit inspection of the balcony deck, under the shutter track. If deterioration is found, required repairs must be completed before shutter installation begins.

X. Installation of Glass Windows and Doors

The Board of Directors shall have the power to authorize the repair or new installation of glass windows and glass doors by individual unit owners. The windows and doors are to be uniform in appearance and in harmony with the color scheme of the exterior of the condominium. No repair or installation of glass windows or doors shall be performed by a unit owner without prior written consent of the BOD. The maintenance of the glass windows and doors will be the responsibility of the owner, at the owner's expense. Any owner who wishes to have glass windows or doors repaired or installed shall make a request in writing to the Board of Directors.

A. Specification for impact and wind-load resistant glass windows and doors installation shall comply with the current building code requirements of the City of Cocoa Beach. No installation shall commence until a valid building permit is obtained by a licensed contractor, and written approval is granted by the Board of Directors.

B. Administrative Requirements of the Association are as follows:

1. The contractor shall obtain a copy of the Association specifications and sign a certification that he will meet all requirements.
2. Frame Color: Bronze or White

3. The Xanadu Condominium Board will review, in advance, all proposed glass window or door installations.
4. Contractors shall submit to the Board: proof of liability and worker's compensation insurance, vehicle insurance, current Brevard County Occupational License, proof that the City of Cocoa Beach has given engineering approval, a color sample of the window/door frame and glass, and a valid building permit.
5. Owners shall give the Board sufficient notice of intent to install new window frames or glass door frames to permit inspection of the window opening or balcony deck. If deterioration is found, then required repairs must be completed before installation begins.

XI. Garages, Garage Spaces, and Storage Areas

- A. See the Amendment to the Declaration (C), Paragraph 4; regarding procedures as to transfer of garages, garage spaces and storage areas.
- B. An owner may rent his garage, garage space, or storage area to another Xanadu unit owner or tenant only.

XII. Miscellaneous

- A. Florida State Law prohibits smoking in elevators and inside all common areas of the building.
- B. Towels, bathing suits or other materials may not be draped over balcony railings. State law permits U.S. Flags.
- C. Clothes lines or racks for drying clothes may not be used on balconies.
- D. Open Charcoal Grills or hibachis may not be used on balconies. Electric Grills may be used with caution. Florida Fire Prevention Code prohibits use or storage of propane gas and charcoal in the building.
- E. Mops, rags, etc. may not be shaken from balconies.
- F. Nothing may be thrown from balconies, especially cigars or cigarettes.
- G. No lighted cigars, cigarettes or similar items are ever to be put into the garbage chute because of the fire hazard.
- H. Recycling containers located in the southwestern corner of the parking area should be used for plastic beverage bottles, glass bottles and jars, aluminum cans, magazines, cardboard and newspapers. It is no longer necessary to separate recyclables.
- I. Uncooked fish must be deposited in the dumpster located at the southwestern corner of the parking area, not in the garbage chute.

- J. Garbage not placed down the kitchen sink disposal must be drained and wrapped in plastic before it is deposited in the garbage chute.
- K. Boxes shall not be put in the chute, but must be broken down and deposited in the outdoor dumpster.
- L. Any spillage on walkways or in the trash chute area is to be cleaned up by the person responsible. If your clothes dryer has a vent facing the interior walkway, owners need to check for lint and clean any lint off the walkway, walls, and vent exhaust regularly.
- M. The trash chute shall not be used between 10:00 p.m. and 8:00 a.m.
- N. Grocery type carts are in the under-building garage to be used by unit owners loading and unloading groceries and other items too heavy to carry. After use, return them immediately to the garage area for the convenience of other unit owners.
- O. The Xanadu maintenance and office staff members were hired to work strictly for the Xanadu Condominium Association. Their salaries are a part of the budget and paid for by all owners as part of the monthly maintenance fees. Unit owners asking staff personnel for personal favors is prohibited as it takes time away from what they do for the whole interest of Xanadu owners. If an owner needs to have something done, the owner may ask a staff member whether they could help after their work day/week is finished. That work would be between the owner and staff member, and time paid for by the owner directly to the staff member.
- If a unit member has an emergency (requiring immediate help), please notify a Board member. The Board member(s) will decide which employee has the experience and give the person permission to help the owner during their work day. If a Board member does not readily respond, contact Bobby Lee (Maintenance) directly. His phone number is located on the Xanadu Roster. Any job requiring a licensed contractor must be hired by the unit owner. A list of SCCA recommended contractors and a vendor list are both available in the Xanadu office.

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