

# MAGDALENA GARDENS CONDOMINIUM ASSOCIATION, INC.

c/o Star Hospitality Management

26530 Mallard Way

Punta Gorda, FL 33950

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January 22, 2021

Dear Unit Owner:

The Annual Membership Meeting of the Magdalena Gardens Condominium Association, Inc. will be held on Thursday, February 18, 2021, via Zoom. Please try to participate at this meeting as your input is very important.

Enclosed are the following:

- ◆ Second Notice and Agenda for Annual Meeting
- ◆ Election Ballot & Secret Election Ballot Envelope
- ◆ Candidate Information Sheets (9)
- ◆ Limited Proxy
- ◆ Pre-addressed Return Envelope – **Must be Signed** by Voting Member to Validate the Election Ballot
- ◆ Membership meeting minutes from 2020
- ◆ List of Accomplishments – 2020-2121
- ◆ Owner Information Sheet/Authorization to Release Information Form
- ◆ Consent to Receive Electronic Notices

The enclosed Proxy **MUST** be completed and returned. A proxy will be used to establish your presence and cast your vote on the questions. The proxy holder must attend the meeting via Zoom to enable us to count your proxy.

Please note the following information about PROXIES:

1. A proxy is for the purpose of appointing another person to vote for you as specifically directed (except for the non-substantive items). It must be signed by all owners of the unit or the designated voter.
2. The proxy should be submitted **prior to the established time of the meeting**. It can be mailed to the Association or hand-delivered, either by you or your proxy. It is encouraged that the proxy be submitted as long before the meeting as possible.
3. A proxy may be **revoked** in writing or **superseded** by a later proxy. It may also be **assigned** (substituted) by the person designated on the proxy to a third person if the person you designate as proxy decides that he or she will be unable to attend the Zoom meeting.
4. Please mail your proxy in the enclosed return envelope with your secret election ballot envelope.

Recent mail service has been less than stellar. All of us have experienced major delays with the delivery of mail. Those of you out of town may wish to consider using one of the faster mailing options offered by FedEx or UPS.

As there is an election of Directors this year, please be sure to follow the instructions on the election ballot.

Enclosed is an owner information/release of information form. We would like to take the opportunity at this time to update our records. Please also complete and return the Consent to Receive Formal Association Notices via e-mail.

If you have any questions, please do not hesitate to call Sherry Danko, the Association Manager, at (941) 575-6764 or by e-mail to [s.danko@starhospitalitymanagement.com](mailto:s.danko@starhospitalitymanagement.com).

Sincerely,

*The Board of Directors*

The Board of Directors - Magdalena Gardens Condominium Association, Inc.

**MAGDALENA GARDENS CONDOMINIUM ASSOCIATION, INC.  
SECOND NOTICE OF ANNUAL MEMBERSHIP MEETING**

**TO: ALL MEMBERS**

**Notice is hereby given that the Annual Membership Meeting for Magdalena Gardens Condominium Association, Inc. will be held at the date, time and place noted below.**

**Date: Thursday – February 18, 2021**

**Time: 4:00 PM**

**Place: Via Zoom using your computer, tablet, or cell phone  
Meeting ID 891 3839 7554      Passcode 759128      Dial In 1-929-205-6099**

**Purpose: To Discuss Agenda Items Listed Below**

**Agenda: As required by law, the meeting Agenda is included with this notice**

**Posting: This notice with attached Agenda was posted and mailed in accordance with Association Bylaws and Florida Statute 718.**

**Magdalena Gardens Condominium Association, Inc.**

**Sherry Danko**

**Sherry Danko, CAM**

**For the Board**

**AGENDA:**

Call meeting to order

Establish a Quorum

Proof of Notice of Meeting

Close Election Balloting

Approval of Minutes (2-20-2020)

Owner Comments on Agenda Items -3 minutes

Reports of Officers

Unfinished Business

New Business

Vote to Approve Amendment to Article X(P) of the Declaration of Condo. Regarding Trash Cans at the Curb

Vote to Approve Amendment to Article X(C) of the Declaration of Condo. Regarding the Number of Cats & Dogs Allowed

Vote to Approve Amendment to Article X(J) of the Declaration of Condo. Regarding Notification of Guests

Vote to Approve Amendment to Article X(H) of the Declaration of Condo. Regarding the Storage of Flammable Products in the Garage

Vote to Approve Amendment to Article X(M) of the Declaration of Condo. Regarding Storage of Personal Property in the Limited Common Elements

Vote to Approve Amendment to Article 3(F) of the Bylaws to Allow for Staggered Terms

Vote to Approve the Carry Over of Surplus Funds

Vote to Provide for a Lower Level of Year-end Financial Reporting than is Required by Florida Statute 718.111(13)

Vote to Approve Combining the Pool Reserve and the Spa Reserve

Vote to Expand and Rename the Gate Reserve to Include Gates & Fencing (Gates & Fencing Reserve)

Announcement of the Election of Directors

Owner Comments on Non-Agenda Items – 3 minutes

Next Meeting-Board of Directors-March 15, 2021 – 10:00 AM

Adjournment

**Organizational Meeting**

**February 18, 2021**

**Following the Annual Membership Meeting**

**AGENDA**

Call Meeting to Order

Certifying a Quorum

Proof of Notice of Meeting

Appoint Officers

Adjournment

**MAGDALENA GARDENS CONDOMINIUM ASSOCIATION**  
**February 18, 2021 Annual Meeting**  
**ELECTION BALLOT**

Listed below are the candidates for the Board of Directors.

Vote for **ONLY FIVE (5)** candidates.

- ( ) Robert Arno
- ( ) Natalie Baidan
- ( ) Lisa Beers
- ( ) Cory Charron
- ( ) Sandy Dueweke
- ( ) Roger Emard
- ( ) Jerry Gillette
- ( ) Carol Necker
- ( ) Arnie Paradis
- ( ) Chris Zimmer

- ◆ When completed, insert BALLOT ONLY into the Secret Election Ballot Envelope provided and seal it.
- ◆ DO NOT sign your name on this Ballot!
- ◆ DO NOT write on the Ballot Envelope!
- ◆ Please place the sealed Ballot Envelope into the RETURN Envelope.
- ◆ Write your Unit #, Address and Signature on the Return Envelope ONLY. Your signature is required to be valid.
- ◆ Please mail the sealed Ballot Envelope, along with the proxy, in the pre-addressed RETURN Envelope.
- ◆ The Election Ballot Envelope and Limited Proxy should be inserted into the Return Envelope as two separate items.

**In the event you vote for more than five (5) candidates, your ballot will be invalid.**

Robert (Bob) Arno  
Magdalena Gardens  
Unit #312

Married to wife Judy 45 years  
Employed - Capco Plastics Inc. from 1992-present  
Vice President of Operations for both Rhode Island and Texas Plants  
Semi Retired in 2018

Full time resident at Magdalena Gardens since 2015

#### Prior Board Experience

- The Height of Vista Hills Condominium Association  
El Paso Texas  
President 2 yrs also head of Beautification Committee
- Member of the Board of Directors - Vista Hills Country Club  
El Paso Texas
- Current President  
Magdalena Gardens

Last year, I met with all contractors who came onto the property to provide services, including the person who maintains our gates, the pool cleaning contractor, the landscaping company, the handyman, and the Fire Marshall. My goal as a Board Member will be to continue to focus on communication with homeowners and ensure consultations with the community take place before big decisions are finalized.

## HOA BOARD MEMBER RESUME

NATALIE BAIDAN

[Natalie.baidan@gmail.com](mailto:Natalie.baidan@gmail.com)

4557 Chimney Creek Drive

Sarasota, FL 34235

In April of 2010 I purchased unit 1011 in Magdalena Gardens. This unit was renovated in January 2015 according to the HOA PROTOCOL and successfully passed the Building & Chinese Drywall Test Inspections. My husband Vadim & I currently own two other units in Magdalena Gardens. I also served on the board in 2011-2012.

I am an owner and President of Yara International, Inc; FL licensed Certified General Contractor and have a degree in Civil Engineering.

I can help the board and HOA in choosing reliable and skilled Contractors for any Project. At the same time my Company has commercial accounts at major supply companies in Florida, which could be used by the HOA For purchasing best quality materials at discounted prices.

I would always have Magdalena Gardens' best interests at heart.

I would take my duties and responsibilities of being a board member, to make and carry out fair decisions to benefit every condo owner very seriously.

Thank you for your consideration.

Sincerely,

Natalie Baidan.

**Lisa Beers**  
**Magdalena Garden Unit 152**

**December, 28, 2020**

**My husband, Michael and I purchased our condo in 2018 with plans to retire and become Florida residents in March 2020.**

**I am a recently retired Registered Nurse, and spent over 23 years of my nursing career in Public Health. I had planned to retire in March 2020. However, due to the uncertainty of Corona virus, I chose to extend my employment to assist in the pandemic. We finally made it to Florida in September 2020 and became Florida residents shortly thereafter, My background and experience includes being elected to the board of my former village of residency. I also have served on many boards, committees, and task forces throughout my public health career. The last ten years of my career I was in a managerial role. One of the tasks I was responsible for was to establish an annual departmental budget that was fiscally responsible and provided the agency, staff and community I served the best possible outcomes each year.**

**I have been a team member that wrote both private, State, and Federal grants in order to obtain funds to either establish and/or continue programs that benefited the community I served.**

**If elected to the Magdalena Gardens HOA Board I would utilize the skills I have to work with the other board members to assure the present fiscal responsibility continues. I will also work to have Magdalena Gardens continue to increase its desirability as an outstanding community to reside in, as well as a community owners can be proud of. We all have a vested interest in the success of Magdalena Gardens and I wish to be a part of maintaining that success for all owners.**

**Sincerely,**

**Lisa Beers**

Cory Charron  
Unit 122  
[coryanddeanna@gmail.com](mailto:coryanddeanna@gmail.com)

I am 50 years old, married, & retired. I have been a seasonal resident owner occupant at Magdalena since Feb 2017. I am an active member on the current Board of Directors.

- A senior tax department official at headquarters during my 30 year career.
- My father was a general contractor, and I was his unpaid assistant. This left me with some knowledge on how to repair things.
- I owned and self-managed several condominium rental units for decades.
- I served on a Board of Directors at a property in Celebration, FL for 4 years before I moved to Punta Gorda.

I created the website [magdalenagardens.com](http://magdalenagardens.com) when I was elected in 2020 at a cost a \$39.84 for one year. I have maintained this website and if I am re-elected in 2021, I will continue to keep owners informed using this low cost tool.

In 2021, I wish to complete a review of the rental process to ensure it better serves both landlords and the community, while ensuring adherence to state law.

I will also focus on controlling our spending and keeping fees down. The 2020 reserve fund study revealed reserves have been underfunded. The engineer suggested an increase of \$165/m in fees. This, along with a balanced budget would make our fees approx. \$567/m. Having said this, equitable distribution of the CDW remediation money proposed by the current Board will allow contributions to be made to the reserves. This will make up for prior shortfalls allowing fees to remain at current levels. I hope to continue participating as a Board member until this matter is concluded.

I love living here and plan to stay at Magdalena Gardens. I don't mean to alarm anyone with the information above, but being transparent is important. I welcome owners to email me anytime on any subject with questions and concerns.

My goals for Magdalena Gardens are to continue the maintenance of the property, buildings, pool, spa, landscaping and any other needs that arise.

I have a background in finance and accounting, so I feel I can be helpful in keeping our community financially sound.

Our complex has come a long way in the 10 years I have been a property owner, and I want our community to continue to be a great place to live.

Thank you for your consideration,

Sandy Dueweke



## **Roger Emard**

Seasonal resident since March of 2011. Served on the Chinese Drywall Committee for the association, worked directly with the board. My wife, Sherry, served on the board of directors for six years as secretary/treasurer and director at large.

Owner of a profitable automotive customization business for over 25 years. I am hands-on over the sales, financial and mechanical aspects of the business. Personable, a good negotiator and have exceptional relationships with my clients and vendors.

I am seeking election to the board for I have the knowledge, skills and drive to keep Magdalena Gardens on the positive path and financially viable. I would watch unnecessary spending and adhere to, as best as circumstances allow, to our outlined budget. Look at contracts and vendors to negotiate a better fit and price for our money, while keeping the service level at or above expectations.

Besides our website, I would also look at new ways to communicate with residents. Be open and transparent, so everyone is informed in a comfortable way for them. Listen to you, the owners, on any ideas or opinions, to again keep the community on a positive path, financially viable and our residents and property vibrant.

Thank you for your time and I look forward to working hard for the association.

Jerry Gillette

I have been a part of this community for 10 years and have been on the board for 7 years, with 5 of those years being President. I helped turn the complex from near bankruptcy into this beautiful place we live or have invested in. I'm seeking re-election to keep improving and making Magdalena Gardens a pleasant place to live and enjoy.

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I have run a successful Heating and Cooling business for 40 plus years. With being hands on in the commercial and residential construction trades, I have also learned how important a sound budget is and to follow it as much as possible. One of my goals is to keep our HOA fees as low as possible, keeping an eye on non-essential spending. Of course, we can't beat inflation but in all aspects of our financial lives, it's something we have no control over.

I promise to work hard to keep us going in the right direction and make sound decisions with your money. Thank you.

Hi, I'm Arnie Paradis we own unit 812

I'm asking for your vote to seat me on the board of directors of our Magdalena Gardens Association.

I'm a co- founder / owner and president of Paradis Inc. based in Brooks, Minnesota. We are a trucking / warehousing company started in 1977, today we have terminals in Fargo, N.D., Eagan, MN. And Thief River Falls, MN.

I've served on the Brooks, MN. city council, Past President of the Minnesota branch of the National Star Route Mail Carriers Association, served on the Board of directors of Midwest Minnesota Community Development Corp. and on the board of Northwest Regional Development corp.

This is a small summary of things I've been involved with, if you have time please look us up on the website [paradisinc.com](http://paradisinc.com).

I think there's things that can be done in getting owners and residents together in communicating and helping with making our community better for all of us and I would like to bring my thoughts to the table.

Thank You for taking the time and considering me for the board.

Thanks Again

A handwritten signature in black ink, appearing to read 'Arnie Paradis', with a stylized, flowing script.

Arnie

## CHRISTINE A. ZIMMER, ED.D.

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### Qualifications to Serve the Magdalena Gardens Community on the Board of Directors:

- Currently in 2<sup>nd</sup> year on MG Board as Secretary/Treasurer; during this time the Board:
  - Met multiple times with our attorney to understand the settlement from the Taishan Chinese Drywall lawsuit and determine how to compensate those who had paid for remediation of 1 or more units;
  - Arranged for a professional Reserve Study of the MG property;
  - Replaced fence posts around property and repaired and painted the black fencing;
  - Repaired grading and drainage problems behind buildings 1-6;
  - Planted areca palms behind buildings 2-5 to block views of the ALF;
  - Established and maintained website for improved communication with MG owners and residents;
  - Worked with landscape company to improve their service to benefit the health and appearance of the landscape components on the property;
  - Analyzed the MG Declaration of Condominium (which is our legal governing document) and worked to update the MG Rules and Regulations to align with the Declaration of Condominium. In this process we determined that some components of the Declaration may not align with how our owners want to live here, so owners will be asked to vote on possible changes to the Declaration. If changes are voted to be made, then Board will make the Rules and Regulations align with the changes.
  - Has attempted to implement the Rules and Regulations fairly for all residents, with violation letters sent as appropriate.
  - Worked closely with our Property Manager on normal management and property upkeep items.
- Previous condo community, Board President for 12 years
- Prior to retirement, Charlotte County Public Schools for 26 years in multiple roles including:
  - Coordinator of State & Federal Programs (8 years)
    - Annually wrote and managed federal grants valued at \$6M to \$8M
    - Budgeted grant funds for district and schools and handled all reporting
  - Principal, Murdock Middle School (5 years)
  - Teacher, Dean of Students, Assistant Principal
- Charlotte County Resident since 1985
- Strong written and verbal communication skills

**Magdalena Gardens Condominium Association**  
**Annual Membership Meeting**  
**February 20, 2020**  
**Minutes**

**Call to Order:** The meeting was called to order at 4:08 PM at the pool cabana.

**Establish a Quorum:** A quorum was established with 52 units represented in person or by proxy.

Sherry Danko was also present, representing Star Hospitality Management.

**Proof of Notice:** The meeting notice was distributed and posted in accordance with the Association Bylaws and FI Statute 718.

**Approval of Minutes:** Sherry Emard moved, and David Bockmann seconded to approve the February 21, 2019 and March 29, 2019 membership meeting minutes. The motion carried.

The final call for election ballots was made, and balloting was closed.

**Reports of Officers:**

President: Rene Desjardins spoke briefly on the completed drainage work behind buildings 2-5 and the areca palms to be planted behind buildings 1-5 as a buffer to the ALF.

Treasurer: Chris Zimmer provided a Treasurer's Report for the period ending January 31, 2020.

**Unfinished Business:** None.

**New Business:**

Rollover of Surplus Funds: The vote passed with 44 "yes" votes, 0 "no" votes, and 1 "abstention".

There was no vote on the waiver of the more stringent financial reporting requirements as the Board plans to have a financial review performed in 2021 for 2020.

Gates: Jerry Gillette began discussion on keeping the gates open during the day. The members present discussed the pros and cons. By a show of hands, the majority of owners present supported the gates being open during the day. The Board will take under consideration at their next meeting.

Election Results: Sherry Danko announced the results.

|                  |    |
|------------------|----|
| Robert Arno      | 37 |
| David Bockmann   | 30 |
| Ron Case         | 53 |
| Cory Charron     | 34 |
| Rene Desjardins  | 24 |
| Sherry Emard     | 34 |
| Jerry Gillette   | 31 |
| Frinee Mattesich | 29 |
| Chris Zimmer     | 37 |

The five recipients with the most votes were: Bob Arno, Ron Case, Cory Charron, Sherry Emard, and Chris Zimmer. They were elected for one-year terms.

**Owner Comments:** None.

**Adjournment:** With no further business to come before the membership, Chris Zimmer moved, and Ron Case seconded to adjourn. The motion carried, and the meeting adjourned at 4:41 PM.

Sherry Danko

Sherry Danko, For the Board

## **Accomplishments of Magdalena Gardens Board Members 2020-2021**

- ❖ Established and maintained website for better communication with owners and residents.
- ❖ Worked with Punta Gorda Fire Marshall to ensure community safety. Details include:
  - Fire extinguishers brought up to code with signage.
  - Fire hydrant flushed, inspected and painted.
  - Per Fire Marshall's request, removed greenery within 3 feet of fire extinguishers.
  - Per Fire Marshall's request and MG Rules and Regulations worked with residents to remove personal property from entry areas and walkways.
- ❖ Reserve Study completed by professional engineering firm.
- ❖ Analyzed the MG Declaration of Condominium (the legal governing document) and worked to update the MG Rules and Regulations to align with the Declaration of Condominium. Some components of the Declaration may not align with how our owners want to live here, so owners will be asked to vote on possible changes to the Declaration.
- ❖ Consulted with attorneys regarding the Taishan Chinese Drywall settlement to understand the document, determine the Board's legal responsibility and procedures to use for reimbursements.
- ❖ Exterior property appearance and safety:
  - Worked with landscape company to improve their service for the health and appearance of the landscape.
  - Repaired and painted 28 columns.
  - Repaired and painted entry signs.
  - Pressure washed all entries and walkways.
  - Perimeter fencing pressure washed, repaired, painted; fence caps replaced or painted.
  - Light posts (all, including pool area) pressure washed, primed and painted.
  - Pool equipment painted and re-labeled to meet code.
  - Installed posts at entrances of drainage posts to keep children and pets from danger.
  - Drainage re-piped to flow into French drains (Bldgs. 7-15)
  - Replaced 9 sensors and 39 lightbulbs on buildings.
  - Repairs to pool restrooms (lights, fans, urinal)
- ❖ Attempted to implement the Rules and Regulations fairly for all residents.
- ❖ In Process:
  - Replace or repair damaged downspouts and electrical outlets.
  - Replace entry keypads at Magdalena and West End entrances.
  - Redesign and install new landscape and lighting at entrances.

## **Magdalena Gardens Board Members February 2020 – 2021**

Bob Arno, President

Ron Case, Vice-President

Christine Zimmer, Secretary – Treasurer

Cory Charron, Director

Sherry Emard, Director

## AUTHORIZATION TO RELEASE INFORMATION

I/We, the undersigned owner(s) of unit \_\_\_\_\_ of the **Magdalena Gardens Condominium Association**, do hereby consent to the Board of Directors, its agents, managers, or representatives, to release the following information to other owners of the association:

Email address(es) with Name

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Alternate physical/mailling addresses (If applicable for other than designated address for Association notices, etc.)

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I/We understand that by signing this authorization, we are waving our right pursuant to Florida Statute 718.111(12) not to have this information disclosed to other unit owners. We further acknowledge that if we do not sign this authorization, our information will not be included in any association directory or other association related documents which the Board of Directors may publish from time to time.

\_\_\_\_\_ Phone Number with Name

\_\_\_\_\_ Phone Number with Name

Phone numbers may be disclosed unless the owner directs not to

☐ Do not disclose our phone numbers.

To be valid, this authorization must be signed by all owners of record of the unit.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

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Printed Name

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Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

Return Form To:  
Magdalena Gardens  
c/o Star Hospitality Management  
26530 Mallard Way  
Punta Gorda, FL 33950

Fax: 941-575-7968  
s.danko@starhospitalitymanagement.com

MAGDALENA GARDENS CONODOMINIUM ASSOCIATION, INC.

CONSENT TO RECEIVE ELECTRONIC ASSOCIATION NOTICES

The undersigned, constituting the unit owner/voting member of Unit \_\_\_\_\_ does hereby consent as follows.

☐ **I WANT TO RECEIVE ASSOCIATION NOTICES ELECTRONICALLY** – BY CHECKING THIS BOX, THE UNDERSIGNED AGREES TO RECEIVE ALL OFFICIAL ASSOCIATION NOTICES AND OTHER CORRESPONDENCE BY ELECTRONIC TRANSMISSION (E.G., E-MAIL). THE UNDERSIGNED ACKNOWLEDGES THAT BY CHECKING THIS BOX THAT THE ELECTRONIC MAIL ADDRESS DESIGNATED SHALL BECOME PART OF THE ASSOCIATION OFFICIAL RECORDS.

DATED the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

Designated Electronic Mail Address: \_\_\_\_\_

Signature of unit owner/voting member: \_\_\_\_\_

Print Name of unit owner/voting member: \_\_\_\_\_

THIS CONSENT MAY BE REVOKED ANYTIME IN WRITING.



**MAGDALENA GARDENS CONDOMINIUM ASSOCIATION, INC.**  
**LIMITED PROXY**

The undersigned, owner(s) or designated voter of Unit \_\_\_\_\_ at the MAGDALENA GARDENS CONDOMINIUM, appoints \_\_\_\_\_ or, if I have filled in no name, hereby appoints the President of MAGDALENA GARDENS CONDOMINIUM ASSOCIATION, INC. ("Association") on behalf of the Board of Directors, with full power of written substitution, as my proxyholder to attend the **ANNUAL MEETING OF THE MEMBERS OF THE ASSOCIATION TO BE HELD ON, FEBRUARY 18, 2021 AT 4:00 PM VIA THE ZOOM VIRTUAL MEETING PLATFORM:**

**ZOOM.COM - MEETING ID: 891 3839 7554**

**PASSWORD: 759128**

**DIAL IN: 1-929-205-6099**

**and any adjournment thereof.** If you must participate in person you may participate on February 18, 2021, at 4:00 PM at the office of the registered agent for the corporation, STAR HOSPITALITY MANAGEMENT, INC, 26530 MALLARD WAY, PUNTA GORDA, FL 33950

The proxyholder named above has the authority to vote and act for me to the same extent that I would if personally present, with power of substitution, except that my proxyholder's authority is limited as indicated below:

**GENERAL POWERS:** Unless I cross out this paragraph, I authorized and instruct my proxy to use his or her best judgment on all other matters which properly come before the meeting and for which a general power may be used.

**LIMITED POWERS:** (FOR YOUR VOTE TO BE COUNTED ON THE FOLLOWING ISSUES, YOU MUST INDICATE YOUR PREFERENCES IN THE BOXES PROVIDED BELOW). I SPECIFICALLY AUTHORIZE AND HEREBY INSTRUCT MY PROXYHOLDER TO CAST MY VOTE IN REFERENCE TO THE FOLLOWING MATTERS AS INDICATED BELOW:

**1. DO YOU APPROVE THE PROPOSED AMENDMENT TO ARTICLE X(P) OF THE DECLARATION OF CONDOMINIUM (THE "DECLARATION")?**

*Explanation: Permit trash to be placed at the curb on the evening prior to collection day instead of only allowing it to be placed at the curb on collection day.*

*[Additions are indicated by underline; deletions by ~~strike-through~~]*

P. Garbage and Trash. Garbage, trash, refuse or rubbish that is required to be placed in the front of any Condominium in order to be collected may be placed and kept at the front of the Unit no earlier than 5 PM on the day prior to ~~on the day of~~ the scheduled day of collection, and any trash facilities must be removed on the collection day. All garbage, trash, refuse or rubbish must be placed in trash facilities provided by the Association. All trash facilities shall be stored inside a Unit and kept in a clean and sanitary condition. No noxious or offensive odors shall be permitted.

☐

**YES – I APPROVE** the proposed amendment to Article X(P) of the Declaration.

☐

**NO – I DO NOT APPROVE** the proposed amendment to Article X(P) of the Declaration.

**GO TO PAGE 2**

## 2. DO YOU APPROVE THE PROPOSED AMENDMENT TO ARTICLE X(C) OF THE DECLARATION?

*Explanation: Limit the number of cats or dogs in a Unit to two (2) total (2 dogs, or 2 cats, or 1 dog and 1 cat) and retire the rule for original purchasers having large pets since it no longer applies to anyone. Define what a common pet is. Place duty regarding nuisance animals with entity qualified to make such decisions.*

*[Additions are indicated by underline; deletions by ~~strike-through~~]*

C. Pets. No animals, livestock or poultry of any kind shall be permitted within the Condominium Property except for common household domestic pets weighing less than 25 pounds. As used herein the term "common household pets" includes dogs, cats, fish, and birds only. The number of dogs and cats residing in a Unit is limited to two (2) total (2 dogs, or 2 cats, or 1 dog and 1 cat). ~~However, an initial purchaser from the Developer may have one (1) household domestic pet weighing more than 25 pounds. In the event an initial purchaser's pet weighing more than 25 pounds becomes pregnant, that pet must be permanently removed from the Condominium Property prior to the birth of its offspring.~~ No exotic species of bird or animal shall be permitted. When outside a Unit, dogs and cats shall be restrained either on a leash or otherwise. ~~The Board of Directors may cause the removal of any pet from the Condominium Property which constitutes a nuisance, in the sole opinion of the Board of Directors.~~ A pet owner shall be responsible for cleaning up after any pet owned by him or her who soils the Common Elements.

The Association will comply with all Federal, State, and local laws regarding Service Animals and Emotional Support Animals. It is the Association's position that the state, county, and city law enforcement and/or animal control are the authority on whether a pet should be deemed a danger and/or nuisance to the member, families, and guests of the Magdalena Gardens Community. The Association shall defer to state, county, and city law enforcement and/or animal control to determine whether a pet should be removed from the Magdalena Gardens Community and/or destroyed.

- ☐ **YES – I APPROVE** the proposed amendment to Article X(C) of the Declaration.
- ☐ **NO – I DO NOT APPROVE** the proposed amendment to Article X(C) of the Declaration.

## 3. DO YOU APPROVE THE PROPOSED AMENDMENT TO ARTICLE X(J) OF THE DECLARATION?

*Explanation: Eliminate the advanced guest notification for houseguests when the owner or tenant is present.*

*[Additions are indicated by underline; deletions by ~~strike-through~~]*

J. Guests. A Unit Owner must notify the Association in advance of the expected period of use of any house guest ~~of such Unit Owner when occupying the Unit whether the Owner is in residence or in the Owner's absence.~~ The Owner of the Unit shall remain liable for the conduct of his or her guest while using the Condominium facilities. The Association or its authorized agent shall have the right to refuse the entrance of a house guest when the Association has not received advance notice.

- ☐ **YES – I APPROVE** the proposed amendment to Article X(J) of the Declaration.
- ☐ **NO – I DO NOT APPROVE** the proposed amendment to Article X(J) of the Declaration.

#### 4. DO YOU APPROVE THE PROPOSED AMENDMENT TO ARTICLE X(H) OF THE DECLARATION?

*Explanation: Change the safety provision allowing flammable products such as propane tanks to be stored in the Limited Common Element Garage.*

*[Additions are indicated by underline; deletions by ~~strike-through~~]*

H. Safety. A Unit Owner shall not do anything within his Unit or on the Common Elements which would adversely affect the safety or soundness of the Common Elements or any portion of the Association Property or Condominium Property which is to be maintained by the Association. ~~No flammable~~ Flammable products shall only be stored in ~~any a Unit or upon the Common Elements or in the~~ Limited Common Elements garage space in a manner and quantity in strict compliance with Chapter 633, Florida Statutes, as amended from time to time, as well as any local and or County ordinances as amended from time to time. Flammable products shall not be stored in the Unit or in the Common Elements. This Article does not apply to fuel stored in an automobile internal gas tank.

- ☐ **YES – I APPROVE** the proposed amendment to Article X(H) of the Declaration.
- ☐ **NO – I DO NOT APPROVE** the proposed amendment to Article X(H) of the Declaration.

#### 5. DO YOU APPROVE THE PROPOSED AMENDMENT TO ARTICLE X(M) OF THE DECLARATION?

*Explanation: Clarify that personal items can be stored inside the garage or lanai and that vehicles are permitted in the driveway.*

*[Additions are indicated by underline; deletions by ~~strike-through~~]*

M. Outside Storage of Personal Property. The personal property of any Unit Owner shall be kept inside the Unit, Limited Common Element Garage, or Lanai, and no personal property may be stored on the exterior of any Unit or on the Common Elements or Limited Common Elements. However, automobiles may be parked on the Limited Common Element parking spaces as provided in Article V(E)(3) and Exhibit "D" to the Declaration.

- ☐ **YES – I APPROVE** the proposed amendment to Article X(M) of the Declaration.
- ☐ **NO – I DO NOT APPROVE** the proposed amendment to Article X(M) of the Declaration.

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**6. DO YOU APPROVE THE PROPOSED AMENDMENT TO ARTICLE 3(F) OF THE BYLAWS OF THE ASSOCIATION?**

*Explanation: Allow for staggered elections with two (2) year terms*

*[Additions are indicated by underline; deletions by ~~strike-through~~]*

~~The term of each Director's service shall extend until the next annual meeting of the Members~~ All Directors will be elected for a two (2) year term and subsequently until his successor is duly elected and qualified or until he is removed in the manner elsewhere provided. It is the intention of these Bylaws that a staggered term be maintained. At the first annual meeting and election held after the recording of this amendment, five (5) Directors will be elected. The three (3) Directors who receive the highest number of votes shall be elected for a term of two (2) years, and the two (2) Directors who receive the fewest votes shall be elected for a term of one (1) year. In the even of a tie vote or if there is no election required, the Directors shall agree amongst themselves which shall serve the two-year terms and which shall serve the one-year terms.

- ☐ **YES – I APPROVE** the proposed amendment to Article 3(F) of the Bylaws.
- ☐ **NO – I DO NOT APPROVE** the proposed amendment to Article 3(F) of the Bylaws.

**7. DO YOU APPROVE CARRY OVER OF EXCESS FUNDS?**

*Explanation: Any excess of Membership Income over Membership Expenses for the year ended December 31, 2020, as defined in IRC Sec 277 will be applied against the subsequent tax year members' assessments, if required to comply with IRS Revenue Ruling 70-604. (If not approved, the excess could be subject to Corporate Income Tax)*

- ☐ **YES, I APPROVE** carry over of excess funds
- ☐ **NO, I DO NOT APPROVE** carry over of excess funds

**8. DO YOU WANT TO PROVIDE FOR A LOWER LEVEL OF YEAR-END FINANCIAL REPORTING THAN IS REQUIRED BY SECTION 718.111(13), FLORIDA STATUTES, FOR FISCAL YEAR 2021?**

*Explanation: Currently the Association is required to prepare a REVIEWED FINANCIAL STATEMENT.*

- ☐ **YES, I APPROVE** a lower level of year-end financial reporting for 2021.
- ☐ **NO, I DO NOT APPROVE** a lower level of year-end financial reporting for 2021.

**IF YES, vote for one of the proposed options below:** (The option with the most votes will be the one implemented.)

- ☐ Report of Cash Receipts and Expenditures
- ☐ Compiled Financial Statement

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**WAIVING OF RESERVES, IN WHOLE OR IN PART OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.**

**9. DO YOU APPROVE COMBINING THE POOL RESERVE AND THE SPA RESERVE?**

- ☐ **YES, I APPROVE** combining the Pool Reserve and Spa Reserve
- ☐ **NO, I DO NOT APPROVE** combining the Pool Reserve and Spa Reserve

**10. DO YOU APPROVE EXPANDING AND RENAMING THE "GATE RESERVE" TO INCLUDE GATES & FENCING (GATES AND FENCING RESERVE)?**

- ☐ **YES, I APPROVE** expanding and renaming the "Gate Reserve" to "Gates and Fencing Reserve"
- ☐ **NO, I DO NOT APPROVE** expanding and renaming the "Gate Reserve" to "Gates and Fencing Reserve"

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2021. Unit #: \_\_\_\_\_

The Owner(s) of the Unit, or the Owner designated as voting representative on a certificate signed by all Owners of the Unit.

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

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

Unit Address: \_\_\_\_\_

**THIS PROXY IS REVOCABLE BY THE UNIT OWNER AND IS VALID ONLY FOR THE MEETING FOR WHICH IT IS GIVEN AND ANY LAWFUL ADJOURNMENT. IN NO EVENT IS THE PROXY VALID FOR MORE THAN NINETY (90) DAYS FROM THE DATE OF THE ORIGINAL MEETING FOR WHICH IT WAS GIVEN.**

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(The portion below is not to be completed by the Owner)

**SUBSTITUTION OF PROXYHOLDER**

The undersigned, appointed as proxy holder above, designates \_\_\_\_\_, to substitute for me in voting the proxy set forth above

Signature of proxyholder: \_\_\_\_\_ Date \_\_\_\_\_, 2021