

MAGDALENA GARDENS CONDOMINIUM ASSOCIATION INC.
c/o Star Hospitality Management, Inc.
26530 Mallard Way, Punta Gorda, FL 33950
Phone: (941) 575-6764 Fax: (941) 575-7968
www.magdalenagardens.com

March 11, 2021

Dear Unit Owner:

I am writing on behalf of the Board of Directors for Magdalena Gardens.

At the February 18, 2021 Annual Membership Meeting, the majority of the owners present voted to suspend the annual meeting and reconvene on April 9, 2021 at 10:00 AM (via ZOOM) to afford those members who had not submitted a limited proxy the opportunity to vote.

Please be advised that all owners that have already submitted a proxy do **NOT** need to do so again unless they wish to change any of their votes.

For those of you who have not submitted a proxy, please take a few minutes to complete the proxy and return in the enclosed proxy envelope, by email to s.danko@starhospitalitymanagement.com, or by fax to 941-575-7968.

If you have any questions, please do not hesitate to contact me.

Thank you.

Sincerely,

Sherry Danko

Sherry Danko

enclosures

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

TO: ALL MEMBERS

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

Date: Friday – April 9, 2021

Time: 10:00 AM

Place: Via Zoom using your computer, tablet, or cell phone
Meeting ID 844 8576 1214 Passcode 942206 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 back to order

Establish a Quorum

Proof of Notice of Meeting

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)

Adjournment

Posted 3-12-2021

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.

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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.

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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~~ 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.

(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