

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

June 4, 2021

Dear Owner:

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

Please be advised that on June 21, 2021, at their regular monthly meeting, the Board will adopt the enclosed changes to the Rules & Regulations. These changes will focus on the following areas:

- Number of dogs & cats per the recently adopted amendment
- Ceiling fan fixtures for lanais
- Home watch when the unit is vacant for more than two weeks
- Vehicle size
- Trash cans out for pickup per the recently adopted amendment

Please review and plan to attend the meeting via Zoom if you have any questions. (E-mail me at s.danko@starhospitalitymanagement.com for an invitation.)

Also enclosed with this mailing, is a copy of the recorded amendments for the Declaration of Condominium (number of pets and trash cans) and for the Bylaws (staggered terms). The amendments took effect on the day of recording. Staggered terms for the Board will be implemented for the next annual membership meeting in 2022.

The amendment regarding the notification of house guests was not adopted by the membership. The current language of Article X(J) of the Declaration of Condominium states:

"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."

The intent of the amendment was to require notification of guests staying overnight only when the owner was not in residence. As the vote failed, the Board is obligated to enforce the current language. **Therefore, and effective immediately, all owners must notify the manager when they will have an overnight guest whether the Owner is in residence or in the Owner's absence.**

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

Thank you and have a wonderful summer!

Sincerely,

Sherry Danko

Sherry Danko
For the Board

enclosures

MAGDALENA GARDENS CONDOMINIUM ASSOCIATION, INC.

TO: ALL MEMBERS OF THE BOARD OF DIRECTORS AND ALL UNIT OWNERS. Notice is hereby given that the Board of Directors Meeting for Magdalena Gardens Condominium Association, Inc. will be held at the date, time and place noted below.

Date: Monday - June 21, 2021

Time: 10:00 AM

**Place: Via Zoom using your computer, tablet, or cell phone
Please contact s.danko@starhospitalitymanagement.com by 8 AM on the 21st for an invitation or visit the website for the link.**

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

Approval of Minutes (5-17-21)

Owner Comments on Agenda Items -3 minutes

Unfinished Business

Adoptions of Proposed Rules & Regulations Changes

Schedule for Asphalt Resurface

Schedule for Pool & Spa Resurface

New Business

Landscaping Discussion & Proposals (if any)

Violations & Fines

Rentals & Renewals

Owner Comments on Non-Agenda Items – 3 minutes

Next Meeting-July 19, 2021

Adjournment

Agenda is subject to change up to 48 hours prior to the meeting for items not requiring a longer notice period. Please check the bulletin board or website.

Magdalena Gardens Condominium Association, Inc.
Proposed Changes to the Rules and Regulations

Deletions indicated by a ~~strike through~~.
Additions indicated by an underline.

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. (Declaration X. C. as Amended)

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.

Pets must be under the control of a responsible person.

Pets must be restrained when inside an open garage.

Pets may not be left on the lanai or outside when the resident is not home.

The Unit owners, where an offending pet is kept, shall be responsible for any damage caused by such animals.

The right to keep pets on the premises is conditioned upon those pets not disturbing the peace and quiet of other Unit owners. Nuisance causing a demand for pet removal may include but shall not be limited to being overly aggressive, barking for extended periods or for not cleaning up pet waste.

Alterations

No Unit Owner shall make, allow or cause to be made, any structural addition or alteration of his Unit or the Common Elements or Limited Common Elements without the prior written consent of the Association, except as otherwise specifically provided for in this Declaration. (Declaration X. E.)

Written approval is granted without a request for the following:

- Doorbells or smart doorbells that are white, grey or tan in color.
- White, grey or tan garage entry door keypads.
- Front door keypads.
- Standard outdoor ceiling fans which are white, black, grey, beige, or brown in color (repair and replacement, including light bulbs, become owner responsibility once the original fixture is removed).

Water Shut-off Valves

~~Water shut-off valves must be shut off whenever a Unit is vacant for 48 hours or more. In the event the water shut-off valve of a specific Unit is not turned off when a Unit is vacant for 48 or more hours; a leak occurs and there is damage to the unit, another unit(s), or the common area, said owner of the specific Unit will be responsible for ALL damages for all affected areas.~~

Mitigating Water Damage

- Main water shut-off valves must in the off position whenever a unit is vacant for 48 hours or more.
- Units vacant for more than two weeks must have a person check the unit at least once every two weeks to ensure there are no roof leaks and/or AC condensate leaks. The name and contact information for the person checking the unit should be provided to the manager.
- Condensate safety switches must be tested regularly to ensure they are functional, most important prior to leaving a unit vacant.

Owners not following these rules shall be held responsible for ALL resulting damages to their unit, other unit(s), and/or the common element.

Vehicles/Boats

Only automobiles, vans, small pick-up trucks, and other vehicles manufactured and used as private passenger vehicles are permitted on the Condominium Property. Notwithstanding the foregoing, automobiles owned by governmental law enforcement agencies are expressly permitted. The foregoing restrictions shall not be deemed to prohibit the temporary parking of commercial vehicles while making deliveries to or from, or while used in connection with providing services to the Condominium Property. All vehicles parked within the Condominium Property must be in good condition and no vehicle which is unlicensed or which cannot operate on its own power shall remain with the Condominium Property for more than 24 hours, and no repair or servicing of any vehicle shall be made on the Condominium Property. Motorcycles are not permitted except with the prior written consent of the Association, which may be withdrawn at any time, and any permitted motorcycle must be equipped with appropriate noise muffling equipment so that the operation of same does not create an unreasonable annoyance to the occupants of the Condominium Property. Boats may be kept only completely within a garage. (Declaration X.N.)

Vehicles (including small pick-up trucks) are limited to 83 inches wide max, cannot extend out beyond the curb, and those with two vehicles must park one inside the garage and be capable of closing the garage door.

Washing vehicles on the property is prohibited. Owners will be held responsible for damaged asphalt caused by things like gas & oil leaks or a motorcycle kickstand.

Any non-service vehicles parked on the condominium roadway will be subject to immediate towing at the vehicle owner's expense. This applies equally to moving, service, or delivery vehicles that block the roadway or a driveway. If a vehicle is incorrectly parked in your driveway, use guest parking and contact the property manager for removal.

The speed limit on our property is restricted to 11 mph. The accessible parking spot near the swimming pool is only for temporary use by those authorized to use this type of parking when they are using the pool, spa, or pool cabana.

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. (Declaration X. P. as Amended)

The Association uses trash containers provided by the city of Punta Gorda (aka trash facilities). Residents must place all trash inside these containers. Bagged household trash is prohibited outside of these containers as it is accessible to animals. No pet waste containers may be stored outside of the Unit or garage. Both trash and recycling are collected on Wednesday. Only trash is collected on Saturday.

Note: See this [guide](#) published by the City of Punta Gorda

Prepared by and return to:
Michael Cochran, Esq.
Law Offices of Wells I Olaf I Cochran, P.A.
1800 Second Street, Suite 808
Sarasota, FL 34236
(941) 366-9191 Telephone

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK: 4756 PAGE 2184 PAGE: 1 OF 3
INSTR # 2937907 Doc Type: CND
Recorded: 4/29/2021 at 1:23 PM
Rec. Fee: RECORDING \$27.00
Cashier By: CRYSTALH

CERTIFICATE OF AMENDMENT

DECLARATION OF CONDOMINIUM OF MAGDALENA GARDENS, A CONDOMINIUM

AND

BYLAWS OF MAGDALENA GARDENS CONDOMINIUM ASSOCIATION, INC.

We hereby certify that the attached amendments to the Declaration of MAGDALENA GARDENS, a Condominium and the Bylaws of MAGDALENA GARDENS CONDOMINIUM ASSOCIATION, INC. (which original Declaration attaching the Bylaws as an exhibit, were recorded at Official Records Book 3037, Page 1668. *et seq.*, of the Public Records of Charlotte County, Florida), were duly adopted at a membership meeting held on February 18, 2021, and continued to April 9, 2021. The amendments to the Declaration of Condominium were approval by at least 3/4ths of the Voting Interests of the Association in accordance with Article IX of the Declaration. The amendments to the Bylaws were approved by not less than a majority of the Voting Interests of the Association pursuant to Article 17 of the Bylaws. The Association further certifies that the amendments were proposed and adopted as required by the governing documents and applicable law.

DATED this 19 day of April, 2021.

Signed, sealed and
delivered in the presence of:

MAGDELENA GARDENS CONDOMINIUM
ASSOCIATION, INC.

sign: Suzanne P Andrews

print: Suzanne P Andrews

sign: Suzanne P Andrews

print: Suzanne P Andrews

By: Robert Arno

Robert Arno, President

Attest:

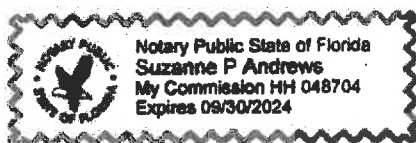
By: Christine Zimmer

Christine Zimmer, Secretary

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 19 day of April, 2021, by Robert Arno as the President of Magdalena Gardens Condominium Association, Inc., a Florida not for profit corporation, on behalf of the corporation, who is personally known to me or has produced _____ as identification.



NOTARY PUBLIC

sign: Suzanne P Andrews

print: Suzanne P Andrews

State of Florida at Large (Seal)
My Commission Expires:

AMENDMENTS

DECLARATION OF CONDOMINIUM MAGDALENA GARDENS, A CONDOMINIUM

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

X. PURPOSE AND USE RESTRICTIONS

...

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.

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...

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AMENDMENT

**BYLAWS
OF
MAGDALENA GARDENS CONDOMINIUM ASSOCIATION, INC.**

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

3. Directors.

...

F. Term. ~~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 event 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.