

**BYLAWS OF
CANARY ISLES
HOMEOWNERS ASSOCIATION, INC.
A Florida Not For Profit Corporation**

ARTICLE I - NAME AND LOCATION

The name of the corporation is the CANARY ISLES HOMEOWNERS ASSOCIATION, INC. The initial principal office of the corporation shall be located at 3410 N. Harbor City Blvd., Melbourne, Florida 32935, but the meetings of members and directors may be held at such places within the State of Florida, County of Brevard, as may be designated by the Association's Board of Directors.

ARTICLE II - DEFINITIONS

The terms and definitions used herein are further defined and clarified in the Declaration of Covenants and Restrictions for Canary Isles (the "Declaration"), to be recorded in the Public Records of Brevard County, Florida. For purposes of these Bylaws certain terms are defined as follows:

- SECTION 1.** "Articles" shall mean the Articles of Incorporation of Canary Isles Homeowners Association, Inc.
- SECTION 2.** "Association" shall mean and refer to the Canary Isles Homeowners Association, Inc., a Florida Not for Profit Corporation, and its successors and assigns.
- SECTION 3.** "Common Area" shall mean all real property owned by the Association, in fee simple, by virtue of dedication to the Association, or otherwise, for the common use and enjoyment of the Owners.
- SECTION 4.** "Declarant" shall mean and refer to Canary Isles, Ltd., a Florida limited partnership, its predecessors in title, successors and assigns.
- SECTION 5.** "Declaration" shall mean and refer to the Declaration of Covenants and Restrictions for Canary Isles recorded in the Public Records of Brevard County, Florida.
- SECTION 6.** "Lot" shall mean and refer to any unit, parcel, tract or plot of land shown on any subdivision map or plat of the Properties on file or recorded with the County of Brevard, with the exception of the Common Area, and/or road right-of-ways if dedicated to a public authority or the Association. Each lot is subject to assessment and entitles each Owner to voting rights as hereinafter defined.
- SECTION 7.** "Member" or "Members" shall mean and refer to those persons entitled to membership as provided in the Declaration.
- SECTION 8.** "Owner" shall mean and refer to the record Owner, whether one or more persons or entities, of the fee simple title to any lot, tract or parcel which is a part of the Properties, including contract sellers, but excluding those persons or entities having such interest merely as security for the performance of an obligation.
- SECTION 9.** "Properties" or "Property" shall mean and refer to that certain real property described in the Declaration, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.



SECTION 10. "Subdivision" shall mean the overall Canary Isles subdivision on file with Brevard County, Florida.

ARTICLE III - MEMBERS

SECTION 1. The qualifications of Members, the manner of their admission to membership, changes in membership and the termination of such membership, shall be as set forth in the Declaration and the Articles. All record Owners of Lots shall be Members of the Association. Accordingly, membership in the Association may be transferred only as an incident to the transfer of the transferor's Lot.

SECTION 2. **Membership Register.** The Association shall maintain at the office of the Association a register showing the names and addresses of the Members (the "Membership Register"). Each Member shall at all times advise the Secretary of the Association of any change of address of the Member or any change of ownership of the Member's Lot. Each Owner shall comply with any requests by the Association to furnish it with information about or evidence of the record ownership of the Lot. The Association shall not be responsible for making any changes to the register until notified of such change in writing.

SECTION 3. **Voting Rights.**

- A. **Determining the Voting Member.** The record ownership of each Lot shall be established by reference to the Membership Register for purposes of determining the "Voting Member" with respect to that Lot. When a Lot is owned by more than one person, the Voting Member shall be designated by a certificate signed by all record Owners and filed with the Association. When a Lot is owned by a corporation, partnership, limited partnership, or trust, the Voting Member shall be designated by a certificate filed with the Association and signed by the corporation's president or vice president, all the partnership's partners, all the limited partnership's general partners, or all the trustees, as the case may be. The Voting Member need not be an Owner, nor one of the joint owners or officers, directors, partners or trustees of an Owner. Each duly executed and filed certificate designating the Voting Member shall be valid until the record Owner of the Lot files a written certificate or other notice revoking or amending the prior certificate or appearing, in person at a meeting and revoking the proxy or certificate.
- B. **Failure to File Certificate.** Owners who are required to file but fail to file a certificate as provided herein shall not be considered Voting Members for purposes of determining whether a quorum exists at membership meetings and shall not be permitted to vote at meetings on any issue.

SECTION 4. **Voting by Proxy.** Voting Members may cast their votes in person or by a limited proxy relating to a specific issue or issues at a specific membership meeting. Owners may not vote by general proxy. Limited and general proxies may be used to establish a quorum. A Voting Member's proxy shall be valid only for the particular meeting specified in writing, signed by the Voting Member giving it, and filed with the Association's Secretary or designee before the scheduled time of the meeting to which it relates. Unless the proxy specifically indicates on its face that it is a proxy to vote only a particular issue or question at the meeting, it shall entitle the holder to vote for the Voting Member on any issue that is properly published in the agenda before the meeting. Holders of proxies need not be Owners. A proxy is not valid for a period longer than ninety (90) days after the date of the first meeting for which it was given. A proxy is revocable at any time at the pleasure and in the sole discretion of the Owner. Proxies shall be automatically terminated upon conveyance by the Member of his Lot. Proxies may not be used for election of Members of the Board of Directors.



ARTICLE IV - MEETING OF MEMBERS

- SECTION 1. Place of Meeting.** All meetings of the Association membership shall be held on the Properties or at another suitable place in Brevard County, Florida, determined by the Board of Directors. Any notice of a membership meeting shall clearly indicate the place where it is to be held.
- SECTION 2. Time.** Every membership meeting shall be scheduled on a date and at a time determined by the Board of Directors.
- SECTION 3. Annual Meetings.** The first annual meeting of the Members shall be held within one (1) year from the date turnover is completed to the Association, as provided for in the Articles and each subsequent regular annual meeting of the Members shall be held on the same day of the same month of each year thereafter, at the hour of 7:00 p.m. E.S.T., unless a different time is established by the Board of Directors. If the day for the annual meeting of the Members is a legal holiday, the meeting will be held at the same hour on the first day following which is not a legal holiday.
- SECTION 4. Special Meetings.** Special meetings of the Members may be called at any time by the President or by the Board of Directors or upon written request of the Members who are entitled to vote one-fourth (1/4) of all of the vote of the Class A membership.
- SECTION 5. Notice of Meetings.** Written notice of each meeting of the Members shall be given by, or at the direction of, the Secretary or person authorized to call the meeting, by mailing a copy of such notice, postage prepaid, at least fifteen (15) days before such meeting to each Member entitled to vote thereat, addressed to the Member's address last appearing on the Membership Register of the Association, or as supplied by such Member to the Association for the purposes of notice. Such notices shall specify the place, day and hour of the meeting, and in the case of a special meeting, the purpose of the meeting. No business shall be conducted at any special meeting (except one of which no notice is required) other than the business identified in the notice of the special meeting.
- SECTION 6. Attendance at Meetings.** Any person entitled to cast the votes of a Member, and in the event that any Lot is owned by more than one person, all co-Owners of a Lot, may attend any meeting of the Members. Any person not expressly authorized to attend the meeting of the Members, as set forth above, may be excluded from any meeting of the Members by the presiding officer of such meeting.
- SECTION 7. Organization.** At each meeting of the Members, the President, or in his absence, the Vice President, shall act as chairman of the meeting. The Secretary, or in his absence, any person appointed by the chairman of the meeting, shall act as Secretary of the meeting. The minutes of all meetings of the Members shall be kept in a book available for inspection by the Members or their authorized representatives, and the Members of the Board of Directors, at any reasonable time.
- SECTION 8. Quorum.** The presence at the meeting of Members entitled to cast, or of proxies entitled to cast, one-tenth (1/10) of the votes of each class of membership shall constitute a quorum for any action except as otherwise provided in the Articles, the Declaration, or these Bylaws. If, however, such quorum shall not be present or represented at any meeting, the Members entitled to vote thereat shall have power to adjourn the meeting, until a quorum as aforesaid shall be present or represented. No notice of the rescheduled meeting need be given other than an announcement at the original meeting and a conspicuous posting of a notice of the first rescheduled meeting on the common property.



SECTION 9. Vote Required to Decide Issues. With the exception of the election of directors, the majority of the Voting Members who are present in person or by a limited proxy at a membership meeting and are entitled to vote at the meeting shall decide any question brought before the meeting for a vote, unless the question is one in which a different vote is required by the Articles or the Declaration. If some lesser or greater percentage of voting interest is required herein or in the Declaration or Articles, it shall mean such lesser or greater percentage of the votes of the Voting Members and not of the Owners themselves.

SECTION 10. Written Consent in Lieu of a Meeting. Any action required or permitted to be taken at an annual or special meeting of the Members may be taken without a meeting, without prior notice, and without a vote if the action is taken by the Members entitled to vote on such action and having not less than the minimum number of votes to authorize such action at a meeting at which all Members entitled to vote on such action were present and voted. In order to be effective, the action must be evidenced by one or more written consents describing the action taken, dated and signed by the approving Members having the requisite number of votes and entitled to vote on such action, and delivered to the Association by delivery to the Secretary or any other officer of the Association. Such written consent shall not be effective to take the corporate action referred to in the consent unless: (i) the consent is signed by Members having the requisite number of votes necessary to authorize the action within sixty (60) days of the date of the earliest dated consent and (ii) the consent is delivered in the manner required by these Bylaws. Any written consent may be revoked in writing, delivered prior to the date that the Association receives the required number of consents to authorize the proposed action. Within ten (10) days after obtaining such authorization by written consent, notice must be given to those Members who are entitled to vote on the action but who have not consented in writing. The notice must fairly summarize the material features of the authorized action.

**ARTICLE V - BOARD OF DIRECTORS:
SELECTION AND TERM OF OFFICE**

SECTION 1. Number. The affairs of the Association shall be managed by a Board of Directors of seven (7) directors, who need not be Members of the Association. The number of directors shall always consist of an odd number.

SECTION 2. Term of Office. At the first annual meeting, the Members shall elect three (3) directors for a term of one (1) year, and at each annual meeting thereafter the Members shall elect three (3) directors for a term of one (1) year.

SECTION 3. Removal. Any Director may be removed from the Board of Directors, with or without cause, by a majority vote of the Members of the Association. In the event of death, resignation or removal of a Director, his successor shall be selected by the remaining Members of the Board and shall serve for the unexpired term of his predecessor.

SECTION 4. Compensation. No Director shall receive compensation for any service he may render to the Association as a Director. However, any Director may be reimbursed for his actual expenses incurred in the performance of his duties.

SECTION 5. Action Taken Without a Meeting. The Directors shall have the right to take any action required or permitted to be taken at a Board of Director's meeting without a meeting if the action is taken by all the members of the Board of Directors. Any action must be evidenced by one or more written consents describing the action taken and signed by each Director. The action taken pursuant to this Section is effective when the last Director signs the consent, unless the consent specifies a different effective date. A consent signed under this Section has the effect of meeting and may be described as such in any document.



ARTICLE VI - NOMINATION AND ELECTION OF DIRECTORS

- SECTION 1. Nomination.** Nomination for election to the Board of Directors shall be made by a nominating committee. Nominations may also be made from the floor at the annual meeting. The nominating committee shall consist of a Chairman, who shall be a member of the Board of Directors, and two or more Members of the Association. The nominating committee shall be appointed by the Board of Directors prior to each annual meeting of the Members, to serve from the close of such annual meeting until the close of the next annual meeting. The nominating committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies that are to be filled. Such nominations may be made from among Members and non-members.
- SECTION 2. Election.** Election to the Board of Directors shall be by secret written ballot. At such election, the Voting Members, with respect to each vacancy, shall personally vote as many votes by secret ballot as the Voting Member is entitled to vote under the provisions of the Declaration. The persons receiving the largest number of votes shall be elected. Cumulative voting is not permitted.

ARTICLE VII - MEETING OF DIRECTORS

- SECTION 1. Regular Meetings.** Regular meetings of the Board of Directors shall be held monthly at such place and hour as may be determined from time-to-time by resolution of the Board of Directors. Should said meeting fall upon a legal holiday, then that meeting shall be held at the same time on the next day which is not a legal holiday. Meetings of the Board of Directors shall be open to all Owners, and notices of meetings shall be posted in a conspicuous place on the Association's property at least forty-eight (48) hours in advance, except in an emergency. Notice of at meeting in which assessment against Lots are to be established shall specifically contain a statement that assessment shall be considered and a statement of the nature of such assessments. Notice of a meeting of the Board of Directors need not be given to any Director who signs a waiver of notice either before or after the meeting. Attendance of a Director at a meeting shall constitute a waiver of notice of such meeting and a waiver of any and all objections to the place of the meeting, the time of the meeting and the manner in which it has been called or convened, except when a Director states at the beginning of the meeting or promptly upon arrival of the meeting, any objection to the transaction of affairs because the meeting was not lawfully called or convened.
- SECTION 2. Special Meetings.** Special meetings of the Board of Directors shall be held when called by the President of the Association, or by any two (2) directors, after not less than three (3) days' notice to each director.
- SECTION 3. Quorum.** A majority of the number of directors shall constitute a quorum for the transaction of business. Every action taken or decision made by a majority of the directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board of Directors.

ARTICLE VIII - POWERS AND DUTIES OF THE BOARD OF DIRECTORS

- SECTION 1. Powers.** The Board of Directors shall have power to:
- A. Exercise all the powers and privileges and to perform all the duties and obligations of the Association as set forth in the a Declaration and as the same may be amended from time-to-time as therein provided;



- B. Enforce the provisions of the Declaration, the Articles, these Bylaws and the rules and regulations governing the use of the Common Areas as the same may be hereafter established.
- C. Fix, levy, collect, and enforce payment by any lawful means, all charges or assessments due to the Association or any other person affiliated with the Association pursuant to the terms of the Declaration; to pay all expenses in connection therewith; and to pay all office and other expenses incident to the conduct of business of the Association, including all licenses, taxes or governmental charges levied or imposed against the Property of the Association;
- D. Acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real and personal property in connection with the affairs of the Association;
- E. Borrow money, and with the assent of two-thirds ($\frac{2}{3}$) of each class of Members, mortgage, pledge, deed in trust, or hypothecate any or all of the Association's real and personal property as security for money borrowed or debts incurred;
- F. Dedicate, sell, or transfer all or any part of the Common Areas to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the Members. No such dedication or transfer shall be effective unless an instrument has been signed by two-thirds ($\frac{2}{3}$) of each class of Members, agreeing to such dedication, sale, or transfer unless otherwise set forth in the Declaration;
- G. Participate in mergers and consolidations with other non-profit corporations organized for the same purposes, provided that any such merger or consolidation shall have the assent of two-thirds ($\frac{2}{3}$) of each class of Members;
- H. Annex additional property and common areas in the manner set forth in the Declaration;
- I. Have and to exercise any and all powers, rights and privileges which a corporation organized under Florida law, including Chapter 617, Florida Statutes, may now have or hereafter acquired by law.
- J. Levy and collect adequate assessments against Members of the Association for the costs of maintenance and operation of the Surface Water or Stormwater Management Systems, including but not limited to work within retention areas, drainage structures, and drainage easements.
- K. Operate maintain and manage the Surface Water or Stormwater Management Systems in a manner consistent with the St. John's River Water Management District permit requirements and applicable District rules, and assist in the enforcement of the restrictions and covenants contained therein.
- L. Maintain, repair, replace, operate, and manage the Common Areas of the Subdivision and the Property comprising same, including the right to reconstruct improvements after casualty and to make further improvement of said Property.
- M. Make and establish reasonable rules and regulations governing the use of Common Areas in accordance with the terms and provisions as set forth and defined in the Declaration.
- N. Enter into leases and agreements of every nature and kind.

SECTION 2. Duties. It shall be the duty of the Board of Directors to:

- A. Cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the Members at the annual meeting of the Members, or at any special meeting when such statement is requested in writing by one-fourth (¼) of all the Class A Members who are entitled to vote.
- B. Supervise all officers, agents and employees of this Association and ensure that their duties are properly performed.
- C. As more fully provided in the Declaration to:
 - i) fix the amount of the annual assessment against each Lot or proposed Lot at least thirty (30) days in advance of each annual assessment period;
 - ii) send written notice of each assessment to every Owner subject thereto at least thirty (30) days in advance of each annual assessment period; and
 - iii) foreclose the lien against any property for which assessments are not paid within thirty (30) days after due date or to bring an action at law against the Owner personally obligated to pay the same.
- D. Issue, or cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made by the Board of Directors for the issuance of such certificate. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment.
- E. Procure and maintain adequate liability and hazard insurance on Property owned by the Association.
- F. Cause all officers or employees having fiscal responsibilities to be bonded as it may deem appropriate.
- G. Cause the Common Areas to be maintained.
- H. Protect all property rights, interests, easements or rights-of-way, or otherwise, which are acquired by or conveyed to the Association, now or hereafter.
- I. Mortgage or encumber Common Areas as set forth in the Declaration and assign such assessments or portions thereof to Owners.

ARTICLE IX - OFFICERS AND THEIR DUTIES

SECTION 1. Enumeration of Offices. The officers of this Association shall be President and Vice President, who shall at all times be Members of the Board of Directors, a Secretary, and a Treasurer, and such other officers as the Board of Directors may from time-to-time create by resolution.

SECTION 2. Election of Officers. The election of officers shall take place at the first meeting of the Board of Directors following each annual meeting of the Members.

SECTION 3. Term. The officers of the Association shall be elected annually by the Board of Directors and each shall hold office for one (1) year unless he shall sooner resign, or shall be removed, or otherwise disqualified to serve.



- SECTION 4. Special Appointments.** The Board of Directors may elect such other officers as the affairs of the Association may require, each of whom shall hold office for such period, having such authority, and perform such duties as the Board of Directors may, from time-to-time, determine.
- SECTION 5. Resignation and Removal.** Any officer may be removed from office with or without cause by the Board of Directors. Any officer may resign at any time giving written notice to the Board of Directors, the President or the Secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.
- SECTION 6. Vacancies.** A vacancy in any office may be filled by appointment by the Board of Directors. The individual appointed to such vacancy shall serve for the remainder of the term of the officer he replaces.
- SECTION 7. Multiple Offices.** The offices of Secretary and Treasurer may be held by the same person. After the sale of all Lots, no person shall simultaneously hold more than one office except in the case of a Secretary/Treasurer and any special offices created pursuant to Section 4 of this Article.
- SECTION 8. Duties.** The duties of the officers are as follows:
- A. **President:** The President shall preside at all meetings of the Board of Directors; shall see that orders and resolutions of the Board of Directors are carried out; shall sign all leases, mortgages, deeds and other written instruments and shall co-sign all checks and promissory notes. The President shall be the chief executive officer of the Association, vested with all the powers and duties that are usually vested in the office of the President of a homeowner's association.
 - B. **Vice President:** The Vice President shall act in the place and stead of the President in the event of his absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of him by the Board of Directors.
 - C. **Secretary:** The Secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the Members; keep the corporate seal of the Association and affix it on all papers requiring said seal; serve notice of meetings of the Board of Directors and of the Members; keep appropriate current records showing the Members of the Association together with their addresses, and shall perform such other duties as required by the Board of Directors.
 - D. **Treasurer:** The Treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors; shall sign all checks and promissory notes of the Association; keep proper books of account; cause an annual audit of the Association books to be made by a public accountant at the completion of each fiscal year; and shall prepare an annual budget and a statement of income and expenditures to be presented to the membership at its regular annual meeting, and deliver a copy of each to the Members.

ARTICLE X - COMMITTEES

The Association shall appoint an Architectural Review Committee as provided in Declaration, and a Nominating Committee, as provided in these Bylaws. In addition, the Board of Directors shall appoint other committees as it deems appropriate in carrying out its purpose.



ARTICLE XI - BOOKS AND RECORDS

The books, records and papers of the Association shall at all times, during reasonable Business Hours, be subject to inspection by any Member. The Declaration, the Articles and these Bylaws shall be available for inspection by any Member at the principal office of the Association, where copies may be purchased at reasonable cost.

ARTICLE XII - ASSESSMENTS

As more fully provided in the Declaration, each Member is obligated to pay to the Association annual and special assessments which are secured by a continuing lien upon the property against which the assessment is made. Any assessments which are not paid when due shall be delinquent. Any assessment not paid within fifteen (15) days of its due date shall bear interest from the date of delinquency at the rate of eighteen percent (18%) per annum, and the Association may bring an action at law against the Owner or Owners personally obligated to pay the same or foreclose the lien against the property, and interest, costs, and reasonable attorney's fees of any such action shall be added. No Owner may waive or otherwise escape liability for any assessment by non-use of the Common Area or abandonment of his Lot.

ARTICLE XIII - CORPORATE SEAL

The Association shall have a seal in circular form having within its circumference the words: Canary Isles Homeowners Association, Inc., a Florida not for profit corporation.

ARTICLE XIV - AMENDMENTS

SECTION 1. These Bylaws may be amended, at a regular or special meeting of the Members, by a vote of a majority of a quorum of Members present in person or by proxy, except that the Federal Housing Administration or the Veterans Administration shall have a right to veto amendments to these Bylaws while there is a Class B Membership in existence.

SECTION 2. In the case of any conflict between the Articles and these Bylaws, the Articles shall control; and in the case of any conflict between the Declaration and these Bylaws, the Declaration shall control.

ARTICLE XV - FISCAL MANAGEMENT

The provisions for fiscal management of the Association set forth in the Declaration and Articles of Incorporation shall be supplemented by the following provisions:

- A. The Association shall maintain accounting records for each property it maintains in the county where the property is located, according to good accounting practices. The records shall be open for inspection by Owners or their authorized representatives between the hours of 9:00 a.m. and 5:00 p.m. EST. The records shall include, but are not limited to:
 - i) a record of all receipts and expenditures; and
 - ii) an account for each Lot and unit designating the name and current address of the Owner, the amount of each assessment, the date on which the assessments come due, the amount paid upon the account and the balance due.
- B. The Board of Directors shall adopt a budget for each fiscal year which shall contain estimates of the cost of performing the functions of the Association, including but not limited to the common expense budget, which shall include, without limiting the generality of the foregoing, the estimated amounts necessary for maintenance, and operation of Common Areas,



landscaping, streets and walkways, office expenses, utility services, replacements and operating reserve, casualty insurance, liability insurance, administration and salaries. The Board of Directors shall also establish the proposed assessments against each Member as more fully provided in the Declaration. Delivery of a copy of any budget to each Member shall not affect the liability of any Member for any such assessments, nor shall delivery of a copy of such budget or amended budget be considered as a condition precedent to the effectiveness of said budget as originally adopted.

- C. The depository of the Association shall be such bank of banks as shall be designated from time-to-time by the Board of Directors and in which the monies of the Association shall be deposited. Withdrawal of monies from such accounts shall be only by check signed by such person or persons as authorized by the Board of Directors.
- D. An audit of the accounts of the Association shall be made annually by an accountant.
- E. Fidelity bonds may be required by the Board of Directors from all officers and employees of the Association and from any contractor handling or responsible for Association funds. The amount of such bonds shall be determined by the Board of Directors, but shall be at least the amount of the total annual assessments against Members for common expenses. The premiums on such bonds shall be paid by the Association.

ARTICLE XVI - PARLIAMENTARY RULES

Robert's Rules of Order (latest edition) shall govern the conduct of the corporate meetings when not in conflict with the Articles and these Bylaws or with laws of the State of Florida.

ARTICLE XVII - MISCELLANEOUS

- SECTION 1. Fiscal Year.** The fiscal year of the Association shall begin on the first day of January and end on the 31st day of December every year, except that the first fiscal year shall begin on the date of incorporation.
- SECTION 2. Notices.** Whenever notices are required to be sent or delivered pursuant to these Bylaws to an Owner, the notice will be mailed to the Owner at the address the Association has in its Membership Register. Notices to the Association shall be delivered by mail to the Secretary or the President of the Association at the place of business for the Association or such other address designated by the Association. Any party may change their mailing address by written notice to the other party. Whenever notices are required to be given under the provisions of the Articles, the Declaration or these Bylaws, a written waiver of notice signed by the person or persons entitled to such notice shall be deemed the equivalent of notice. Notice from the Association shall be deemed delivered when: (i) personally delivered to the Owner; or (ii) upon depositing in United States mail with postage prepaid and addressed to the place of residence for the Owner listed in the Membership Register. Notice to the Association shall be deemed delivered only upon actual receipt by the Secretary or President.
- SECTION 3. Partial and Validity.** If any of these provisions of these Bylaws shall be or become enforceable at law or in equity, the remaining provisions shall, nevertheless, be and remain in full force and effect.
- SECTION 4. Non-Waiver.** No requirement or right contained in these Bylaws shall be deemed to have been waived by the Association's failure to enforce such requirement or right.



SECTION 5. Gender and Plurality. Wherever the context so requires, the use of a masculine gender shall be deemed to include all genders, and the use of a singular gender shall include the plural, and the use of the plural shall include the singular.

SECTION 6. Captions. The captions used in these Bylaws are solely as a matter of convenience and shall not be relied upon or used in construing the effect or meaning of any of the text that follows the caption.

CERTIFICATION

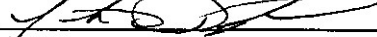
I, the undersigned, hereby certify:

THAT I am the duly elected and acting Secretary of the CANARY ISLES HOMEOWNERS ASSOCIATION, INC., a Florida not for profit corporation; and

THAT the foregoing Bylaws constitute the original Bylaws of the Association, as duly adopted by consent of the Board of Directors.

IN WITNESS WHEREOF, I have here unto subscribed my name and affix the seal of the Association this ____ day of January, 2001.

**CANARY ISLES HOMEOWNERS ASSOCIATION,
INC., a Florida not for profit corporation**

By: 
Mark Petroni
Its: Secretary



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