

# *Tropical East*

**HOMEOWNERS' ASSOCIATION INC**



BY - LAWS

*January 1, 2013*

*Board of Directors*

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## **ARTICLE I**

## **NAME AND LOCATION**

The name of the corporation is **TROPICAL EAST HOMEOWNERS ASSOCIATION, INC.**

The principal' office of the corporation shall be located at 2745 Tropical East Circle, Port Saint Lucie, Florida 34952, where meetings of members and directors may be held. In the event attendance is expected to exceed the capacity of the meeting area, the Board shall have the right to convene an annual meeting or any other special meeting at a location convenient to all of the members, and therein to conduct the business of the Association.

## ARTICLE II

## DEFINITIONS

**"Association"** shall mean and refer to Tropical East Homeowners Association, Inc., its successors and assigns.

**"Common Area"** shall mean all the real property owned by the Association for the common use and enjoyment of the owners.

**"Declaration"** shall mean and refer to the, Declaration of Covenants / Conditions and Restrictions applicable to the PUD, and recorded on April 20, 1988, in the Public Records of Saint Lucie County, Florida, in Official Records Book 583, Page 283.

**"Lot"** shall mean and refer to any plot of land shown on the recorded PUD with the exception of the common area.

**"Owner"** shall mean and refer to the record owner, whether one or more persons or entities of the fee simple title to any lot, which is a part of the subdivision, including contract sellers, but excluding those holding title merely as security for the performance of an obligation.

**"Subdivision"** shall mean and refer to, that certain tract of real property described in the Declaration of Covenants / Conditions and Restrictions, and such additions thereto, as may be brought within the jurisdiction of the Tropical East Homeowners Association, pursuant to the provisions of the Declaration of Covenants / Conditions and Restrictions.

## ARTICLE III

## MEETINGS of MEMBERS

**Annual Meetings:** Annual meetings will be held at 7:00 P.M. on the 3rd Tuesday in January 1992 and each year thereafter. This meeting will be for the election of the Board of Directors and all other appropriate business of the Association .

**Board of Directors:** The Board will be guided by Roberts Rules of Parliamentary Procedures and the Law of Homeowners' Associations by (Peter M. Dunbar, Sixth Edition)

**Special Meetings:** A Special Meeting of members may be called at any time by the President, or by a quorum of the Board of Directors, or on a written request of twenty five (25%) percent or a minimum of 27 of the members who are entitled to vote. Any and all business conducted at any special meeting, is limited to the purpose described and published in the notice of the meeting which will then be mailed, postage pre-paid or hand delivered to each Tropical East homeowner.

**Notice of Meetings:** Written notice of each meeting of members shall be given by or at the direction of the secretary or other person authorized to call the meeting, by mailing a copy of such notice, postage prepaid, at least ten, but not more than forty days, before such meeting, to each member entitled to vote thereat, addressed to the member's address last appearing on the books of the Tropical East Homeowners Association for the purpose of receiving notice. Such notice shall specify the day, the hour and place of the meeting, and in the case of a special meeting, the purpose of the meeting.

**Quorum:** The presence at the meeting, in person or by proxy, of 51% (55 members) of the homeowners entitled to cast a vote shall constitute a quorum for the authorization of any action, except as may otherwise be provided in the Declaration, the Articles of Incorporation, or these By-Laws. If a quorum is not present at any meeting, the members entitled to vote thereat, shall have the power to adjourn the meeting from time to time, without any notice other than announcement at the meeting until a quorum is present.

**Proxies:** At all meetings of members, each member may vote in person or by proxy. All proxies shall be in writing and filed with the Secretary. To be valid, a proxy must be dated, must state the date, time and place of the meeting for which it was given, and must be signed by the authorized person who executed the proxy. A proxy may be mailed, faxed or electronically delivered to the Secretary of the Association. A proxy is only effective for the specific meeting for which it was originally given, as the meeting may lawfully be adjourned and reconvened from time to time and automatically expire ninety (90) days after the date of the meeting for which it was originally given. Proxies shall be revocable at any time and the proxy of any owner shall automatically terminate on conveyance by the owner of his/her lot.

## ARTICLE IV

## BOARD of DIRECTORS - TERM

**Number:** The affairs of the Association shall be managed by a Board of Directors consisting, of a President, Vice President, Secretary, Treasurer, and up to three directors, for a total of seven, but not less than five.

**Term of Office:** At the first annual meeting, the members shall elect three Directors for a term of two years, and two Directors for the term of one year. At the next annual meeting, the members shall elect two Directors for the term of two years. The result thereof being that members will elect members to the Board of Directors for terms of two years; three in the first year, and two in the second year. At subsequent annual elections, members shall elect Directors to fill vacancies created by expiring terms. This condition is set out in our Declaration of Covenants / Conditions and Restrictions.

**Removal:** Any director may be removed from the Board of Directors, with cause, by a majority vote of the members of the Tropical East Homeowners Association. In the event of death, resignation, or removal of a director, his or her successor shall be selected by the remaining members of the Board of Directors and shall serve for the unexpired term of his or her predecessor.

**Compensation:** No director shall receive any compensation for any service he or she may render to the association. However, any and all Directors may be reimbursed for their actual expenses incurred in the performance of their duties.

**Newly elected Directors are to assume office on February 1st, following the annual election. All outgoing Directors are requested and asked to assist the new Directors in their duties in order to effect an orderly transition.**



## ARTICLE V

## NOMINATION AND ELECTION

**Nomination:** Nomination for election to the board of directors shall be by a nominating committee.

*All members of the Tropical East Homeowners Association shall be eligible to serve on the Board of Directors, and any member may nominate himself or herself as a candidate for the Board of Directors at a meeting where the election is to be held.*

**Every candidate nominated for the Board of Directors shall be an owner of record in Tropical East Homeowners' Association Inc.**

However, nominations may also be made from the floor at any annual meeting of members. The nominating committee shall consist of a chairperson who shall be a member of the board of directors and two or more members of the Tropical East Homeowners Association. The committee shall be appointed by the Board of Directors prior to each annual meeting to serve from the close of such meeting until the close of the next annual meeting and such appointments shall be announced at each annual meeting.

The nominating committee shall make as many nominations for election to the Board of Directors as it shall in its own discretion, determine, but in no event shall it nominate less than the actual number of requisite vacancies to be filled.

**Election:** Election to the board of directors shall be by secret written ballot. At such election the members and/or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Declaration of Covenants / Conditions and Restrictions.

The person or persons receiving the largest number of votes shall be elected.

Cumulative voting is not permitted.

## ARTICLE VI

## BOARD of DIRECTORS MEETINGS

**Regular Meetings:** Regular meeting of the Board of Directors shall be held monthly with notice, at such place and hour as may be fixed from time to time by a resolution of the Board of Directors. In the event that the regular date for a monthly meeting falls on a legal holiday, such meeting shall then be held at the same time on the next following day which is not recognized as a legal holiday.

**Special Meetings:** Special meetings of the Board of Directors shall be held when called by the president of the Tropical East Homeowners Association or by any two directors after not less than three days notice of each Director.

**Quorum:** A majority of the Board of Directors shall constitute a quorum for the transaction of business. Whenever the Board of Directors makes a decision, and takes action, it is deemed that the entire Board of Directors has given its unanimous approval unless otherwise noted in writing by the specific individual dissenting Board Member. Every act performed or decision made by a majority of directors present at any meeting in which a quorum is present, and a decision is made and action is taken, shall constitute the act, and/or decision of the entire Board of Directors.

## ARTICLE VII

## BOARD of DIRECTORS - Powers and Duties

**Powers:** *It shall be the duty of the board of directors to:*

- (a) Adopt and publish rules and regulations governing the use of the common areas and facilities including the personal conduct of the members and their guests thereon and to establish penalties for infractions of such rules and regulations.
- (b) Suspend the voting rights and right to use the recreational facilities of any member during any period in which such member is in default in the payment of any assessment levied by the association. Such rights may also be suspended after notice and hearing, for a period not to exceed thirty days for infraction of published rules and regulations.
- (c) Exercise on behalf of the association all the powers, duties and authority vested in or delegated to the Tropical East Homeowners Association, and not specifically reserved to the membership by the Declaration, Articles of Incorporation, or by other provisions of these By-Laws.
- (d) Declare the office of a member of the Board of Directors, to be vacant in the event that any such member is absent from three consecutive regular meetings of the Board of Directors. Board members that may be away from the community at any time, may attend any board meeting by a teleconference call and be deemed in attendance.
- (e) Employ a manager, independent contractors, and any such other employees and/or workers as they may deem necessary and to prescribe their duties.

**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 of each annual meeting or at any special meeting at which such a statement is requested in writing by one fourth of the members entitled to vote thereat.
- (b) Supervise all officers, agents, and employees of the association and see to it that their duties are properly performed.

## ARTICLE VII

## BOARD of DIRECTORS - Powers and Duties

- (c) As more fully provided in the Declaration, to:
- (1) Fix the amount of the annual assessment against each lot at least 30 days in advance of each assessment period.
  - (2) Mail, postage prepaid, a written notice of each assessment to every owner subject thereto at least thirty days in advance of each assessment period.
  - (3) Foreclose the lien against any property for which assessments are not paid within thirty days after the 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, on demand by any person, a certificate setting forth whether or not an assessment has been paid. A statement in a certificate to the effect that an assessment has been paid, shall constitute conclusive evidence of such payment. The Board of Directors may then impose a reasonable charge for the issuance of these certificates.
- (e) Procure and maintain, adequate liability and hazard insurance on all the property that is owned by the Tropical East Homeowners Association.
- (f) Cause all officers and/or employees having any fiscal responsibilities to be bonded as it may deem appropriate.
- (g) Cause the common area to be maintained.

## **ARTICLE VIII**

## **OFFICERS AND THEIR DUTIES**

### **Enumeration of Offices:**

The officers of the Tropical East Homeowners Association shall be a President and Vice President who shall at all times be members of the Board of Directors and a Secretary, Treasurer and any such other officers as the board may from time to time, by resolution create.

### **Election of Officers:**

The election of officers shall take place at the first meeting of the Board of Directors, following each annual meeting of members:

### **Term:**

The officers of the association shall be elected annually by the Board. Each shall hold office for a term of one (1) year unless he /she shall sooner resign or shall be removed or otherwise disqualified to serve.

### **Special Appointments:**

The board may elect such other officers as the affairs in the association may require, each of whom shall hold office for such period, have such authority, and perform such duties as the board may, from time to time, determine.

### **Resignation and Removal:**

Any officer may be removed from office by the board at any time with or without just cause. Any officer may resign at any time by giving written notice to the board, the President, or the Secretary. Such resignation shall take effect on the date of receipt of such written notice or at any later time specified therein, and/or unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

### **Vacancies:**

A vacancy in any office may be filled by appointment of the Board. The officer appointed to such vacancy shall serve for the unexpired term of the officer he/she replaces.

## ARTICLE VIII

## OFFICERS AND THEIR DUTIES

### **Multiple Offices:**

No person shall simultaneously hold more than one office except in the case of special offices created pursuant to paragraph 4 (*Special Appointments*) of this Article.

**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 are carried out; shall sign all leases, mortgages, deeds, and other instruments and shall co-sign all checks and promissory notes.

(b) Vice President - The Vice President shall act in the place of the President in the event of his/her absence, inability or refusal to act and shall exercise and discharge such other duties, as may be required of him/her by the board.

(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 to all papers so requiring; serve notice of meetings of the board and of members; keep appropriate current records showing the members of the association together with their addresses; and perform such other duties as may be required by the Board of Directors, or by law.

(d) Treasurer - The treasurer shall receive and deposit in appropriate bank accounts, all funds of the association and shall disburse such funds as directed by resolution of the Board of Directors; shall co-sign all checks and promissory notes of the association; shall keep proper books of the account; shall at the discretion of the Board of Directors, direct an annual compilation or review of the books of the Association to be made by a Certified Public Accountant at the completion of each fiscal year, and shall prepare an Annual Budget and Statement of Income and Expenditures, a copy of both documents, which shall be mailed, postage prepaid, or hand delivered, to each member as soon as end of fiscal year statements are prepared by the Tropical East Homeowner's Association's Certified Public Accountant.

## **ARTICLE IX**

## **COMMITTEES**

The Tropical East Homeowners Association shall appoint an Architectural Committee, as provided in the Declaration of Covenants / Conditions and Restrictions and a Nominating Committee as provided in Article V of these By-Laws.

In addition, the Board of Directors may appoint such other committees as it may deem appropriate in the performance of its duties.

## ARTICLE X

## ASSESSMENTS

As more fully provided in the Declarations of Covenants / Conditions and Restrictions, each member is obligated to pay to the Tropical East Homeowners Association annual and special assessments which are secured by a continuing lien on the property against which such assessments are made.

Any interest from the date of delinquency at the rate of 18% per annum, or within the discretion of the Board of Directors, a late fee of \$25.00 per month may also be levied.

The Association may bring an action at law against the owner personally obligated to pay the same, or may foreclose the lien against his/her property.

Interest, costs and reasonable attorneys fees of any such action shall be added to the amount of any assessment due. No owner may waive or otherwise escape liability for assessments by non-use of the common area or the abandonment of his/her lot.



## ARTICLE XI

## BOOKS AND RECORDS - Inspection

The books, records and/or papers of the Tropical East Homeowner's Association, shall be subject to inspection by any member during the ordinary City of Port Saint Lucie Government business hours.

The Declarations of Covenants / Conditions and Restrictions, Articles of Incorporation, By-Laws and the Rules and Regulations of the Association shall be available for inspection by any member at the principal office of the Association, where copies shall be made available for sale at a reasonable price. *(A reasonable price will be in comparison with the full retail price of the major office supply stores and retail copy centers which charge between 10 ¢ and 15 ¢ per page)*

### **Official Records:**

The Tropical East Homeowner's Association shall maintain each of the following items, when applicable, and which may constitute some of the official records of the association:

- (a)* A copy of the **Declarations of Covenants / Conditions and Restrictions** and a copy of each amendment thereto.
- (b)* A copy of the **Articles of Incorporation** and a copy of each amendment thereto.
- (c)* A copy of the **Bylaws** and a copy of each amendment thereto.
- (d)* A copy of the current **Rules and Regulations** of the Association.
- (e)* Copies of any **Plans, Specifications, Permits, & Warranties**, related to improvements constructed on the common areas or any other property that the association is obligated to maintain, repair, or replace.
- (f)* The **Minutes of all Meetings** of the Board of Directors and of the members, which minutes must be retained for at least 7 years.

- (g) A current roster of all members and their mailing addresses and parcel identifications. The association shall also maintain the electronic mailing addresses and the numbers designated by members for receiving notice sent by electronic transmission of those members consenting to receive notice by electronic transmission. The electronic mailing addresses and numbers that are provided by unit owners to receive notice by electronic transmission shall be removed from association records when consent to receive notice by electronic transmission is revoked. However, the association is not liable for an erroneous disclosure of the electronic mail address or the number for receiving electronic transmission of notices.
- (h) All of the association's insurance policies and/or a copy thereof, which policies must be retained for at least 7 years.
- (i) A current copy of all the contracts to which the association is a party, including, and without limitation, any management agreement, lease, or other contract under which the association has any obligation or responsibility. Bids received by the association for work to be performed must also be considered official records and must be kept for a period of one (1) year.
- (j) The financial and accounting records of the association, kept according to good and proper accounting practices. All financial & accounting records must be maintained for a period of at least seven (7) years. The financial and accounting records must include:
1. Accurate, itemized, and detailed records of all receipts and expenditures.
  2. A current account and a periodic statement of the account for each member, designating the name and current address of each member who is obligated to pay assessments, the due date and amount of each assessment or other charge against the member, the date and amount of each payment on the account, and the balance due.
  3. All tax returns, financial statements, and financial reports of the association.
  4. Any other records that identify, measure, record, or communicate financial information.

**ARTICLE XII**

**CORPORATE SEAL**

The Association shall have a seal in circular form having within its circumference, the words:

**TROPICAL EAST HOMEOWNERS' ASSOCIATION, INC.**

## **ARTICLE XIII**

## **FISCAL YEAR**

The fiscal year of the Association shall be the calendar year, except that the first fiscal period shall begin on the date of incorporation and shall end on December 31st, of the year of incorporation.

## **ARTICLE XIV**

## **AMENDMENTS**

These By-Laws may be amended at any regular or special meeting of members-in-good-standing, by vote of a majority of a quorum of all members-in-good-standing, either in person or by proxy.

Following the filing with the State of Florida, St. Lucie county, of the amended By-Laws by the Attorney of record for the Tropical East Homeowners' Association, the Board of Directors will mail, postage prepaid, a copy of the filed and amended document to each homeowner.

In the case of any conflict between the Articles of Incorporation and these By-Laws, the Articles of Incorporation shall control; if, in the case of any conflict between these By-Laws and the Declaration of Covenants / Conditions and Restrictions, the Declaration of Covenants / Conditions and Restrictions shall control.

The hierarchy of all homeowners and condominium association documents are as follows:

**Map / Plat**

**Articles of Incorporation**

**Declarations of Covenants / Conditions and Restrictions**

**By-Laws**

**Rules and Regulations**

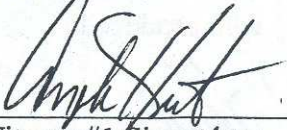
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**CERTIFICATE OF AMENDMENTS AND RESTATEMENT TO THE**  
**BY-LAWS**  
**FOR TROPICAL EAST HOMEOWNERS' ASSOCIATION, INC.**

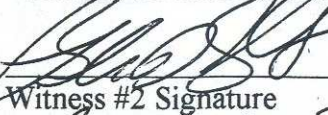
Tropical East Homeowners' Association, Inc., by its duly authorized officers, hereby certifies that the Amendments and Restatement of the By-Laws, which are attached hereto, were duly and regularly adopted and passed by a vote sufficient for approval by the membership in writing.

IN WITNESS WHEREOF, Tropical East Homeowners' Association, Inc., has caused these presents to be signed in its name, by its Treasurer/President Pro Tem and Secretary, and its corporate seal affixed on this 1 day of June, 2005.

WITNESSES:

  
\_\_\_\_\_  
Witness #1 Signature

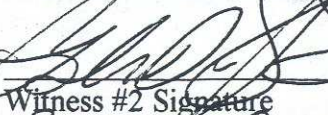
Angela Hart  
\_\_\_\_\_  
Witness #1 Printed Name

  
\_\_\_\_\_  
Witness #2 Signature

Brook D. Shepard  
\_\_\_\_\_  
Witness #2 Printed Name

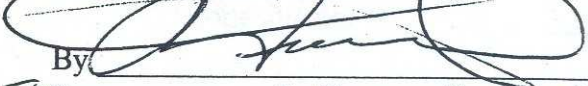
  
\_\_\_\_\_  
Witness #1 Signature


Angela Hart  
\_\_\_\_\_  
Witness #1 Printed Name

  
\_\_\_\_\_  
Witness #2 Signature

Brook D. Shepard  
\_\_\_\_\_  
Witness #2 Printed Name

**TROPICAL EAST HOMEOWNERS'  
ASSOCIATION, INC.**

By   
\_\_\_\_\_  
10000000 Its Treasurer/President Pro Tem

By   
\_\_\_\_\_  
JOHN FRED B. JOCHUMSEN its Secretary

CORPORATE SEAL



STATE OF FLORIDA  
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me on this 1 day of June, 2005, by Drue Diamond, as Treasurer/President Pro Tem of Tropical East



Homeowners' Association, Inc., who is (  ) personally known to me, or ( ) who produced \_\_\_\_\_ as identification.

*Angela Hart*

NOTARY PUBLIC

Printed Name: Angela Hart

ANGELA HART  
Notary Seal  
Notary Public, State of Florida  
My comm. exp. Oct. 28, 2005  
Comm. No. DD 041477

STATE OF FLORIDA

The foregoing instrument was acknowledged before me on this 1 day of June, 2005, by Winfred Jackson as Secretary of Tropical East Homeowners' Association, Inc., who is (  ) personally known to me, or ( ) who produced \_\_\_\_\_ as identification.

*Angela Hart*

NOTARY PUBLIC

Printed Name Angela Hart

ANGELA HART  
Notary Seal  
Notary Public, State of Florida  
My comm. exp. Oct. 28, 2005  
Comm. No. DD 041477

**EDWIN M. FRY, Jr., CLERK OF THE CIRCUIT COURT**  
**SAINT LUCIE COUNTY**  
**FILE # 2636749 - 06/01/2005 at 02:09 PM**  
**OR BOOK 2259 PAGE 476-499**  
**Document Type = BY-LAWS**  
**RECORDING FEE: \$205.50**



# Tropical East Homeowners' Association

Fax - (772) 335-3654

Tel - (772) 335-3611

## DOCUMENT ORDER FORM

We would like to order additional copies of the following  
**Tropical East Homeowners' Association Documents.**

~ Please **PRINT** All The Information ~

<b>PROPERTY OWNER</b>	
Name: _____	Dated: _____
Address: _____ Tropical East Circle, Port Saint Lucie, Florida 34952, ( ) _____	

QUANTITY ORDERED	DOCUMENT NUMBER	NAME OF DOCUMENT	UNIT COST	TOTAL COST
	CAK-0412-2	DECLARATIONS OF COVENANTS / CONDITIONS	\$ 10.00	
	CAK-0512-1	ARTICLES OF INCORPORATION	\$ 5.00	
	CAK-0612-2	BY - LAWS	\$ 5.00	
	CAK-0712-3	RULES AND REGULATIONS	\$ 10.00	
	CAK-0312-4	TELEPHONE DIRECTORY	\$ 3.00	
Check Here _____ if you wish to have these documents mailed to you, and please add			\$ 4.95	
<i>Please enclose payment for.....</i>			<b>TOTAL COST</b>	

NAME: \_\_\_\_\_

Mail Documents to: ADDRESS: \_\_\_\_\_

This Address CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

CAK 05.12.04

2745 Tropical East Circle ~ Port Saint Lucie ~ Florida 34952-7236

# *Tropical East Homeowners' Association Inc.*



2745 Tropical East Circle ~ Port Saint Lucie ~ Florida 34952-7236

Fax - (772) 335-3654

Tel - (772) 335-3611

email - TROPICALEAST @ att.net