

**EXHIBIT "D"**

**PALMETTO DUNES AT PELICAN SOUND, A CONDOMINIUM**

**CORRECTED AMENDED AND RESTATED**

**RULES AND REGULATIONS**

**A. GENERAL RULES**

1. Passenger automobiles, sport/utility vehicles, mini-trucks, vans and street-legal motorcycles (used for personal transportation and not commercially) that do not exceed the size of a garage are authorized. Commercial vehicles, trucks, campers, motor homes, trailers, boats and boat trailers are prohibited unless parked in garages with the door closed. For uniform appearance, garage doors shall be kept closed when not in use for ingress and egress. Vehicle maintenance outside garages, except car washing in designated areas, if any, is not permitted on the Condominium property. All vehicles must be currently licensed and no inoperable or unsightly vehicles may be kept on condominium property. Please see Section 10.5 of the Declaration for complete parking rules.

2. No exterior radio, television or data reception antenna or any exterior wiring for any purpose may be installed without the written consent of the Directors. Consent shall be given in accordance with Federal Communications Commission Guidelines applicable to condominiums.

3. To maintain harmony of exterior appearance no one shall make any changes to, place anything upon, affix anything to or exhibit anything from any part of the Condominium or Association property visible from the exterior of the buildings or from common elements without the prior written consent of the Directors. All curtains, shades, drapes and blinds shall be white or off-white in color or lined with material in these colors.

4. All common elements inside and outside the buildings will be used for their designated purposes only, and nothing belonging to owners, their family, tenants or guests shall be kept therein or thereon without the approval of the Directors, and such areas shall at all times be kept free of obstruction. Owners are financially responsible to the Association for damage to the common elements caused by themselves, their tenants, guests and family members.

5. No more than two commonly accepted household pets such as a dog or cat and no more than 2 caged birds, and a reasonable number of tropical fish; not being kept or raised for commercial purposes shall be permitted upon the following conditions:

a. On the common elements and Pelican Sound common property, pets shall be under hand-held leash or carried at all times.

b. Messes made by pets must be removed by owners or handlers immediately. The Directors shall designate the portions of the property which shall be used to accommodate the reasonable requirements of owners who keep pets.

c. Pets that are vicious, noisy or otherwise unpleasant will not be permitted in the Condominium. In the event that a pet has become a nuisance or unreasonably disturbing in the opinion of the Board of Directors, written notice shall be given to the owner or other person responsible for the pet and the pet must be removed from the condominium property within four (4) days.

d. Guests and tenants are not permitted to have pets.

e. The Board of Directors has the authority and discretion to make exceptions to the limitations in this regulation in individual cases and to impose conditions concerning the exceptions. Please see Section 10.2 of the Declaration for complete pet rules.

6. Disposition of garbage and trash shall be only by use of receptacles approved by the Association or by use of garbage disposal units. Specifically, trash must be securely bagged and newspapers are required to be bundled. Food and vegetable scraps are to be disposed of in the individual residence garbage disposal.

7. All persons occupying residences other than the owners shall be registered with the Manager or other designate of the Association at or before the time of their company of the residence. This includes renters and house guests.

Residences may not be rented for periods of less than thirty (30) consecutive days nor for longer than one (1) year. A copy of these Rules and Regulations must be given to the tenants and guests by the owner, or the owner's agent. No residence may be permanently occupied by more persons than the number of bedrooms times two, nor may more persons, including guests, occupy a residence

overnight than the number of bedrooms times two, plus two. Please see Section 11 of the Declaration for complete leasing restrictions.

8. The Association shall retain a pass key to the residences, and the owner shall provide the Association with a new or extra key whenever locks are changed or added for the use of the Association pursuant to its statutory right of access to the residences.

9. Children under the age of 12 shall be under the direct control of a responsible adult. Children shall not be permitted to act boisterously on the condominium or Pelican Sound common property. Skateboarding, and loud or obnoxious toys are prohibited. Children may be removed from the common elements for misbehavior by or on the instructions of the Directors.

10. Loud and disturbing noises are prohibited. All radios, televisions, or other electronic devices shall be regulated to sound levels that will not disturb others and if used at or in the vicinity of a swimming pool shall be used only with earphones. No vocal or instrumental practice is permitted after 10:00 p.m. or before 9:00 a.m. No activities which produce excessive or noxious odors are permitted, including smoking of cigars on common elements or limited common elements.

11. Use of gas and barbecue grills shall only be allowed in areas designated as safe and appropriate by the Directors, if any. Gas and charcoal grills shall not be used on lanais.

12. Illegal and immoral practices are prohibited.

13. Lawns, shrubbery or other exterior plantings shall not be altered, moved or added to without permission of the Association.

14. Laundry, bathing apparel, beach and porch accessories shall not be maintained outside of the residences or limited common elements (lanais) and such apparel and accessories shall not be exposed to view.

15. No nuisance of any type or kind shall be maintained upon the condominium property.

16. Nothing shall be done or kept in any residence or in the common elements which will increase the rate of insurance on the building or contents thereof, without the prior written consent of the Directors. No owner shall permit anything to be done or kept in his residence or in the common

elements which will result in the cancellation of insurance on the buildings, or contents thereof, or which would be in violation of any law or building code.

17. Persons moving furniture and other property into and out of residences must do so only between the hours of 8:00 a.m. and 8:00 p.m. Moving vans and trucks used for this purpose shall only remain on condominium property when actually in use.

18. Repair, construction, decorating or re-modeling work shall only be carried on between the hours of 8:00 a.m. and 5:00 p.m. and the rules for decorators and subcontractors set forth herein must be complied with.

19. The Rules and Regulations shall apply equally to owners, their families, guests, staff, invitees and lessees.

20. The Board of Directors of the Association may impose up to a \$100.00 per day fine for each violation of these Rules and Regulations or any of the condominium documents. The Board of Directors may refer owners who fail to comply with the provisions of the condominium documents to the investigative committee of the club, which may impose further sanctions.

21. The Club ARC has adopted hurricane shutter and protection specifications for the Condominium which are available from the manager and which must be adhered to.

22. These Rules and Regulations do not purport to constitute all of the restrictions affecting the condominium and Pelican Sound common property. Reference should be made to the Condominium and Club Documents.

## **B. RULES FOR DECORATORS, CONTRACTORS AND SUB-CONTRACTORS**

1. The unit owner must pre-register with the Manager giving him the name, address, telephone number and fax number of the unit owner's representative who will be overseeing the work being done in the unit whether it be the interior decorator, the general contractor or the unit owner.

2. Prior to commencing work, the unit owner's representative must submit to the Manager a list of names, addresses and telephone numbers of all sub-contractors who will be working in the unit, together with a schedule for their work.

3. Work hours are 8:00 a.m. to 5:00 p.m., Monday through Saturday.

4. The contractor and all sub-contractors must have Type “B” licenses in Lee County, and submit proof of same for the Manager’s file.
5. Prior to authorization for access, the contractors and all sub-contractors must produce from their insurance carrier a Certificate of Insurance of general liability of no less than \$250,000 per occurrence and no less than \$500,000 aggregate, and provide proof of Worker’s Compensation coverage for the Manager’s file.
6. All trash and debris shall be hauled off by the workers on a daily basis.
7. Grout, paint, wall mud or any other material may not be poured down building drains, sinks, toilets or bathtubs.
8. Breaks and lunches, if taken inside the building, should be confined to the owner’s unit.
9. No radios will be allowed in the building unless used with headphones.
10. Do not tamper with or hang extension cords from any of the sprinkler heads.
11. Unit smoke alarms are to be left in place. They are to be properly protected during the interior finish work which generates heavy airborne particles, i.e. sanding and painting.
12. Workers are not to wander around in areas other than the specific area or unit they are assigned to.
13. **FLOORING** - Each unit owner in other than ground floor units who elects to install in any portion of his unit hard surface flooring materials (i.e., tile, marble, wood) shall first be required to submit for approval to the Board of Directors or its representative the proposed hard surface floor. Written approval for the proposed materials is required prior to installation of hard surface flooring.
14. The unit owner is responsible for his decorator’s, contractor’s and sub-contractor’s action and inactions while on the premises. Decorators, contractors, and sub-contractors are on the premises at their own risk and agree to indemnify and hold harmless the Condominium Association for any liability or damages which might arise in connection with their activities on the premises.

15. Should a decorator, contractor or sub-contractor discover a defect in a unit, they must notify the Manager immediately so the defect may be verified and corrected prior to doing any work which might be impacted by the defect.

16. Smoking, while discouraged, will only be allowed in the individual units with the owner's permission.

17. Please help keep the buildings clean.

Activities will be monitored during the day. Non-compliance may result in your decorator, contractor or sub-contractor being barred from the building.

If you have any questions please contact the Manager.

**C. RULES FOR OWNER PARTICIPATION IN BOARD OF DIRECTORS MEETINGS, A BUDGET COMMITTEE MEETING AND A MEETING OF ANY COMMITTEE AUTHORIZED TO TAKE ACTION ON BEHALF OF THE BOARD; AND OF THE LOCATION FOR POSTING NOTICES OF MEETINGS**

**I. THE RIGHT TO SPEAK:**

1. To the maximum extent practical, the posted Board meeting agenda for each meeting shall list the substance of the matters and actions to be considered by the Board.

2. Robert's Rules of Order (latest edition) shall govern the conduct of the Association meeting when not in conflict with the Declaration of Condominium, the Articles of Incorporation or the Bylaws.

3. After each motion is made and seconded by the Board members the meeting Chairperson will permit owner participation regarding the motion on the floor, which time may be limited depending on the complexity and effect on the Association.

4. Owner participation will not be permitted after reports of officers or committees unless a motion is made to act upon the report, or the Chair determines that it is appropriate or is in the best interest of the Association.

5. An owner wishing to speak must first raise his or her hand and wait to be recognized by the Chair.

6. While an owner is speaking he or she must address only the Chair, no one else is permitted to speak at the same time.

7. An owner may speak only once for not more than three (3) minutes and only on the subject or motion on the floor.

8. The Chair may, by asking if there be any objection and hearing none, permit an owner to speak for longer than three (3) minutes, or to speak more than once on the same subject. The objection, if any, may be that of a Board member only and if there is an objection then the question will be decided by a vote of the Board.

9. The Chair will have the sole authority and responsibility to see to it that all owner participation is relevant to the subject or motion on the floor.

## **II. THE RIGHT TO VIDEO OR AUDIOTAPE:**

1. The audio and video equipment and devices which owners are authorized to utilize at any such meeting must not produce distracting sound or light emissions.

2. Audio and video equipment shall be assembled and placed in position in advance of the commencement of the meeting in a location that is acceptable to the Board or the Committee.

3. Anyone videotaping or recording a meeting shall not be permitted to move about the meeting room in order to facilitate the recording.

4. At least 24 hours advance written notice shall be given to the Board by any owner desiring to utilize any audio and/or video equipment to record a meeting.

**III. LIMITATION ON THE ASSOCIATION'S OBLIGATION TO RESPOND TO WRITTEN INQUIRIES - THE ASSOCIATION SHALL NOT BE OBLIGATED TO RESPOND TO MORE THAN ONE WRITTEN INQUIRY FROM A UNIT OWNER FILED BY CERTIFIED MAIL IN ANY GIVEN 30 DAY PERIOD. IN SUCH CASE, ANY ADDITIONAL INQUIRY OR INQUIRIES MUST BE RESPONDED TO IN THE SUBSEQUENT 30 DAY PERIOD OR PERIODS.**

**IV. ALL NOTICES OF MEMBERSHIP, DIRECTORS AND COMMITTEE MEETINGS AT WHICH OWNERS ARE ENTITLED TO PARTICIPATE WILL BE POSTED IN A LOCKED, CLEAR-FRONTED BULLETIN BOARD AT A LOCATION DESIGNATED FROM TIME TO TIME BY THE BOARD OF DIRECTORS.**