

LAW OFFICES OF  
**LANG & RAFFA, P.A.**  
5001 Fourth Street North, Suite A  
St. Petersburg, Florida 33703  
Telephone (727) 522-9800 | Facsimile (727) 528-2900

NICHOLAS F. LANG\*  
EMILY L. RAFFA  
\*Board Certified Condominium and  
Planned Land Development Law

MAILING ADDRESS  
Post Office Box 7990  
St. Petersburg, Florida 33734

September 1, 2020

Amy Mallory, LCAM, Manager  
Bayou Club Community Association, Inc.  
7979 Bayou Club Boulevard  
Largo, Florida 33777

RE: Certificate of Amendment to Master Declaration

Dear Amy:

For the records of the Association, I am enclosing the original, recorded Certificate of Amendment to the Bayou Club Community Master Declaration of Covenants, Conditions and Restrictions. As you know, the Certificate amends Article IV, Section 1,Y,1 of the Declaration to prohibit subleasing and allow the one year original term of a lease to be renewed for six months (Amendment #1). The Certificate also amends Article VII, Section 1,B to provide that the Association's lien relates back to the date of original recording of the Declaration (Amendments #2 and #3).

Finally, the Certificate amends Article VII, Section 14 of the Declaration to require any first mortgagee that acquires a home by foreclosure to pay assessment chargeable to the former owners as provided in the HOA Act, which is the lesser of 12 months of unpaid assessments or one percent of the original mortgage debt (Amendment #3). The Certificate was executed by Gene Berry, as President, and Bill Barker, as Secretary, as required by amended Article XII, Section 6,B of the Declaration, and was recorded in the Public Records of Pinellas County on August 31, 2020.

The Amendments contained in the Certificate are effective as of the date of recording. Subsection 720.306(1)(b) of the HOA Act (copy enclosed) requires associations to provide copies of amendments to the members within thirty (30) days after recording. However, the statute provides that if a copy of each proposed amendment was provided to the members before they voted and if the amendment was not changed before the vote, then the

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association may just provide notice to the members that the amendment was adopted.

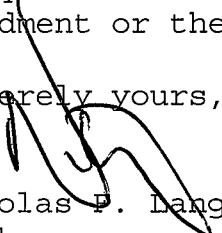
Since the Association provided the Proposed Amendments to the members and the Amendments did not change, the Association can just provide the notice to the members. The notice must also identify the official records book and page or the instrument number of the Certificate of Amendment and must state that a copy of the Certificate is available at no charge to the member upon written request to the Association.

If the Board wants to provide just the notice to the members, I recommend identifying the official records book and page (O.R. Book 21145, page 647, which is on the sticker in the upper right-hand corner of the first page of the Certificate). The book and page are more commonly used to search for records than the instrument number. The statute allows either the copy of the Certificate or the notice to be provided to members electronically, but only to those members who previously consented to receive notice electronically instead of by mail.

I expect that most members who would receive the notice would not bother to search for the Certificate in the official records. So, it may be more helpful to the members to actually mail a copy of the Certificate to each of them instead of mailing the notice. However, the Association may follow either procedure. Whichever procedure is followed, the Association may also email a copy of the Certificate to those members who have provided email addresses to the Association.

If you have any questions concerning the Certificate of Amendment or these procedures, please contact me.

Sincerely yours,



Nicholas P. Lang  
NFL:ks  
Enclosures (2)

cc: Eugene A. Berry, President  
William H. Barker, Secretary  
Bayou Club Community Association, Inc.

**SUBSECTION 720.306(1) (b) OF HOA ACT**

**Recorded Amendments to be Provided to Members**

(b) Unless otherwise provided in the governing documents or required by law, and other than those matters set forth in paragraph (c), any governing document of an association may be amended by the affirmative vote of two-thirds of the voting interests of the association. Within 30 days after recording an amendment to the governing documents, the association shall provide copies of the amendment to the members. However, if a copy of the proposed amendment is provided to the members before they vote on the amendment and the proposed amendment is not changed before the vote, the association, in lieu of providing a copy of the amendment, may provide notice to the members that the amendment was adopted, identifying the official book and page number or instrument number of the recorded amendment and that a copy of the amendment is available at no charge to the member upon written request to the association. The copies and notice described in this paragraph may be provided electronically to those owners who previously consented to receive notice electronically. The failure to timely provide notice of the recording of the amendment does not affect the validity or enforceability of the amendment [emphasis added].