

Le Jardin Condominium Association, Inc.

Rules Governing Unit Owner Hurricane Shutter Mandatory Maintenance

Whereas, each Unit Owners is responsible to maintain, repair and replace hurricane shutters serving windows, doors, sliding glass doors, and balconies and terrace that serve their Unit pursuant to Section 11.3(A)(1) of the Amended and Restated Declaration of Condominium of Le Jardin (the "Declaration"), and

Whereas, the Association has a legitimate interest in ensuring the proper care and functioning of such hurricane shutters serving Units in order to protect Common Elements and other Units, and

Whereas, the Association has the right to make reasonable Rules and Regulations governing the operation of the Association and the use, occupancy, alteration, maintenance, transfer and appearance of Units, Common Elements, and Limited Common Elements pursuant to Section 7 of the Bylaws of Le Jardin Condominium Association, Inc., and;

Whereas, Section 11.8 of the Declaration provides that the Association may enforce required maintenance in the event a Unit Owner fails to meet their maintenance obligations.

Therefore, the Board of Directors hereby adopts the following Rules Governing Unit Owner Hurricane Shutter Maintenance:

A. Hurricane shutters serving Unit windows, doors, sliding glass doors, and balconies and terraces must be maintained, repaired and replaced by the Unit Owner of the Unit that such shutters protect. Biennial" (once in two years) maintenance which includes the following must be performed by each Unit Owner who has shutters serving their Unit:

- i.) Inspection by a qualified contractor to determine whether the shutters are properly installed and functioning to easily open and close and to protect the opening as intended. Hurricane shutters shall, at all times, whether open or closed, be fastened securely in place in accordance with manufacturer, building code, and installation requirements;
- ii.) Cleaning and lubrication as recommended by the contractor;
- iii.) Completion of any necessary repairs or replacements as recommended by the qualified contractor.

Biennial inspections required under this Rule must be separated by at least Eleven (11) calendar months in each trailing twelve (24) month period.

B. All such biennial inspection, maintenance and repair shall be performed by a person who is qualified and properly licensed and authorized to install hurricane shutters in Florida, and who holds an Occupational License to perform such installation from the governmental agencies having jurisdiction over such type of work within Collier County.

C. Each Unit Owner shall provide the Association with documentary proof (e.g. invoice or inspection report) each 2 years, which demonstrates compliance with these Rules.

D. If the Unit Owner fails to maintain the hurricane shutters as required herein, after ten (10) days' written notice from Association to Owner, Association shall have the right to perform, or have performed, any required maintenance or repair work. Owner hereby agrees to be personally responsible for all costs thus incurred by the Association and grants Association a lien right as permitted by Section 11.8 of the Declaration against the Unit referred to herein in order to secure payment of any such sums. Said lien shall bear interest and be collectable and foreclosable in the same manner as liens granted to the Association under the Declaration and Condominium Act for non-payment of Condominium Assessments.

E. The Unit Owner of the Unit to which the hurricane shutter is installed shall be liable for any and all damage to the Condominium Property, Association property or the property of other Owners arising as a result of improper or inadequate maintenance of the hurricane shutter.

F. The Association shall have the right, upon prior notice to Owner, to periodically inspect the shutters to verify compliance with these requirements.

May 1, 2014