

**Rules & Regulations Regarding Common  
Element Boat Dock, and Slip Usage  
Shipyard Villas, A Condominium**

1. These regulations pertain to the undivided interest of the common elements seaward of the concrete seawall along the water side boundary of Shipyard Villas, referred to in the Documents as Boat Slips. For purpose of this document, Boat Slips may be referred to as "The Marina."
2. The Board of Directors (BOD) shall be the final authority in deciding the use and operation of the Marina. The BOD may from time to time appoint a Dock Master to represent them in administering the operation and maintenance of the Marina. The Dock Master's decisions shall be final as approved by the full BOD.
3. Condominium Documents provided to each owner upon initial purchase of their units form the basis and authority for these articles. Where the Condominium Documents refer to the Developer's authority in assigning slips, etc. that authority was transferred to the BOD when the Developer sold a majority of the units to individual owners. Specifically listed as:
  - 3.1. Boat Slip shall be Common Elements designated by the BOD or Dock Master to each owner who files an application and is approved for a slip by the Board.
  - 3.2. Summary of Restrictions, Article IX. Article 9.1. The use of the Units shall be consistent with existing laws, and the restrictions set forth in the Bylaws and shall not constitute a nuisance. Each of the Residential Units shall be occupied only by a singly family and guests, as a residence and for no other purpose. No live aboards or overnight occupancy shall be permitted within the Boat Slips without prior approval of the Board of Directors and if given then limited to four (4) consecutive days.
  - 3.3. Owner or Tenant must reside in said unit before applying for use of a boat slip. Must have all the proper credentials required which can be obtained from the Dock Master. Please note, any Unit Owner that rents out their unit, automatically gives up all amenity rights to the Condominium.
  - 3.4. Article 9.7. partial...Boat boxes may NOT be installed by a Unit Owner.
  - 3.5. Article 9.14. partial...No boats, boat trailers, all-terrain vehicles, recreation vehicles, or service utility trucks shall be parked on the Condominium Property without prior written approval of the BOD. This restriction does not apply to pick-up trucks parked temporarily on the Common Elements by workmen or subcontractors, non-commercial pick-up trucks owned by Unit Owners or their tenants. Commercial advertising of any kind shall be prohibited.
  - 3.6. Utility Services
    - 3.6.1. The Association will pay for, as a Common Expense, all charges for water, sewer, electrical, irrigation, and extermination services as they pertain to Common Elements. Boat Slips/Docks are Common Elements.
    - 3.6.2. GFI electrical convenience outlets may be provided near boat slips/docks for the incidental use of the owners occupying the boat slips. This power is for the intermittent use of battery chargers and power tools only. A permanent or continuous connection to battery chargers, air conditioners, heaters, etc. is strictly

prohibited without prior written approval of the BOD.

- 3.6.3. Unit Owners desiring additional electrical service to their boat may, upon approved application to the BOD, install and pay for private electrical service from their individual unit's meter or a separate meter to their designated slip. Such service shall be permitted by the proper authority and installed by a licensed electrician. Final installation shall be approved by the Board, and Dock Master prior to installation or use.
  - 3.6.4. Common Element hose bibs supplying water may be provided near boat slips/docks for the incidental use of Owners in washing down or maintaining their boats. The use of common element water to cool onboard air-conditioning units and or provide continuous onboard water service is strictly prohibited.
  - 3.6.5. Pump-out service is not provided at the boat slips and all boats with permanent toilets installed shall have a holding tank(s) of sufficient size to accommodate the discharge from the toilet(s). The use of flow through discharge devices of any kind are strictly prohibited in the Marina due to our location at the dead end of the canal. Boats with an approved Coast Guard flow-thru devise shall secure the device while in our Marina.
4. Designation of Boat Slips
- 4.1. The boat dock plans submitted to the Corps. Of Engineers for permitting consist of the following: (see attached master drawing sheet 5/6)
    - 4.1.1.1. One 5' wide dock outside of the West mangroves 185' long (slips 1, 2, 3)
    - 4.1.1.2. One 5' wide by 55' long dock perpendicular to the sea wall at the end of the West mangroves.
    - 4.1.1.3. Five 4' wide by 55' long finger piers with mooring piles for 10 slips approximately 14' wide, numbered 4-14.
    - 4.1.1.4. Four alongside slips 78' and 65' numbered 15, 16, 17 & 18.
  - 4.2. Boat Slips, or a portion thereof, shall be designated by the Dock Master and BOD, upon request and approval.
  - 4.3. No owner's or tenant's boats will be allowed in the marina until an application has been submitted and approved. All boats must be registered, documented and insured. Copies of registration and insurance shall be provided to the Dock Master and Board of Directors.
  - 4.4. Slips may only be designated when an owner or his tenant has properly registered his/her boat, has submitted a Request for a Slip, and is prepared to physically put the boat in the slip. Slips will not be designated for "future" boats.
  - 4.5. Every effort will be made to accommodate the Owners desires regarding location of the slip designated to their boat. Slips may be designated based on the receipt of the application approved by the BOD. Only boats owned by Owners, or their tenants, at Shipyard Villas may qualify for a slip. Slips may not be rented, leased, or loaned to others. Owners shall have first rights to slips, or they may relinquish their right to their tenants, but no owner and his tenant shall each have the right to the same designated slip simultaneously.

- 4.6. Slips not designated will be held by the Association for re-designation. If more boats than slips occur, a waiting list will be utilized with owners having first priority for available slips. All slips designated shall expire each year and owners shall re-apply.
- 4.7. Owners or tenants will not make physical alterations of docks, pilings, or walkways without approval of the Dock Master and BOD.
- 4.8. Designated boat slips will not pass with the sale of a unit to a new owner or owner's tenant. Any designated slip not occupied for more than one year shall revert to the pool of slips held by the Association for re-designation.
- 4.9. An initial fee of \$120 per year for any water vessel will be charged to any Owner or Tenant for the designation or use of slips. Boat Slips/Docks are a common element, paid for by all.
- 4.10. The Board of Directors and Dock Master shall have sole authority to determine the appearance of boats in the slips. Any boat in poor condition, unseaworthy, unsafe, or whose appearance reflects poorly on Shipyard Villas shall be removed at the expense of the owner. The Dock Master shall have the authority to Board, secure, move or pump-out any vessel in the Marina. Owners are responsible for securing their boats at all times.
- 4.11. No live-aboard's are allowed, except an owner may stay aboard his own boat for a period of not more than four days consecutively. Dual use of the condominium units and a boat in a slip constitutes doubling the density of the property which is illegal under county zoning regulations. Example: An owner may not stay on his boat while he rents his condominium unit or vice versa. An owner or Tenant may not rent his designated slip to others.
- 4.12. Owner's or Tenant's Boating guests may utilize an empty slip while visiting an owner/tenant for not more than four days, providing they comply with the Marina Regulations and have the approval of the Dock Master and or Board of Directors.
- 4.13. The maintenance of the walkways and docks is the responsibility of the association for the use and benefit of all owners. Any damage caused by boat owners shall be repaired or paid for by the one causing damage. Damage caused by owner's guests, Tenants, or invitees is the responsibility of the Owner.
- 4.14. Upon completion of the docks, a dock reserve account may be established to cover future maintenance and repair of the docks. All owners will pay into this account through quarterly fees.
- 4.15. The Dock Master and BOD may establish Marina Regulations pertaining to the use and enjoyment of the docks. This may include restricting fishing to specific areas, trash removal, parties on the docks, loud noise from boats or their occupants, and other regulations for the quiet enjoyment of the Marina and docks by all owners and their guests. Any issues not covered by these regulations are reserved for the Dock Master and Board of Directors.
- 4.16. Boat size shall not exceed:  
  
Length overall (LOA): 38' (Thirty-eight feet zero inches)  
Beam: 15' (Fifteen feet zero inches)  
Draft: 6' (Six feet zero inches)

PREPARED BY:  
CHENE' M. THOMPSON, ESQ.  
2030 McGregor Blvd.  
FORT MYERS, FL 33901

**CERTIFICATE OF AMENDMENT OF**  
**THE RULES AND REGULATIONS REGARDING THE BOAT DOCK AND SLIP USAGE**  
**FOR SHIPYARD VILLAS, A CONDOMINIUM**

THE UNDERSIGNED as officers of SHIPYARD VILLAS, A CONDOMINIUM, INC., a Florida non-profit corporation, do hereby certify and attest that the attached Amendments to the Rules and Regulations Regarding the Boat Dock and Slip Usage for Shipyard Villas, A Condominium originally set forth as an exhibit to the prospectus for Shipyard Villas, were duly approved, adopted and enacted by the affirmative vote of the required percentage of Board Members meeting called for that purpose for which notice was given held on the 21 day of September, 2007.

Dated this 4<sup>th</sup> day of February, 2010.

**WITNESSES:**

(Sign) Kristen Hubler  
(Print) Kristen Hubler

**SHIPYARD VILLAS,  
A CONDOMINIUM, INC.**

(Sign) Michael Collins  
(Print) Michael Collins

BY: Paul E. Courtney  
pres. as President

**STATE OF FLORIDA**

**COUNTY OF LEE**

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of February 2010 by Paul Courtney, as President of Shipyard Villas, A Condominium, Inc., a Florida non-profit corporation, on behalf of said corporation. Said person is personally known to me or has produced \_\_\_\_\_ as identification and did (did not) take an oath.



**NOTARY PUBLIC:**  
Amy L. Pankow  
STATE OF Florida (SEAL)  
My Commission Expires: 3/23/13

WITNESSES:

(Sign) [Signature]

(Print) Lee Van Tilburg

(Sign) [Signature]

(Print) Courtney Collins

SHIPYARD VILLAS,  
A CONDOMINIUM, INC.

BY: DAVID L. GLUBKA  
[Signature] as Vice President

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 11th day of February, 2010 by David Glubka, as Secretary of Shipyard Villas, A Condominium, Inc., a Florida non-profit corporation, on behalf of said corporation. Said person is personally known to me or has produced \_\_\_\_\_ as identification and did (did not) take an oath.



NOTARY PUBLIC:

Amy L. Pankow  
STATE OF Florida (SEAL)  
My Commission Expires: 2/23/13

**Rules & Regulations Regarding  
Common Element Boat Dock, and Slip Usage  
Shipyard Villas, A Condominium**

1. These regulations pertain to the undivided interest of the common elements seaward of the concrete seawall along the water side boundary of Shipyard Villas, referred to in the Documents as Boat Slips. For purpose of this document, Boat Slips may be referred to as "The Marina."
2. The Board of Directors (BOD) shall be the final authority in deciding the use and operation of the Marina. The BOD may from time to time appoint a Dock Master to represent them in administering the operation and maintenance of the Marina. The Dock Master's decisions shall be final as approved by the full BOD.
3. Condominium Documents provided to each owner upon initial purchase of their units form the basis and authority for these articles. Where the Condominium Documents refer to the Developer's authority in assigning slips, etc. that authority was transferred to the BOD when the Developer sold a majority of the units to individual owners. Specifically listed as:
  - 3.1. Boat Slip shall be Common Elements designated by the BOD or Dock Master to each owner who files an application and is approved for a slip by the Board.
  - 3.2. Summary of Restrictions, Article IX. Article 9.1. The use of the Units shall be consistent with existing laws, and the restrictions set forth in the Bylaws and shall not constitute a nuisance. Each of the Residential Units shall be occupied only by a singly family and guests, as a residence and for no other purpose. No live aboards or overnight occupancy shall be permitted within the Boat Slips without prior approval of the Board of Directors and if given then limited to four (4) consecutive days.
  - 3.3. Boat lifts and boat canopies are strictly prohibited.
  - 3.4. Article 9.7. partial...Boat boxes may NOT be installed by a Unit Owner.
  - 3.5. Article 9.14. partial...No boats, boat trailers, all terrain vehicles, recreation vehicles, or service utility trucks shall be parked on the Condominium Property without prior written approval of the BOD. This restriction does not apply to pick-up trucks parked temporarily on the Common Elements by workmen or subcontractors, non-commercial pick-up trucks owned by Unit Owners or their tenants. Commercial advertising of any kind shall be prohibited.
  - 3.6. Utility Services
    - 3.6.1. The Association will pay for, as a Common Expense, all charges for water, sewer, electrical, irrigation, and extermination services as they pertain to Common Elements. Boat Slips/Docks are Common Elements.
    - 3.6.2. GFI electrical convenience outlets may be provided near boat slips/docks for the incidental use of the owners occupying the boat slips. This power is for the intermittent use of battery chargers and power tools only. A permanent or continuous connection to battery chargers, air conditioners, heaters, etc. is strictly prohibited without prior written approval of the BOD.

- 3.6.3. Unit Owners desiring additional electrical service to their boat may, upon approved application to the BOD, install and pay for private electrical service from their individual unit's meter or a separate meter to their designated slip. Such service shall be permitted by the proper authority and installed by a licensed electrician. Final installation shall be approved by the Board, and Dock Master prior to installation or use.
- 3.6.4. Common Element hose bibs supplying water may be provided near boat slips/docks for the incidental use of Owners in washing down or maintaining their boats. The use of common element water to cool onboard air conditioning units and or provide continuous onboard water service is strictly prohibited.
- 3.6.5. Pump-out service is not provided at the boat slips and all boats with permanent toilets installed shall have a holding tank(s) of sufficient size to accommodate the discharge from the toilet(s). The use of flow through discharge devices of any kind are strictly prohibited in the Marina due to our location at the dead end of the canal. Boats with an approved Coast Guard flow-thru devise shall secure the device while in our Marina.

#### 4. Designation of Boat Slips

- 4.1. The boat dock plans submitted to the Corps. Of Engineers for permitting consist of the following: (see attached master drawing sheet 5/6)
  - 4.1.1.1. One 5' wide dock outside of the West mangroves 185' long (slips 1, 2, 3)
  - 4.1.1.2. One 5' wide by 55' long dock perpendicular to the sea wall at the end of the West mangroves.
  - 4.1.1.3. Five 4' wide by 55' long finger piers with mooring piles for 10 slips approximately 14' wide, numbered 4-14.
  - 4.1.1.4. Four alongside slips 78' and 65' numbered 15, 16, 17 & 18.
- 4.2. Boat Slips, or a portion thereof, shall be designated by the Dock Master and BOD, upon request and approval.
- 4.3. No owner's or tenant's boats will be allowed in the marina until an application has been submitted and approved. All boats must be registered, documented and insured. Copies of registration and insurance shall be provided to the Dock Master and Board of Directors.
- 4.4. Slips may only be designated when an owner or his tenant has properly registered his/her boat, has submitted a Request for a Slip, and is prepared to physically put the boat in the slip. Slips will not be designated for "future" boats.
- 4.5. Every effort will be made to accommodate the Owners desires regarding location of the slip designated to their boat. Slips may be designated based on the receipt of the application approved by the BOD. Only boats owned by Owners, or their tenants, at Shipyard Villas may qualify for a slip. Slips may not be rented, leased, or loaned to others. Owners shall have first rights to slips, or they may relinquish their right to their tenants, but no owner and his tenant shall each have the right to the same designated slip simultaneously.

- 4.6. Slips not designated will be held by the Association for re-designation. If more boats than slips occur, a waiting list will be utilized with owners having first priority for available slips. All slips designated shall expire each year and owners shall re-apply.
- 4.7. Owners or tenants will not make physical alterations of docks, pilings, or walkways without approval of the Dock Master and BOD.
- 4.8. Designated boat slips will not pass with the sale of a unit to a new owner or owner's tenant. Any designated slip not occupied for more than one year shall revert to the pool of slips held by the Association for re-designation.
- 4.9. An initial fee of \$120 per year for any water vessel will be charged to any Owner or Tenant for the designation or use of slips. Boat Slips/Docks are a common element, paid for by all.
- 4.10. The Board of Directors and Dock Master shall have sole authority to determine the appearance of boats in the slips. Any boat in poor condition, unseaworthy, unsafe, or whose appearance reflects poorly on Shipyard Villas shall be removed at the expense of the owner. The Dock Master shall have the authority to Board, secure, move or pump-out any vessel in the Marina. Owners are responsible for securing their boats at all times.
- 4.11. No live-aboard's are allowed, except an owner may stay aboard his own boat for a period of not more than four days consecutively. Dual use of the condominium units and a boat in a slip constitutes doubling the density of the property which is illegal under county zoning regulations. Example: An owner may not stay on his boat while he rents his condominium unit or vice versa. An owner or Tenant may not rent his designated slip to others.
- 4.12. Owner's or Tenant's boating guests may utilize an empty slip while visiting an owner/tenant for not more than four days, providing they comply with the Marina Regulations and have the approval of the Dock Master and or Board of Directors.
- 4.13. The maintenance of the walkways and docks is the responsibility of the association for the use and benefit of all owners. Any damage caused by boat owners shall be repaired or paid for by the one causing damage. Damage caused by owner's guests, Tenants, or invitees is the responsibility of the Owner.
- 4.14. Upon completion of the docks, a dock reserve account may be established to cover future maintenance and repair of the docks. All owners will pay into this account through quarterly fees.
- 4.15. The Dock Master and BOD may establish Marina Regulations pertaining to the use and enjoyment of the docks. This may include restricting fishing to specific areas, trash removal, parties on the docks, loud noise from boats or their occupants, and other regulations for the quiet enjoyment of the Marina and docks by all owners and their guests. Any issues not covered by these regulations are reserved for the Dock Master and Board of Directors.
- 4.16. Boat size shall not exceed:  
  
Length overall (LOA): 38' (Thirty-eight feet zero inches)  
Beam: 15' (Fifteen feet zero inches)  
Draft: 6' (Six feet zero inches)