

BERN CREEK IMPROVEMENT ASSOCIATION, INC.

Special Membership Meeting

To:

ALL MEMBERS OF THE BERN CREEK IMPROVEMENT ASSOCIATION

NOTICE IS HEREBY GIVEN THAT A SPECIAL MEETING FOR THIS ASSOCIATION SHALL BE HELD IN ACCORDANCE WITH THE FLORIDA STATUTES 720. ON THE DATE, HOUR, AND PLACE BELOW:

DATE: Tuesday September 17, 2019
HOUR: 7:00 PM
PLACE: Bethel Church: 2985 Bethel Ln, Sarasota, FL 34240

SPECIAL MEMBERSHIP MEETING AGENDA

- a. Call the meeting to order**
- b. Certify a quorum of the Members**
- c. Proper Meeting Notice**
- d. New Business**
 - 1. Discuss Proposed Amendments**
 - 2. Membership to vote**
 - 3. Announce Results**
- e. Adjournment**

BERN CREEK IMPROVEMENT ASSOCIATION

Dear Neighbors,

The original governing documents of Bern Creek were created in 1985 with the most recent amendment to the Deed Restrictions being in 1992. Some of these restrictions need updating and some simply need to be defined more clearly. A Document Committee was formed for the purpose of working on updating all of the documents and it has been agreed upon that the focus for 2019 will be completing the work on the Deed Restrictions.

It has been part of the history of this community to keep it as country as possible, casual yet respectful, while maintaining or increasing the general property value. In order to do this - to change as little as possible while still making updates - the Document Committee has tried to keep the Deed Restriction changes to a minimum. In addition to the changes you see below, there is a new amendment to allow for a fourth document to be made (Amendment #24). This document, titled Rules and Regulations, would be made to allow for clarification of already existing deed restrictions. It would in no way allow the Board to make new restrictions or change the existing ones.

There will be a meeting at the Bethel Mennonite Church, 2985 Bethel Lane, Sarasota, on September 17, 2019 at 7:00pm to vote on these changes to the Deed Restrictions. A majority vote is necessary for any of the proposed amendments to pass. If for some reason you are unable to attend, you may return your signed vote - or proxy allowing another to vote for you - to the management company, RCM. Each change is voted on separately. The enclosed amendment changes have both the current wording and the new wording using the underline/strikethrough method to show changes.

IMPORTANT INFO FOR YOUR VOTE TO BE PROPERLY RECORDED:

IF YOU ARE ATTENDING THE MEETING:

1. Review the proposed amendments in the enclosed packet (starts on page 2 of the proxy)
2. Ballots will be distributed at the meeting to record your vote

IF YOU ARE NOT ATTENDING THE MEETING:

1. Review the proposed amendments in the enclosed packet (starts on page 2 of the proxy)
2. Complete your proxy in full:
 - a. Fill out who your proxy holder is on page 1
 - b. Read each amendment carefully and vote YES if you are in favor of the change or vote NO if you are against.
 - c. Please circle your answers clearly. If it is not clear what your selection is, the vote for that amendment will not count
 - d. Sign the last page of your proxy
 - e. Return the proxy in the envelope provided.

Contact Alex Turner with RCM Management at 941-359-3569 or any Board member if you have questions on your ballot

**LIMITED PROXY BERN CREEK
IMPROVEMENT ASSOCIATION INC**

**PROPOSED AMENDMENTS TO THE RESTATED DECLARATION
OF RESTRICTIONS OF THE RANCHES AT BERN CREEK**

The undersigned, being either all of the owners of, or the person designated to vote by the owners of the property described below in the Bern Creek Improvement Association, hereby designate and appoint Mr./Ms. _____ as my Proxy holder to attend and vote as described herein at the meeting of the members of the Bern Creek Improvement Association, Inc., currently scheduled to take place at 7:00 PM on September 17, 2019, at the location of Bethel Mennonite Church, 2985 Bethel Lane, Sarasota. The Proxy holder named above shall be counted toward achieving a quorum and has the authority to vote and act for me to the same extent that I would if personally present as set forth below, with power of substitution, as described below.

LIMITED POWERS (FOR YOUR VOTE TO BE COUNTED ON THE FOLLOWING ISSUES, YOU MUST INDICATE YOUR PREFERENCE IN THE BLANK(S) PROVIDED BELOW). I SPECIFICALLY AUTHORIZE AND INSTRUCT MY PROXY HOLDER TO CAST MY VOTE IN REFERENCE TO THE FOLLOWING MATTERS AS INDICATED BELOW:

The Declaration of Restrictions of The Ranches at Bern Creek ("Declaration") was recorded in Book 1790, Pages 2736, et seq., as amended, of the Public Records of Sarasota County, Florida. Any amendment to the Declaration requires the written approval of the owners of not less than a majority of the lots at a duly noticed membership meeting at which a quorum of the membership is attained.

New language is indicated by underlined type. Removed language is indicated by ~~stricken through~~ type.

Please check "Yes" or "No" on the proposed amendments.

The proposed Amendments are as follows:

The current Paragraph 2 of the Declaration is amended in the following manner:

2. Construction of a residence is governed by the following:

(a) No lot shall be subdivided.

(b) No residence shall be constructed on a parcel of land containing less than five (5) acres. No construction of a building or structure shall be commenced until plans and specifications shall have been submitted to the Bern Creek Improvement Association, Inc., its successors or assigns, for approval and approval has been given in writing. In the event proposed construction does not violate any of the restrictions ~~proved~~provided for herein and there are no substantial reason for withholding consent, approval shall be promptly granted.

YES

NO

**LIMITED PROXY BERN CREEK
IMPROVEMENT ASSOCIATION INC**

The current Paragraph 6 of the Declaration is amended in the following manner:

6. ~~No structures shall be moved onto any parcel of land. No temporary dwellings, including trailers, mobile homes, and storage facilities~~ buildings shall be brought upon any parcel of land except contractor's trailers, ~~with~~ and sanitary facilities to be used during the reasonable period of construction ~~of a dwelling~~.

Buildings, including sheds, that are brought onto a parcel of land must be made permanent. As with all permanent buildings, such buildings must be reviewed in advance by the Architectural Review Committee. Approval of that Committee will be contingent on all of the normal requirements of a building [as stated in Paragraph 5, above], including, but not limited to, being fastened to a concrete foundation, and will be counted as one (1) of the two (2) allowed additional buildings on a parcel.

YES

NO

The current Paragraph 7 of the Declaration is amended in the following manner:

7. All fences facing a paved road shall be constructed of ~~CCA~~ pressure treated boards and wooden posts and be of uniform design and approved by the association. Such fence shall be constructed by the lot owner within sixty (60) days of receiving a certificate of occupancy. In the even the lot owner fails to comply with this provision, the fence shall be constructed by the Bern Creek Improvement Association, Inc. and the charge therefore assessed to the lot owner as provided herein. All such fences shall be constructed ten (10) feet back from the road Right-of-Way along the front lot line. All such fences shall not be painted or stained.

YES

NO

The current Paragraph 11 of the Declaration is amended in the following manner:

11. Commercial, and recreational vehicles, including but not limited to campers, ~~tractors, motorhomes, recreational vehicles (RVs), mobile homes,~~ trailers, off the road vehicles, inoperable vehicles, dump trucks, draglines, dune buggies and boats, must either be placed in enclosed structures, walled areas, or must be so located on the lot so as to be screened from view from roadways and adjoining properties by shrubbery or natural vegetation. This screening must block from view eighty percent (80%) or more of said vehicle. RVs, mobile homes, campers, and any other such vehicles which include living areas, shall not be lived in or hooked up to utilities. There shall be no junk, trash, or debris on a lot, nor shall any unsightly objects of any nature shall be stored on the lots, and all lots shall be in compliance with Sarasota County Code unless said objects are completely screened from view from roadways and adjoining properties.

YES

NO

**LIMITED PROXY BERN CREEK
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The current Paragraph 12 of the Declaration is amended in the following manner:

~~12. No firearms, air rifles, BB guns or like devices shall be discharged, fired, shot or otherwise used on any lot or area within the subdivision.~~

YES

NO

The current Paragraph 18 of the Declaration is amended in the following manner:

~~18. This Declaration Restrictions may be modified at any time by an instrument in writing signed and acknowledged by the then owners of a majority of the lots within the subdivision. The owners of the lots hereby appoint the Bern Creek Improvement Association, Inc. as their agent until buildings are constructed on each and every lot in the subdivision for the purpose of making minor changes in these restrictions.~~

YES

NO

The current Paragraph 20 of the Declaration is amended in the following manner:

20. No signs of any kind shall be displayed to the public view on any lot except the following:

(a) During the course of construction of or improvements, the general contractor may erect a construction sign no more than four (4) square feet in size containing the name of the builder, the job number and phone number, which sign shall be promptly removed when the ~~certificate of occupancy is issued~~ project is completed.

(b) For sale signs of the owner or his agent for the sale of a parcel ~~on which a home has been completed which shall also contain vacant lots. For sale signs shall be restricted to a single~~ two (2) signs per lot. The size shall not exceed approximately four (4) square feet.

YES

NO

The current Paragraph 23 of the Declaration is amended in the following manner:

~~23. Loading or unloading of heavy equipment shall be done on owner's property and not on roadways. Individual lot owners will be held responsible for damages to roadways caused by the owner's construction activities. Repairs shall be made the Association and the individual lot owners assessed for the cost thereof.~~

YES

NO

**LIMITED PROXY BERN CREEK
IMPROVEMENT ASSOCIATION INC**

A new Amendment 24 of the Declaration is created in the following manner:

24. The Board has the authority to adopt and amend reasonable rules and regulations. This may be done only to allow for clarification of Deed Restrictions already in place. Notice of any Board meeting in which such rules and regulations are to be adopted or amended shall be made in compliance with Florida law.

YES

NO

All other sections remain unchanged.

CONTINUE TO SIGNATURE PAGE

Date: _____ x _____
Signature of Owner(s) or Lot Designee

Printed Name: _____ Address: _____