

JONATHAN'S COVE ASSOCIATION, INC.
RULE AND REGULATION NO. 3 –
HURRICANE POLICY AT JONATHAN'S COVE¹

1. Purpose: Jonathan's Cove Association, Inc. (hereinafter, "Association"), by and through its Board of Directors (hereinafter, "BOD"), is charged with the maintenance, upkeep, appearance, safety and welfare of Jonathan's Cove (hereinafter "Community"). The Association, by and through its BOD, is required to enforce and comply with all statutes, laws, ordinances, rules and regulations imposed upon the Association and Community by federal, state and local governmental authorities, as well as the Association's governing documents. In order to promote clarity of Association policy and to ensure uniformity amongst Units regarding the use, installation and removal of hurricane panels and shutters within the Community and to assist Units in preparing for a tropical storm or hurricane event, the BOD hereby adopts this rule and regulation regarding: (a) the type of hurricane panels and shutters that will be approved by the Association; (b) the use, installation and removal of hurricane panels and shutters when a tropical storm or hurricane event occurs at the Community; and, (c) additional preparatory measures for Units when a tropical storm or hurricane event occurs at the Community.

2. Legal Authority: Section 5, Maintenance of the Subject Property, Section 6, Architectural Control for Exterior Changes, Section 8, Insurance, Section 9, Reconstruction or Repair After Casualty, and Section 11, Assessment for Common Expenses, Declaration of Covenants and Restrictions of Jonathan's Cove; Sections 3.2.3 and 3.2.4, Powers and Duties, Articles of Incorporation of Jonathan's Cove Association, Inc.; and, Section 5.19, Powers and Duties, Bylaws of Jonathan's Cove Association, Inc.

3. Scope. This Rule and Regulation No. 3 – Hurricane Policy at Jonathan's Cove, clarifies and further supplements the aforementioned sections of the governing documents listed in Paragraph 2 above.

a. Type of Hurricane Panels and Shutters Approved for the Community. Only two (2) types of hurricane shutters will be approved by the Association:

(i) Removable Hurricane Panels that were originally issued with the Unit or removable hurricane panels of the same style, type, color and design as the originally-issued removable hurricane panels that are subsequently purchased for the Unit by the Unit owner.

(ii) Accordion-Type Shutters that are permanently mounted on a Unit over a Unit's windows and patio sliding glass doors. The only color of accordion shutters that is authorized in the Community is crème color.

(iii) A Unit owner must obtain Association approval of any proposed removable hurricane panels or accordion-type shutters prior to the purchase and

¹ A copy of this Rule and Regulation No. 3 is maintained at the Association's property management company in accordance with Section 720.303(4)(e), Florida Statutes, and Section 1.5, Inspection of Books and Records, Bylaws of Jonathan's Cove Association, Inc.

installation of the panels/shutters. The Unit owner must submit an Architectural Review Form to the Association for review and approval of the proposed panels/shutters.

(iv) Any proposed removable hurricane panels or accordion-type shutters must meet existing Miami-Dade construction standards for panels/shutters then in effect at the time the Unit owner submits the Architectural Review Form to the Association. The Owner must submit evidence with the Architectural Review Form that the proposal complies with then-existing construction standards, such as an affidavit from the proposed contractor or other contract information. The installer must be licensed and insured in accordance with Florida law.

(v) A Unit owner must obtain any necessary permits from local governmental authorities for installation of permanently mounted hurricane shutters.

(vi) The Association reserves the right to deny any Architectural Review Form request regarding hurricane panels/shutters that does not comply with the aforementioned requirements.

b. Hurricane Threat Level Information. Official Hurricane Season here in Florida runs from June 1 through November 30 of each year. The Saffir-Simpson Hurricane Scale establishes the threat level of windstorms and hurricane events:

- (i) **Tropical Storm** – Winds 39-73 mph;
- (ii) **Category 1 Hurricane** – Winds 74-95 mph (64-82 kt);
- (iii) **Category 2 Hurricane** – Winds 96-110 mph (83-95 kt);
- (iv) **Category 3 Hurricane** – Winds 111-130 mph (96-113 kt);
- (v) **Category 4 Hurricane** – Winds 131-155 mph (114-135 kt);
- (vi) **Category 5 Hurricane** – Winds 156 mph and above (135+ kt).

c. Installation of Removable Hurricane Panels/Closure of Accordion Shutters. Unit owners and occupants may only install their removable hurricane panels and close their accordion shutters when the National Weather Service has announced a Tropical Storm Watch for the Palm Beach County/City of West Palm Beach area in accordance with the following:

(i) Tropical Storm, Category 1 and Category 2 Hurricane Threats. While optional, the Association strongly encourages all owners and occupants to install their Unit's panels and close their Unit's shutters when a tropical storm or these categories of hurricanes are threatening our Community's area. Given that it is typical for a Category 1 hurricane to strengthen to a Category 2 hurricane as the hurricane approaches land (similarly for Category 2 hurricane strengthening to a Category 3 hurricane), owners and occupants are strongly encouraged to install

their Unit's panels and close their Unit's shutters when these types of hurricanes threaten our Community.

(ii) Category 3 Hurricane and Above Threats. The Association requires all owners and occupants to install their Unit's panels and close their Unit's shutters when a Category 3 Hurricane or above threatens our Community's area. For the safety and welfare of the Community's residents, as well as to protect the integrity of the Community's buildings to the maximum extent practicable during these types of hurricanes, there are no exceptions to this policy.

d. Securing of Personal Property Items and Unit Trash Containers.

(i) Personal Property Items. In addition to installing a Unit's hurricane panels or closing of a Unit's hurricane shutters when a tropical storm or hurricane is threatening our Community as outlined above, every Unit shall retrieve any personal property items in and around the exterior of the Unit which may become or have a tendency of becoming projectiles during a tropical storm or hurricane event or that may otherwise cause damage to the Unit, a neighboring Unit or to the Community's common property. These types of items must be retrieved, secured and stored in the interior of a Unit, a Unit's garage or a Unit's storage closet (for non-garaged units) in preparation of a tropical storm or hurricane event. While not an exhaustive list, such items include: hanging plants on patios; potted plants located on patios, at front entrance areas or any other area surrounding a Unit; children's toys; bicycles; patio chairs, tables or other types of patio furniture; charcoal or gas grills; and, decorative statues.

(ii) Unit Trash Containers. Trash containers have a high probability of becoming projectiles during a windstorm event. Garaged units must continue to store their Unit's trash container inside their garage in accordance with the Association's garbage and trash policy (Jonathan's Cove Rule & Regulation No. 2). Non-garaged units must remove their Unit's trash container from the Unit's patio and store their Unit's trash container inside their Unit's patio storage closet (or in the interior of the Unit). As a reminder, the City of West Palm Beach trash container assigned to a Unit is, and remains, the property of the City of West Palm Beach. The City of West Palm Beach will charge the Unit for the cost of replacing a Unit's trash container that is damaged or otherwise destroyed during a tropical storm or hurricane event.

(iii) Damage caused by a Unit's failure to secure personal property items and trash containers. If a Unit fails to take the necessary precautionary measures as outlined in Paragraphs 3d(i) and 3d(ii) above, and the Unit's personal property or trash container causes damage(s) to the Unit, another Unit or the Community's common property, the Unit owner or tenant shall be responsible for any repair or reconstruction, irrespective of whether the Unit owner or tenant has any type of insurance policy to cover the cost of repair or reconstruction. The Association reserves the right to perform any repair or reconstruction if the Unit owner or tenant fails to repair or reconstruct, and the Association shall charge the Unit for the cost of any repair or reconstruction.

e. Removal of Removable Hurricane Panels/Opening of Accordion Shutters. Removable Hurricane Panels must be removed and Accordion Shutters opened within three (3) days after passage of a tropical storm or hurricane event.

f. Reconstruction/Repair caused by Tropical Storm/Hurricane Event. Except as outlined in Paragraph 3d(iii) above, any necessary reconstruction and repairs to the Community's buildings, Units and common areas will be reconstructed and repaired in accordance with the law, any Association insurance policy or policies, any insurance policy or policies purchased by a Unit, and the Association's governing documents then in effect at the time of the tropical storm or hurricane event.

4. Enforcement of Violations. Any Unit, Unit owner or Unit occupant in violation of the Association's governing documents and this Rule and Regulation No. 3, Hurricane Policy, will be subject to sanctions, including, but not limited to, fining, suspension of Community privileges, tenant eviction and any other legal action authorized and permitted under the Association's governing documents and Florida law.

5. Conflicts. In the event of any conflict, the Declaration of Covenants and Restrictions of Jonathan's Cove, the Articles of Incorporation of Jonathan's Cove Association, Inc., the Bylaws of Jonathan's Cove Association, Inc., and this Rule & Regulation No. 3, Hurricane Policy at Jonathan's Cove, shall govern, in that order.

6. BOD Adoption. The BOD approved and adopted this Rule and Regulation No. 3 at its regularly-scheduled monthly BOD meeting on July 14, 2009.² By adopting this Rule and Regulation No. 3, the BOD hereby directs its property management company, C.A.S. Realty Management, LLC, to mail a copy of this Rule and Regulation No. 3 to all current owner's and occupant's addresses on record with the Association.

7. Binding Effect and Amendment. This Rule and Regulation No. 3 shall apply to and bind all current and future owners and occupants of the Community. This Rule and Regulation No. 3 may only be modified or amended in writing by the Association's BOD, and duly approved and adopted by the BOD of the Association. The Community's owners and occupants will be notified of any future amendments or modifications to this Rule and Regulation No. 3 in writing.

8. Questions. If any Community owner or occupant has any questions about this Rule and Regulation No. 3, please contact the Association's property management company, C.A.S. Realty Management, LLC, 1901 S. Congress Avenue, Suite 480, Boynton Beach, Florida 33426, phone number 561-994-1788.

Rule and Regulation No. 3 duly approved and adopted by the BOD on July 14, 2009.

² The official minutes of the July 14, 2009 BOD meeting approving and adopting this Rule and Regulation No. 3 are maintained at the Association's property management company in accordance with Section 720.303(4)(f), Florida Statutes, and Section 4.10, Minutes, Bylaws of Jonathan's Cove Association, Inc.