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## Memo

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**To:** Board of Directors  
King Mountain Condominium Association, Inc.

**From:** Jacob E. Ensor, Esq.

**Subject:** Amendment to the Second Amended and Restated Declaration  
Amendments to the Second Amended and Restated Bylaws

**Date:** May 23, 2023

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Enclosed for your safekeeping is the original Amendments to the Second Amended and Restated Declaration and Bylaws for your Association that has been recorded in the Martin County Public Records. We have retained a copy for our file.

Should you have any questions, please do not hesitate to call.

JEE/ml

ORIGINAL AMENDMENTS  
TO CONDO. DOCS - 5-30-23  
Capital contributions  
Finance comm.  
Amending Docs



**CERTIFICATE OF AMEN**  
**TO THE**  
**SECOND AMENDED AND RESTATED DECLARATION**  
**OF CONDOMINIUM OF**  
**KING MOUNTAIN CONDOMINIUM**

The Declaration of Condominium of King Mountain Condominium has been recorded in the public records of Martin County, Florida at Official Records Book 325, Page 255, et. seq., and amended at OR Book 388, Page 1279, et. seq., OR Book 478, Page 249, et. seq., OR Book 521, Page 1150, et. seq., OR Book 541, Page 2061, et. seq., OR Book 566, Page 2427, et. seq., OR Book 568, Page 1673, et. seq., OR Book 598, Page 1574, et. seq., OR Book 615, Page 877, et. seq., OR Book 677, Page 823, et. seq., OR Book 735, Page 1173, et. seq., OR Book 802, Page 1461, et. seq., OR Book 902, Page 1583 et. seq., and amended and restated at OR Book 1175, Page 839 et. seq. and further amended at Official Records Book 1905, Page 971, et. seq., OR Book 2040, Page 2516, et. seq., OR Book 2261, Page 620, et. seq., OR Book 2541, Page 2396, et. seq., OR Book 2635, Page 371, et. seq., OR Book 2640, Page 6, et. seq., and OR Book 2687, Page 1165 et. seq., OR Book 2720, Page 1499, et. seq., and amended and restated a second time at OR Book 2914, Page 2139; and amended at OR Book 3046, Page 277 et. seq. and OR Book 3056, Page 1014, et. seq. The same Second Amended and Restated Declaration of Condominium of King Mountain is hereby amended as approved by a majority of all unit owners.

1. **Article IX, Section 9.5 is deleted in its entirety.**

**(The remaining provisions in Article IX remain unchanged.)**

2. The foregoing amendment to the Second Amended and Restated Declaration of Condominium of King Mountain Condominium was approved by a majority of all unit owners.

3. All provisions of the Second Amended and Restated Declaration of Condominium of King Mountain Condominium are herein confirmed and shall remain in full force and effect, except as specifically amended herein.

IN WITNESS WHEREOF, the undersigned has caused these presents to be signed in its name by its President, its Secretary and its corporate seal affixed this 17 day of May 2023.

WITNESSES AS TO PRESIDENT:

KING MOUNTAIN CONDOMINIUM  
ASSOCIATION, INC.

Printed Name: Peggy O'Keefe

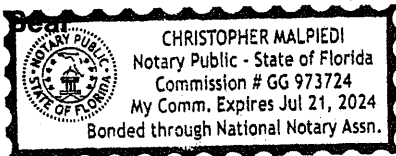
By: Pamela J. Cabanski V.P., President

Printed Name: Grace Malpiedi

STATE OF FLORIDA  
COUNTY OF MARTIN

The foregoing instrument was subscribed, sworn, and acknowledged before me by means of ☒ physical appearance or ☐ online notarization, by Pamela J. Cabanski, as ☒ President of King Mountain Condominium Association, Inc. ☒ who is personally known to me, or ☐ who has produced identification [Type of Identification: \_\_\_\_\_] this 17 day of May 2023.

Notarial Seal



[Signature]  
Notary Public

WITNESSES AS TO SECRETARY:

KING MOUNTAIN CONDOMINIUM  
ASSOCIATION, INC.

Printed Name: Peggy O'Keefe

By: Diane McIntyre Secretary

Printed Name: Grace Malpiedi

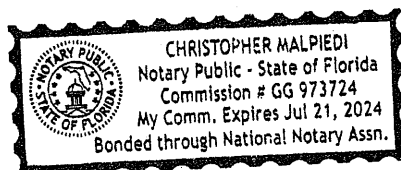
**CORPORATE  
SEAL**



STATE OF FLORIDA  
COUNTY OF MARTIN

The foregoing instrument was subscribed, sworn, and acknowledged before me by means of ☒ physical appearance or ☐ online notarization, by Diane McIntyre, as Secretary of King Mountain Condominium Association, Inc. ☒ who is personally known to me, or ☐ who has produced identification [Type of Identification: \_\_\_\_\_] this 17 day of May 2023.

Notarial Seal



[Signature]  
Notary Public



**CERTIFICATE OF AMEND**  
**TO THE**  
**SECOND AMENDED AND RESTATED BYLAWS**  
**OF**  
**KING MOUNTAIN CONDOMINIUM ASSOCIATION, INC.**

The Bylaws of King Mountain Condominium Association, Inc. were recorded in the public records of Martin County, Florida at Official Records Book 325, Page 325, et. seq., Amended and Restated at Official Records Book 1081, Page 1343, et. seq., and amended at Official Records Book 2040, Page 2521, et. seq., Official Records Book 2329, Page 796, et. seq., Official Records Book 2365, 1637 et. seq., Official Records Book 2446, Page 140, et. seq., Official Records Book 2577, Page 2131, et. seq., and Official Records Book 2703, Page 2501; and Amended and Restated a second time at Official Records Book 2914, Page 2209 et. seq. The Second Amended and Restated Bylaws are hereby amended as approved by a majority of all unit owners.

1. **Article VIII, Section 6 is amended to read as follows:**

Section 6. FINANCE COMMITTEE There shall be a Finance committee to advise the Board of Directors concerning the formation, accumulation, safe-guarding and disposition of the non-operating Reserve Funds. The Finance Committee, when required by the Board, will develop long range financial planning including adequate reserves formation, cash requirements forecasting, and similar functions affecting restricted Capital and Reserve Funds. Prior to making decisions in regard to borrowing, transferring, or not fully funding Reserve Funds the Board of Directors shall request the advice of the Finance Committee. The Finance Committee will, when required by the Board, review and comment to the Board the utilization and disposition of non-operating funds.

The Finance Committee shall be a Standing Committee to be appointed and responsible to the Board as a whole, and shall be limited in number to seven members, all of whom shall be owners or owners' spouses. Each Finance Committee member will for a three year term and may succeed themselves. The terms shall be staggered so that no more than two or three members are appointed each year.

The Finance Committee will elect its own Chairperson, who may not be the Director member, and determine the rules under which it will operate. A member of the committee may be removed by a majority vote of the Board. Should a member resign or be removed, the Board shall appoint a new member to fill the unexpired term for the class in which the vacancy occurs.

(The remaining provisions in Article VIII remain unchanged.)

2. **Article X and XII are amended to read as follows:**

ARTICLE X  
PARKING

At the time of the purchase of the member's unit, member was specifically assigned one open parking space. The Association shall have the right to assign and control all unassigned parking so long as Association does not interfere with, alter or change the previously made Developer's assignments. Parking spaces may be transferred and swapped only among the various unit owners, when submitted in writing to the Association, but every apartment must at all times have one parking space which belongs to it and is transferable at the time of the sale or transfer of the apartment. Maintenance of the parking area is declared to be a common expense, and the expenses incident to the same shall be divided among all of the unit owners as are other common expenses. Except as provided below, parking spaces are for passenger vehicles only (dimensions not to exceed 220 inches in length and/or 70 inches from top of roof to ground). Vehicles which are strictly prohibited are vehicles exceeding 220 inches in length and/or 70 inches from top of roof to ground, pick-up trucks, any vehicle with an open bed, trucks, motor homes, mopeds, motorcycles, all trailers, boats, and autos with portable roof top carriers.

~~These By-Laws may be amended with the approval of a majority of all condominium unit owners. Approval may be secured at any regular or special meeting of the Association through votes cast by written ballots in person, or by proxy, or by written agreement without meeting. Written notice of the proposed changes or additions to these By-Laws shall be given to each member of the Association at least fourteen (14) days prior to the meeting at which approval of the proposed changes or alterations will be considered. A copy of the proposed changes shall be included in the written notice. If no members meeting will be held, the results shall be tallied and announced at the next directors' meeting which shall be held at least fourteen (14) days after the proposed changes and ballot are sent to all members.~~

~~Amendments may be proposed to all Association documents in the following manner:~~

~~(a) A written petition signed by fifteen percent (15%) of the general membership of the condominium setting forth the proposed change or addition, which petition shall be submitted in writing to the Board of Directors.~~

~~(b) May originate with any member of the Board of Directors. In either case above, the proposed amendment shall be submitted in writing to the Directors, who shall act upon the same within thirty (30) days of its presentment in writing to them. The proposed amendment will be presented to the members for approval by written consent or by a vote at a Membership Meeting.~~

ARTICLE XII  
AMENDMENT OF BY-LAWS

These By-Laws may be amended with the approval of a majority of all condominium unit owners. Approval may be secured at any regular or special meeting of the Association through votes cast by written ballots in person, or by proxy, or by written agreement without meeting. Written notice of the proposed changes or additions to these By-Laws shall be given to each member of the Association at least fourteen (14) days prior to the meeting at which approval of the proposed changes or alterations will be considered. A copy of the proposed changes shall be included in the written notice. If no members meeting will be held, the results shall be tallied and announced at the next directors' meeting which shall be held at least fourteen (14) days after the proposed changes and ballot are sent to all members.

Amendments may be proposed to all Association documents in the following manner:

(a) A written petition signed by fifteen percent (15%) of the general membership of the condominium setting forth the proposed change or addition, which petition shall be submitted in writing to the Board of Directors.

(b) May originate by majority vote of Directors at a Board meeting. In either case above, the legality of the proposed amendment shall be verified by the Association's attorney and presented to the members for approval by written consent within 90 days in case of an emergency or by a vote at the next Membership Meeting where the required 14 day notice can be met.

3. The foregoing amendments to the Second Amended and Restated Bylaws of King Mountain Condominium Association, Inc. were approved by a majority of all unit owners.

4. All provisions of the Second Amended and Restated Bylaws of King Mountain Condominium Association, Inc. are herein confirmed and shall remain in full force and effect, except as specifically amended herein.

IN WITNESS WHEREOF, the undersigned has caused these presents to be signed in its name by its President, its Secretary and its corporate seal affixed this 17 day of May 2023.

WITNESSES AS TO PRESIDENT:

KING MOUNTAIN CONDOMINIUM  
ASSOCIATION, INC.

Printed Name: Peggy O'Keefe

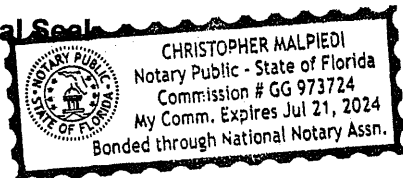
By: Pamela J. Cabanski V.P., President

Printed Name: Grace Malpiedi

STATE OF FLORIDA  
COUNTY OF MARTIN

The foregoing instrument was subscribed, sworn, and acknowledged before me by means of ☒ physical appearance or ☐ online notarization, by Pamela J. Cabanski, as President of King Mountain Condominium Association, Inc. ☒ who is personally known to me, or ☐ who has produced identification [Type of Identification: \_\_\_\_\_] this 17 day of May 2023.

Notarial Seal



[Signature]  
Notary Public

WITNESSES AS TO SECRETARY:

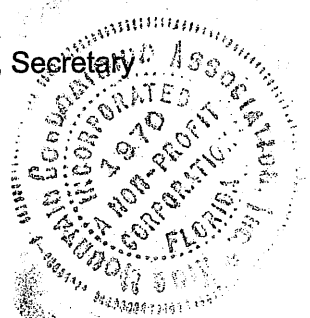
KING MOUNTAIN CONDOMINIUM  
ASSOCIATION, INC.

Printed Name: Peggy O'Keefe

By: Dane McIntyre, Secretary

Printed Name: Grace Malpiedi

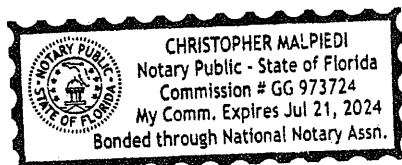
CORPORATE  
SEAL



STATE OF FLORIDA  
COUNTY OF MARTIN

The foregoing instrument was subscribed, sworn, and acknowledged before me by means of ☒ physical appearance or ☐ online notarization, by Dane McIntyre as Secretary of King Mountain Condominium Association, Inc. ☒ who is personally known to me, or ☐ who has produced identification [Type of Identification: \_\_\_\_\_] this 17 day of May 2023.

Notarial Seal



[Signature]  
Notary Public