

THE REMINGTON AT BAY COLONY, A CONDOMINIUM

EXHIBIT 'D'

RULES AND REGULATIONS

A. GENERAL RULES

1. Passenger automobiles, sport/utility vehicles, mini-trucks, vans and motorcycles (used for personal transportation and not commercially) that do not exceed the size of one parking space may be parked in the areas provided for that purpose. Garage parking spaces are assigned and no unit owner or occupants may park more than two (2) vehicles in the garage unless additional spaces have been assigned to the unit. Commercial vehicles, trucks, campers, motor homes, trailers, boats and boat trailers are prohibited. Bicycles and mopeds shall be parked only in the bike storage areas or as may otherwise be designated by the Directors. Vehicle maintenance, except car washing in the designated area, is not permitted on the Condominium property. All vehicles must be currently licensed and no inoperable or unsightly vehicles may be kept on condominium property. Provided that the Developer shall be exempt from this regulation for vehicles which are engaged in any activity relating to construction, maintenance or marketing of units, as are commercial vehicles used by vendors of the Association while engaged in work at the condominium.

2. Recreational facilities will be used in such a manner as to respect the rights of others, and the Directors may regulate duration of use, hours of opening and closing and schedule their use.

3. No exterior radio, television or data reception antenna or any exterior wiring for any purpose may be installed without the written consent of the Directors.

4. To maintain harmony of exterior appearance no one shall make any changes to, place anything upon, affix anything to or exhibit anything from any part of the Condominium or Association property visible from the exterior of the building or from common elements without the prior written consent of the Directors. All curtains, shades, drapes and blinds shall be white or off-white in color or lined with material of these colors. Balcony tile and floor covering colors must be approved by the Board.

5. All common elements inside and outside the buildings will be used for their designated purposes only, and nothing belonging to unit owners, their family, tenants or guests shall be kept therein or thereon without the approval of the Directors, and such areas shall at all times be kept free of obstruction. Owners are financially responsible to the Association for damage to the common elements caused by themselves, their tenants, guests and family members.

6. One dog no more than 15 inches tall at the shoulder at maturity, or two cats and no more than 2 birds, tropical fish and other customary non-exotic (snakes are prohibited) quiet and inoffensive household pets not being kept or raised for commercial purposes shall be permitted upon the following conditions:

a. No pets shall be permitted in the pool area, leashed or unleashed.

b. Elsewhere on the common elements and Bay Colony common property, pets shall be under hand-held leash or carried at all times.

c. Messes made by pets must be removed by owners or handlers immediately. The Directors shall designate the portions of the property which shall be used to accommodate the reasonable requirements of unit owners who keep pets.

d. Pets that are vicious, noisy or otherwise unpleasant will not be permitted in the Condominium. In the event that a pet has become a nuisance

or unreasonably disturbing in the opinion of the Board of Directors, written notice shall be given to the owner or other person responsible for the pet and the pet must be removed from the condominium property within three (3) days.

e. Guests and tenants are not permitted to have pets.

f. The Board of Directors has the authority and discretion to make exceptions to the limitations in this regulation in individual cases and to impose conditions concerning the exceptions.

7. Disposition of garbage and trash shall be only by use of receptacles approved by the Association or by use of the garbage disposal units. Specifically, trash placed in trash chutes must be securely bagged and may not contain breakable glass objects. Breakable glass objects must be left in the trash chute rooms for pickup by the housekeeper. Food and vegetable scraps are to be disposed of in the individual unit garbage disposals.

8. All persons occupying units other than the owners shall be registered with the Manager or other designate of the Association at or before the time of their occupancy of the unit. This includes renters and house guests.

Units may not be rented for periods of less than one (1) consecutive month nor more than three (3) times a year. A copy of these Rules and Regulations must be given to the tenants and guests by the unit owner, or the unit owner's agent. No unit may be permanently occupied by more persons than the number of bedrooms times two, nor may more persons, including guests, occupy a unit overnight than the number of bedrooms times two, plus two.

This regulation may not be amended in a way that would be detrimental to the sales of units by the developer so long as the developer holds units for sale in the ordinary course of business.

9. The Association shall retain a pass key to the units, and the unit owners shall provide the Association with a new or extra key whenever locks are

changed or added for the use of the Association pursuant to its statutory right to access to the units. Duplication of unit owners' keys to common element facilities is restricted in the interest of security. Such keys shall be duplicated only with the assistance of the Resident Manager.

10. Children shall be under the direct control of a responsible adult. Children under 12 may not use the pool, or waterfront areas unaccompanied by an adult nor shall they be permitted to run, play tag or act boisterously on the condominium property. Skateboarding, "Big Wheels", or loud or obnoxious toys are prohibited. Children may be removed from the common areas for misbehavior by or on the instructions of the Directors.

11. Loud and disturbing noises are prohibited. All radios, televisions, tape machines, compact disc players, stereos, singing and playing of musical instruments, etc. shall be regulated to sound levels that will not disturb others and if used at or in the vicinity of the pool shall be used only with earphones. No vocal or instrumental practice is permitted after 10:00 p.m. or before 9:00 a.m.

12. Use of barbecue grills shall only be allowed in areas designated as safe and appropriate by the Directors.

13. Illegal and immoral practices are prohibited.

14. Lawns, shrubbery or other exterior plantings shall not be altered, moved or added to without permission of the Association.

15. No glass of any kind shall be permitted in the pool area. Any liquid refreshments consumed near the pool area shall be in paper or plastic containers.

16. Laundry, bathing apparel, beach and porch accessories shall not be maintained outside of the units or limited common elements (balconies, terraces and cabanas), and such apparel and accessories shall not be exposed to view.

17. No nuisance of any type or kind shall be maintained upon the Condominium property.

18. Nothing shall be done or kept in any unit or in the common elements which will increase the rate of insurance on the building or contents thereof, without the prior written consent of the Directors. No owner shall permit anything to be done or kept in his unit or in the common elements which will result in the cancellation of insurance on the building, or contents thereof, or which would be in violation of any law or building code.

19. Persons moving furniture and other property into and out of units must use the designated access door into the condominium and the elevators designated by the Directors as service elevators and all such moving must be Mondays through Saturdays between the hours of 8:00 A. M. and 5:00 P. M. Moving vans and trucks used for this purpose shall only remain on condominium property when actually in use.

20. Repair, construction, decorating or re-modeling work shall only be carried on on Mondays through Saturdays between the hours of 8:00 A. M. and 5:00 P. M. and the rules for decorators and subcontractors set forth on Pages 9, 10 and 11 must be complied with.

21. These Rules and Regulations shall apply equally to owners, their families, guests, domestic help and lessees.

22. The Board of Directors of the Association may impose a \$100.00 fine for each violation of these Rules and Regulations or any of the condominium documents.

23. The Condominium and management staff are not permitted to do private work for unit owners, their families, tenants or guests while on duty. If both parties are agreeable, staff may assist such persons privately when off duty.

24. Hurricane shutters have been designed and will be installed by the developer for all balconies appurtenant to condominium units. These shutters meet or exceed standards set forth in the Standard Building Code (applicable to Collier County) for buildings in the coastal zone and in excess of 60 feet in height. Non-balcony condominium unit windows are a special architect approved laminated glass and have been designed and installed to meet or exceed the wind load and windborne debris impact standards of the hurricane shutters. Consequently, such windows in the condominium units, as built, meet or exceed the requirements of the applicable building code for hurricane protection. For this reason and for the purpose of preserving the aesthetic appearance of the building, hurricane shutters shall not be installed on or over non-balcony windows in the condominium units. If such non-balcony windows in the condominium units are replaced, they must be replaced with laminated architectural glass equal to or exceeding the specifications of the original glass and which comply with the applicable building code.

25. These Rules and Regulations do not purport to constitute all of the restrictions affecting the condominium and common property. Reference should be made to the Condominium and Community Associations' documents.

B. PROCEDURE AND RULES FOR USE OF GUEST SUITES

1. Guest Suites are part of the Common Elements, and they are for the use and the convenience of Remington unit owners and their guests while the host unit owner is in residence. The guest suites are not for extended use or for public use.

2. Reservations should be made through the office of the Resident Manager, who will also assist in authorizing access for your guest(s) into Bay Colony and, where appropriate, the Bay Colony Beach Club.

3. Requests for reservations will be handled on a first come, first serve basis; however, both suites may not be reserved by one owner, unless no other requests are received for the same dates. Also, to assure that all unit owners have fair and equitable access to the suites for their guests, any one owner is limited to two (2) consecutive uses, and to a maximum of three (3) uses per calendar year, unless demand for the guest suites indicates that this rule may be changed from time to time to best accommodate the needs of all unit owners.

4. The maximum stay for guests is seven (7) days, unless an extension has been specifically authorized by the Resident Manager for not more than seven (7) additional days.

5. The guest suite use fee is currently \$60.00 per day "in season" (November 1 through April 30) and otherwise is \$40.00 per day.

6. Please notify the Resident Manager as soon as possible, but at least 24 hours prior to the date for which the suite is reserved, of any need to cancel your reservation. Your fellow unit owners would appreciate this courtesy.

7. Guests may register and pick up keys at The Remington security desk after 3:00 P.M. Check-out time is 12:00 noon. A registration form will be available at the security desk at the time of check-in. The guest's name, address, telephone number and vehicle registration information will be requested.

8. Maid service will be provided daily unless otherwise requested.

9. Long distance telephone calls may only be made by credit card or reverse charges on the telephone in the guest suite.

10. The host unit owner will be responsible for any damage to the guest suite or to other association property caused by the guest, as well as for the guest's compliance with all applicable Remington At Bay Colony Rules and Regulations, which will be available in the guest suite.

11. After the guest's departure, a billing statement will be forwarded to the host unit owner.

12. The guest suites are part of the Common Elements of the Association and therefore subject to Florida law which prohibits smoking in the interiors of these areas. Your guest's compliance is appreciated.

13. These rules and procedures may be changed without notice.

C. RULES FOR DECORATORS, CONTRACTORS AND SUB-CONTRACTORS

1. The unit owner must pre-register with the Resident Manager giving him the name, address, telephone number and FAX number of the unit owner's representative who will be overseeing the work being done in the unit whether it be the interior decorator, the general contractor or the unit owner.

2. Prior to commencing work, the unit owner's representative must submit to the Resident Manager, a list of names, addresses and telephone numbers of all sub-contractors who will be working in the unit, together with a schedule for their work.

3. The Resident Manager will coordinate with the unit owner's representative the issuance of temporary passes for access for decorators and contracts into Bay Colony through the construction gate located on Vanderbilt Beach Road.

4. Work hours are 8:00 AM to 5:00 PM, Monday through Saturday.

5. The contractor and all sub-contractors must be Type "B" licenses in Collier County and submit proof of same for the Resident Manager's file.

6. Prior to authorization for access, the contract and all sub-contractors must produce from their insurance carrier a Certificate of Insurance of general liability of no less than \$250,000 per occurrence and no less than \$500,000 aggregate, and provide proof of Worker's Compensation coverage for the Resident Manager's file.

7. All vehicles and persons will enter the building through the lower parking garage at the north side of the building (maximum vehicle height is 6'8"). There they will be registered by a Security Guard.

8. Workers will be allowed to unload their materials and equipment close to the elevators designated for them, one on the south side and one on the north side. Designated passenger elevators are not to be used at anytime. Elevator sizes are 5' x 7' x 9' in height.

9. After unloading, works must park their vehicles in the designated area of the garage or other areas specified by the Resident Manager or garage Security Guard.

10. Work preparations will not be allowed in the garage, i.e. mixing of paints, mud, grout, etc.

11. Trash chutes are not to be used, nor is any trash to be left in units or hallways. The Resident Manager or the garage Security Guard will provide information on disposal of trash.

12. All trash and debris shall be hauled off by the workers on a daily basis unless a dumpster is specifically designated for their use.

13. Grout, paint, wall mud or any other material may not be poured down building drains, sinks, toilets or bathtubs. Check with the Resident Manager or garage Security Guard for location of cleaning area.

14. Sub-contractors are not to use carts owned by The Remington. (Supply your own.)

15. Breaks and lunches, if taken inside the building, should be confined to the owner's unit.

16. No radios will be allowed in the building unless used with headphones.

17. Access to the individual condominium units must be coordinated through the owner, decorator or other designee.

18. Do not tamper with or hang extension cords from any of the sprinkler heads.

19. Unit smoke alarms are to be left in place. They are to be properly protected during the interior finish work which generates heavy airborne particulates, i.e. sanding and painting.

20. Workers are not to wander around in areas other than the specific area or unit they are assigned to.

21. **FLOORING** - Each unit owner who elects to install in any portion of his unit hard surface flooring materials (i.e., tile, marble, wood) shall first be required to install an approved sound underlayment material equivalent to 1/4 inch of cork and perimeter sound isolation material installed in accordance with the procedures as generally provided below. Each unit owner is required to submit for approval to the Board of Directors or its representative the proposed hard surface floor underlayment material. Written approval for the proposed materials is required prior to installation of hard surface flooring, and then the installed sound proofing must be inspected and approved prior to installation of the hard flooring. Installation procedures shall meet or exceed the following:

A. Isolation Barrier

1. At the perimeter of the entire floor, and the periphery of all protrusions to that floor; fiberglass board (6-15 pcf) not less than 3/8 of an inch (9.525 millimeters) thick, to minimize flanking, should be used within 1/4" (6.35 millimeters) of the finished surface.

2. Closed cell polyethylene foam (2.7 - 9 pcf) not less than 1/4 of an inch thick (6.35 millimeters) may also be used as the perimeter isolation barriers.

3. The fiberglass board or the polyethylene foam can be cut into strips and held in place with a few spots of acoustical sealant. If the strips are too tall, they can easily be trimmed within the 1/4" of the finished surface after the tile is grouted, therefore keeping any hard residue out of the perimeter grout joints.

B. After the tile is set and grouted, additional time should be spent to check the perimeter of the entire floor and the periphery for any protrusions such as pipes, so as not to have any of the mortar, bond coat, or grout, touching the wall or any protrusions that penetrate the floor. Should any of the hard material from the installation make contact between the tile or setting bed and the wall, or a penetrating protrusion, a large reduction in the sound rating will occur. After grouting, but before the edges are caulked, trim the polyethylene sheeting back to the top of the fiberglass or polyethylene foam edging.

C. A sealant is required at the perimeter of the entire floor, and the periphery of all protrusions to that floor.

1. This joint shall be 1/4" wide (6.35 millimeters) from the finished top of the tile. This joint must be filled with an elastomeric sealant or an acoustical sealant. Hard grout is unacceptable.

2. This caulking can be done before or after grouting as long as the hard grout is left out of the joint between the floor and the wall and around the periphery of any protrusion.

3. If USG acoustical sealant is used, the joint can be painted to conform with the color of the grout used in the field.

4. Dow-Corning and G.E. Silicone sealant comes in a variety of colors to harmonize with the color of the tile.

21. Unit owner is responsible for his decorator's, contractor's and sub-contractor's actions and inactions while on the premises and in Bay Colony. Decorators, contractors, and sub-contractors are on the premises at their own risk and agree to indemnify and hold harmless the Condominium Association, Bay Colony Community Association, WCN Communities, Inc. and Bay Colony of Naples, Inc. for any liability or damages which might arise in connection with their activities on the premises or in Bay Colony.

22. Should a decorator, contractor or sub-contractor discover a defect in a unit, they must notify the Resident Manager immediately so the defect may be verified and corrected prior to doing any work which might be impacted by the defect.

23. Smoking, while discouraged, will only be allowed in the individual units with the owner's permission.

24. Please help us keep the building clean.

All of your activities will be monitored during the day. Non-compliance may result in you or your company being barred from the building.

If you have any questions please contact The Remington Resident Manager.

D. RULES FOR UNIT OWNER PARTICIPATION IN BOARD OF DIRECTORS MEETINGS, A BUDGET COMMITTEE MEETING AND A MEETING OF ANY COMMITTEE AUTHORIZED TO TAKE ACTION ON BEHALF OF THE BOARD; AND OF THE LOCATION FOR POSTING NOTICES OF MEETINGS

I. THE RIGHT TO SPEAK:

1. To the maximum extent practical, the posted Board meeting agenda for each meeting shall list the substance of the matters and actions to be considered by the Board.

2. Roberts Rules of Order (latest edition) shall govern the conduct of the Association meeting when not in conflict with the Declaration of Condominium, the Articles of Incorporation or the By-laws.

3. After each motion is made and seconded by the Board members the meeting Chairperson will permit unit owner participation regarding the motion on the floor, which time may be limited depending on the complexity and effect on the Association.

4. Unit owner participation will not be permitted after reports of officers or committees unless a motion is made to act upon the report, or the Chair determines that it is appropriate or is in the best interest of the Association.

5. A unit owner wishing to speak must first raise his or her hand and wait to be recognized by the Chair.

6. While a unit owner is speaking he or she must address only the Chair, no one else is permitted to speak at the same time.

7. A unit owner may speak only once for not more than three (3) minutes and only on the subject or motion on the floor.

8. The Chair may, by asking if there be any objection and hearing none, permit a unit owner to speak for longer than three (3) minutes, or to speak more than once on the same subject. The objection, if any, may be that of a Board member only and if there is an objection then the question will be decided by a vote of the Board.

9. The Chair will have the sole authority and responsibility to see to it that all unit owner participation is relevant to the subject or motion on the floor.

II. THE RIGHT TO VIDEO OR AUDIOTAPE:

1. The audio and video equipment and devices which unit owners are authorized to utilize at any such meeting must not produce distracting sound or light emissions.

2. Audio and video equipment shall be assembled and placed in position in advance of the commencement of the meeting in a location that is acceptable to the Board or the Committee.

3. Anyone videotaping or recording a meeting shall not be permitted to move about the meeting room in order to facilitate the recording.

4. At least 24 hours advance written notice shall be given to the Board by any unit owner desiring to utilize any audio and/or video equipment to record a meeting.

III. ALL NOTICES OF MEMBERSHIP, DIRECTORS AND COMMITTEE MEETINGS AT WHICH UNIT OWNERS ARE ENTITLED TO PARTICIPATE, WILL BE POSTED IN THE LOCKED, GLASS FRONTED BULLETIN BOARD IN THE MAIL ROOM.

