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**CERTIFICATE OF FILING OF RULES AND REGULATIONS GOVERNING OPERATION OF MOTOR VESSELS AND PERSONAL WATER CRAFT ON THE COMMUNITY LAKE FOR THREE LAKES**

This Certificate of Filing of Rules and Regulations Governing Operation of Motor Vessels and Personal Water Craft on the Community Lake (the "Lake Rules") is executed this 4th day of May, 2001 by Three Lakes Property Owners Association, Inc., a Florida corporation not-for-profit (the "Association").

**RECITALS**

A. The Association has been established for the operation of the residential community known as Three Lakes in accordance with that certain Amended and Restated Declaration of Restrictions and Covenants for Three Lakes in Official Records Book 17455 at Page 2016 ("Original Declaration"). The Original Declaration was amended by the following documents (collectively, the "Amendments"): First Amendment to Amended and Restated Declaration of Restrictions and Covenants for Three Lakes in Official Records Book 17712 and at Page 1585 ("First Amendment"); Amendment to Amended and Restated Declaration of Restrictions and Covenants for Three Lakes in Official Records Book 17944 at Page 1483 ("Second Amendment"); Third Amendment to Amended and Restated Declaration of Restrictions and Covenants for Three Lakes in Official Records Book 18042 at Page 4263 (the "Third Amendment"); Fourth Amendment to Amended and Restated Declaration of Restrictions and Covenants for Three Lakes and Agreement to Perform Obligations in Official Records Book 18340 at Page 4941 (the "Fourth Amendment") and Amendment to Amended and Restated Declaration of Restrictions and Covenants for Three Lakes to Withdraw Property in Official Records Book 19165 at Page 1340 (the "Fifth Amendment"). All of the foregoing were recorded in the Public Records of Miami-Dade County, Florida. The Original Declaration together with the Amendments shall hereinafter be referred to as the "Declaration".

B. Section 10.9.1 of the Declaration permits the Developer and thereafter, the Association, to adopt Rules and Regulations governing the use of the Common Areas.

C. The Developer and the Association previously adopted Rules and Regulations governing the use of the Common Areas which were recorded in Official Records Book 17498 at Page 1294 of the Public Records of Miami-Dade County, Florida (the "General Rules").

D. Section 6.1.2 of the Association's By-Laws provides that the power to adopt Rules and Regulations shall be exercised by the Board of Directors.

E. At a duly noticed meeting of the Board of Directors held on the 14th day of March, 2001, all of the Directors were present and unanimously voted to adopt the Lake Rules attached hereto and made a part hereof.

F. The Lake Rules are a covenant running with the land comprising Three Lakes, and all present and future owners of an interest therein and their heirs, successors and assigns are hereby subject to the Lake Rules.

NOW, THEREFORE, the Association hereby declares that every portion of Three Lakes is to be owned, held, used, transferred, sold, conveyed, demised and occupied subject to the Lake Rules hereinafter set forth.

1. Recitals. The foregoing Recitals are true and correct and are incorporated into and form a part of this Certificate.

2. Definitions. All initially capitalized terms not defined herein shall have the meaning set forth in the Declaration.

3. Lake Rules. The Lake Rules attached hereto as Exhibit "A" are the current official Lake Rules of the Association.

4. Conflict. In the event that there is a conflict between the Lake Rules and the General Rules or any other recorded or unrecorded rules previously adopted, the Lake Rules shall control and shall remain in full force and effect subject to any amendments which may be passed by the Board of Directors from time to time.

**IN WITNESS WHEREOF,** the undersigned have executed this Certificate of Filing of Lake Rules this 4th day of May, 2001.

Witnesses:

Print Name Milagros Pico

Print Name PETSILEE WILLIAMS

Print Name Milagros Pico

Print Name PETSILEE WILLIAMS

**THREE LAKES PROPERTY OWNERS ASSOCIATION, INC.,** a Florida corporation not-for-profit

By: G. William Bissett, President

By: Paul VanderVennet, Secretary

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 4 day of May, 2001 by G. William Bissett as President and Paul VanderVennet as Secretary of Three Lakes Property Owners Association, Inc., a Florida corporation, on behalf of the corporation. They (who are personally known to me)/(who have produced License and _____ as identification) and (did)/(did not) take an oath.

Signature: Diana N. O'Brien
My Commission Expires:

This instrument prepared by:
Lisa A. Lerner, Esquire
SIEGFRIED, RIVERA, LERNER,
DE LA TORRE & SOBEL, P.A.
201 Alhambra Circle, Suite 1102
Coral Gables, FL 33134

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OFFICIAL NOTARY SEAL
DIANA N O'BRIEN
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC731648
MY COMMISSION EXP. APR. 7,2002

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# EXHIBIT "A"

# RULES AND REGULATIONS GOVERNING OPERATION OF MOTOR VESSELS AND PERSONAL WATER CRAFT ON THE COMMUNITY LAKE

# RULES AND REGULATIONS GOVERNING OPERATION OF MOTOR VESSELS AND PERSONAL WATERCRAFT ON THE COMMUNITY LAKE

1.0 **Effective Date:** Unless stated to the contrary, the following rules and regulations will become effective and enforceable following their adoption by the Board of Directors of the Three Lakes Property Owners Association, Inc. ("POA") and their recording in the public records, if such is required. Following their adoption, the Board will also transmit a copy of said Rules and Regulations to all who are currently the owner of a home in Three Lakes, as reflected on the official POA member list. It shall be the responsibility of the homeowner or other member listed on the official records of the POA (including the Developer or its Assignee) to assure that a copy of said rules and regulations are provided to all initial and subsequent purchasers and to all present or future lessees or renters of the premises.

2.0 **Applicability:**

2.1 The following rules and regulations apply to the owners and operators of any "motor vessel" or "personal watercraft" on the community lake. No motor vessel or personal watercraft shall be operated on the community lake if such does not belong to a homeowner, his immediate family or a registered guest of a homeowner. Regardless of who owns the vessel or watercraft, the homeowner shall ultimately be responsible for, and have the duty to ensure that, the operation of the vessel or watercraft is at all times in full compliance with these rules and regulations. The violation of any of these rules and regulations by any homeowner, any member of his family, or any guest shall result in possible criminal or civil liability under Florida law, and may further result in the assessment of monetary fines against the offending homeowner, as may be determined and ordered by the Board of Directors (or a designated homeowner committee) following notice to the homeowner and an opportunity to be heard on the charges or violations.

2.2 Except as may otherwise be stated below, the following rules and regulations apply to the operation on the community lake of any "**motor vessel**" powered by an engine in excess of 10 horsepower and any "**personal watercraft**" (which is defined by Florida law as a "small class A-1 or A-2 vessel which uses an outboard motor, or an inboard motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.").

3.0 **Registration of All Motor Vessels and Personal Watercraft Required; Homeowners and Guests Required To Execute Three Lakes Property Owners Association, Inc.'s Registration Form, Including Insurance Certificate, Agreement to Abide By Official Rules and Regulations, and Indemnification/Hold Harmless Agreement**. - Each existing and future Three Lakes homeowner, tenant and/or lessee

EXHIBIT A

(as well as any guest who brings a vessel or personal watercraft into the community for use on the lake) will **not** be entitled to operate any motor vessel or personal watercraft on the community lake unless and until the homeowner, tenant and/or lessee involved (and any guest of the homeowner, tenant and/or lessee who brings a vessel or personal watercraft into the community for use on the lake) has filled out and signed the *Three Lakes POA Vessel Personal Watercraft Registration Form*, which form shall include, inter alia, a statement by such individual:

3.1 That he or she (and all operating the vessel or personal watercraft with his or her consent) agrees to abide, and be bound by all POA Rules and Regulations then in effect pertaining to the use of the community lake by vessels and personal watercraft;

3.2 That the owner of the vessel or personal watercraft has in force and effect the liability insurance required by Section 4.6 below and that such insurance includes the POA as an "additional insured." Proof of the existence of such insurance shall be submitted along with the Homeowner's or Guest's Vessel/Personal Watercraft Registration Form, and in any event, prior to such vessel or personal watercraft being permitted to operate on the community lake. No Guest vessel or personal watercraft shall be permitted to clear the security gate and enter the community until said guest's Vessel/Personal Watercraft Registration Form has been supplied to Security, to Miami Management, or to such other person or entity authorized by the Board of Directors, along with a copy of the boater's safety certification for all operators between the ages of 14 and 21.

3.3 That the owner of the vessel or personal watercraft (and all who may operate or be a passenger in such vessel or personal watercraft) agree to release, indemnify and to hold the POA harmless from any and all liability for personal injury or property damage arising from the operation of said vessel or personal watercraft on the community lake. This agreement to release, indemnify and hold the POA harmless from any and all liability for personal injury or property damage is intended to be all-inclusive, and shall apply even though the personal injury or property damage is caused in whole or in part or directly or indirectly by negligence on the part of the POA, by the negligence of others using the lake, by the condition of the lake itself, or by any failure on the part of the POA to supervise the lake or any of the activities which might be occurring thereon.

3.4 That the owner of the vessel or personal watercraft will assure that any person permitted to operate the vessel or watercraft meets the age and/or boater's safety certification qualifications specified in Section 6.0 of these Rules and will provide to the POA Proof of Boater Safety Certification as to any operator between the ages of 14 and 21.

4.0 **Permissible Motor Vessels and Personal Watercraft and Associated Requirements:** No motor vessel or personal watercraft shall be permitted to operate on the community lake unless it meets each of the following requirements:

4.1 As of the effective date of these Rules, no motor vessel in excess of 18 feet in length shall be permitted to operate on the community lake. This length requirement will not apply, however, to any vessel owned by a homeowner and used on the lake prior to the effective date of these Rules. Pontoon boats and sailboats will be limited to 21 feet.

4.2 After the effective date of these Rules, no motor vessel or personal watercraft shall be permitted to operate on the community lake if it is not properly registered under Florida law. After April 15, 2001, no motor vessel or personal watercraft shall be permitted to operate on the community lake if it is not *also* registered with, and has been issued a decal or temporary Guest Craft ID by the POA, in accordance with Section 3.0 above.

4.3 No motor vessel which is leaking fuel or other potentially hazardous or environmentally damaging liquids or other substances shall be permitted to operate on the community lake.

4.4 No motor vessel or personal watercraft shall be permitted to operate on the community lake without having on board all necessary safety equipment required by Florida law, which may include life preservers or vests for each person on board, a fire extinguisher, and a whistle, horn or other similar warning device.

4.5 **Sound level**: No motor vessel or personal watercraft shall be permitted to operate on the community lake unless it meets the following requirements:

4.5.1 The exhaust of every internal combustion engine used on any motor vessel or personal watercraft operated on the community lake shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner.

4.5.2 No motor vessel or personal watercraft shall be operated on the community lake if the sound level of such vessel or watercraft exceeds the sound level emitted by the vessel or watercraft when originally equipped by the manufacturer (i.e., no manufacturer's supplied muffling system may be removed, disabled or otherwise altered, nor may a personal watercraft's waterbox be altered if such a modification or change increases the noise level emitted by the vessel or watercraft).

4.6 **Required Liability Insurance**:

4.6.1 No motor vessel or personal watercraft shall be operated on the community lake unless the owner or operator of said vessel has in force

and effect liability insurance covering personal injury and property damage resulting from the operation of the vessel or watercraft with limits of no less than $100,000/$300,000 (personal injury liability) and $25,000 (property damage). Such policy of insurance shall contain an endorsement naming the POA as an additional insured. The homeowner shall provide the POA with a copy of the declarations page for such insurance policy and proof of Boater's Safety Certification as to all operators between the ages of 14 and 21 prior to being issued a decal and permitted to operate any motor vessel or personal watercraft on the community lake.

4.6.2 Likewise, the homeowner shall not permit any guest to bring a vessel or watercraft into the community or to operate such guest motor vessel or personal watercraft on the community lake prior to providing such proof of insurance to the POA, along with the signed form provided for above in Section 3.0 The security personnel are instructed not to permit any guest to bring a motor vessel or personal watercraft into the community unless such proof of insurance, along with the signed form provided for above in Section 3.0 and the proof of Boater Safety Certification as to any operator between the ages of 14 and 21, is first provided at the entry gate or has already been provided to the Management Company.

5.0 **Limitation on Number of Motor Vessels and Personal Watercraft Per Homeowner:** No homeowner shall be permitted to have in operation on the community lake at the same time more than: (a) two motor vessels; or (b) one motor vessel and one personal watercraft; or (c) two personal watercraft. This limitation includes any guest motor vessel or personal watercraft.

6.0 **Qualifications Required to Operate Motor Vessel or Personal Watercraft on the Community Lake:**

6.1 Pursuant to Florida law, no person under the age of 14 shall operate (or be permitted by the responsible homeowner and/or guest to operate) a *personal watercraft* on the community lake under any circumstances.

6.2 No person under the age of 14 shall operate (or be permitted by the responsible homeowner and/or guest to operate) a *motor vessel* on the community lake unless and until such person has provided to the POA proof of Boater Safety Certification.

6.3 Effective April 15, 2001, no person between the ages of 14 and 21 years, inclusive, may operate a *motor vessel* **or** *personal watercraft* on the community lake *unless at least one of the following conditions are met*:

6.3.1 The person has provided the POA with proof of Boater Safety Certification and has in his or her possession aboard the vessel or

watercraft photographic identification and a boater safety identification card issued by the appropriate governmental authority; **or**

6.3.2 The person is licensed by the United States Coast Guard to serve as master of a vessel; **or**

6.3.3 The person is *accompanied* in the vessel or on the watercraft:

6.3.3.1 by a person who is exempt from this section under subsection 6.3.2 who is attendant to the operation of the vessel or watercraft and responsible for any violation that occurs during the operation; **or**

6.3.3.2 by a person over the age of 21 who is attendant to the operation of the vessel or watercraft and responsible for any violation that occurs during the operation; **or**

6.3.3.3 by a person who is 18 years of age or older who holds a Boater Safety Certification identification card and who is attendant to the operation of the vessel or watercraft and responsible for any violation that occurs during the operation.

7.0 **Hours of Operation of Motor Vessels and Personal Watercraft**: No person shall operate a motor vessel or personal watercraft on the community lake any earlier than sunrise or any later than sunset. However, a person shall be entitled to operate a *motor vessel* (but **not** a *personal watercraft*) after sunset up to 11:00 PM, provided that the vessel has its bow and stern running lights on *and* the vessel is operated only at an idle/no wake speed (as defined below in Section 9.2).

8.0 **Requirements as to Use of Personal Flotation Devices:** No person may operate, or permit a motor vessel and personal watercraft to be operated on the community lake, unless the following requirements regarding the use of personal flotation devices are met:

8.1 Every person riding on or being towed behind a personal watercraft must be wearing a type I, type II, type III, or type V personal flotation device approved by the United States Coast Guard.

8.2 Every person riding in a motor vessel under 6 years of age (while such vessel is underway) and every person being towed behind a motor vessel must be wearing a type I, type II, type III, or type V personal flotation device approved by the United States Coast Guard.

8.3 The POA recommends that any person operating a motor vessel or jet boat unaccompanied by anyone else similarly wear a personal flotation device approved by the United States Coast Guard for their own safety.

9.0 **Operational Requirements in "No Wake/Idle Speed" Zones:**

9.1 Motor vessels and personal watercraft shall not exceed an idle/no-wake speed while operating within the following areas of the community lake:

9.1.1 **Community Boat Ramp**: The "No Wake/Idle Speed" zone extends out 75 feet from the end of the floating docks located at the community boat ramp, and shall include the area marked off by a floating "No Wake Zone" buoy, if placed by the POA;

9.1.2 **The Canals and the Lagoon**: The "No Wake/Idle Speed" zone for the two canals shall be deemed to commence at a point measured 50 feet out from the entrance to these two canals (where the "No Wake Zone" buoys are normally positioned) and shall be deemed to extend throughout the entire length of these two canals;

9.1.3 **The Rest of the Lake:** The "No Wake/Idle Speed" zone for the rest of the lake shall be deemed to extend 50 feet from the water's edge (shoreline and/or seawall), and shall include the entire area inside of the zone marked off by floating "No Wake Zone" buoys, if such are placed by the POA.

9.2 For purposes of this regulation, an "idle/no wake speed" is defined to mean that the motor vessel or personal watercraft: (a) is **not** operating on a plane; (b) is **not** in the process of coming off plane and settling into the water; (c) is not in the process of accelerating; and (d) produces no wake or no more wake than the minimum amount of wake necessarily created by the vessel or watercraft in order to properly steer the vessel or watercraft.

10.0 **Restrictions On Activities In The Area Of The Community Boat Ramp**: The community boat ramp area is to be used solely for the launching and trailering of vessels and personal watercraft by authorized Homeowners and Guests.

10.1 Swimming, sunbathing and all other activities not directly related to the launching and trailering of vessels and personal watercraft are prohibited in the ramp area, including the floating docks in the ramp area.

10.2 All vehicles and trailers must be removed from the ramp area immediately after the vessel or personal watercraft has been launched or trailered.

10.3 The Security Personnel are authorized and directed to ask anyone violating this section to cease such activity and to remove such vehicles or

trailers, and if such warning goes unheeded, then the Security Personnel are authorized to notify the Miami Dade County police to cite and/or arrest such violators for trespass and/or loitering and to have removed from the premises any vehicles and/or trailers which are in violation of this section.

11.0 **Motor Vessels and Personal Watercraft Must Be Operated In A Careful and Prudent Manner – Operational Requirements:**

11.1 **Speed Limit**: No motor vessel or personal watercraft may be operated on the community lake at a speed which is potentially dangerous to the operator, any passenger or other people or property on the lake or in the canals or lagoon. Operators are required to exercise common sense and the high level of judgment expected of those operating a potentially dangerous instrumentality. It is expected by the POA that as the level of boating activity occurring on the lake at any given moment increases, all vessel and personal watercraft operators will decrease their speed accordingly.

11.2 **Operating in a reasonable and prudent manner**: Any person operating a motor vessel or personal watercraft on the community lake shall operate the vessel or watercraft in a reasonable and prudent manner, having regard for other waterborne traffic, their vessel or watercraft's operating speed and stopping distance, no wake/idle speed zone restrictions, the presence of a swimmers and divers, and all other attendant circumstances so as not to endanger the life, limb, or property of any person.

11.3 **Separation between motor vessels and personal watercraft:** Any person operating a motor vessel or personal watercraft on the community lake shall make a reasonable effort to maintain a safe distance from all other motor vessels, personal watercraft, swimmers, and divers who could potentially be endangered by the operation of your vessel or watercraft. In most instances, a minimum separation distance of 25 feet should always be maintained..

11.3.1 **Operation within "No Wake/Idle Speed" zones**: When vessels and personal watercraft are being operated within "No Wake/Idle Speed" zones, the recommended 25 foot separation distance may not be possible and therefore shall not apply. Instead, the operator shall maintain the safest separation distance possible under the existing circumstances.

11.4 **Potentially Dangerous Activities Prohibited:**

11.4.1 While racing between two or more motor vessels or personal watercraft on the community lake cannot be deemed unlawful *per se* under Florida law, the POA and the homeowners at Three Lakes recognize that the operation of vessels or personal watercraft at high speeds in a confined area can be potentially dangerous to persons and property. Therefore, the POA recommends that any boaters or personal watercraft operators who

are inclined to engage in such activities operate their vessel or watercraft on those portions of the lake that are not being used by others and/or maintain a safe minimum separation distance of 200 feet away from all other motor vessels, personal watercraft, swimmers, and divers who could potentially be endangered by such activities.

11.4.2 Maneuvers by motor vessels and personal watercraft which may unreasonably or unnecessarily endanger life, limb, or property are prohibited, including, but not limited to, activities such as weaving through congested vessel or watercraft traffic, jumping the wake of another vessel or watercraft unreasonably or unnecessarily close to such other vessel or watercraft or any person being towed, and swerving at the last possible moment to scare, spray or avoid collision with another vessel, watercraft or person.

11.5 **Safety Requirements Regarding Towing Persons Behind Boat:**

11.5.1 A person may not operate a motor vessel or personal watercraft on the community lake towing a person on water skis, or an aquaplane, wakeboard, innertube, sled, or similar device unless there is in such motor vessel or personal watercraft a person, in addition to the operator, in a position to observe the progress of the person being towed, unless the motor vessel or personal watercraft is equipped with a wide-angle rear view mirror mounted in such manner as to permit the operator of the vessel to observe the progress of the person being towed.

11.5.2 A person may not operate or manipulate any motor vessel, personal watercraft, tow rope, or other device by which the direction or location of water skis, aquaplanes, wakeboards, innertubes, sleds, or similar devices may be affected or controlled, in such a way as to cause the device being towed or any person thereon to collide or strike against or be likely to collide or strike against any vessel, watercraft, dock, buoy, platform, piling, seawall, swimmer or diver, or other object.

12.0 **Enforcement of State and County Laws, as Supplemented by These Regulations, on the Community Lake**:

12.1 The Board of Directors, through the authority granted to it by the governing homeowner documents, hereby authorizes the officers of any state or local law enforcement agency having the authority to enforce boating and marine safety laws on the waters of the State of Florida to likewise enforce such laws on the community lake.

12.2 The Board of Directors may employ officers of the Florida Fish and Wildlife Commission and/or the Florida Marine Patrol to assist it in enforcing those specific community rules and regulations which are consistent with or

patterned after existing Florida safe boating statutes, rules and regulations, if the Board in its discretion determines that such action is affordable under then existing budgetary constraints and that such action is necessary to further the interests of all homeowners in maintaining the safety of people and property on the lake, the water quality of the lake and its aquatic life and habitats, and the peaceful enjoyment and property values of those homeowners living adjacent to the lake.

12.3 The Board of Directors is further authorized to adopt a system whereby violations of these rules and regulations may (in addition to the penalties provided for by State or local law) also result in written warnings from the Board of Directors to the offending homeowner, which warnings may then be followed by the assessment of escalating monetary fines levied against the homeowner. The offending homeowner (or the homeowner whose guest committed the violation) shall be entitled to written notification of the charges at each step of the procedure, and if requested by him or her in writing to the Board of Directors, such homeowner shall be entitled to a hearing in front of the Board to contest the violation and the proposed penalty.

12.4 **Civil Penalties Imposed By The POA For Violations Of These Rules and Regulations And Consequences For Failure To Pay Assessments**: As of the effective date of these Rules and Regulations, the Board of Directors is authorized to impose the following escalating monetary fines and sanctions against homeowners who have been charged, and after notice thereof and an opportunity to be heard, have been found to have violated these Rules and Regulations:

12.4.1 **FIRST VIOLATION** - If a homeowner is cited with a violation of these Rules and Regulations, no monetary fine will be assessed, but a written warning notice will be issued and a copy of it will be maintained in the offending homeowners file for a period of one year. Citations issued by law enforcement officials for equipment related violations will not be counted as a "first violation" for purposes of this paragraph. However, citations issued by law enforcement officials for violations relating to operator age restrictions or to reckless or dangerous operation will be counted as a "first violation" for purposes of this paragraph, unless the homeowner provides the POA with documentation showing that he or she successfully contested the violation.

12.4.2 **FURTHER VIOLATIONS** - If the homeowner (including his Guests) are cited with further violations, after the issuance of a First Violation warning under Par 12.4.1, a monetary fine of $100 will be assessed against the homeowner for each violation thereafter during the one year period. Such fine shall become a charge against the homeowner personally, as well as a lien against his property to the extent of the

amount of the fine. The homeowner shall have thirty (30) days to pay the fine after receiving notification thereof by the Board of Directors.

12.4.3 **Consequences of Failure to Pay Fines When Due** – Any homeowner who fails to pay a fine assessed against him or her under these rules within thirty (30) days after receiving notification thereof from the Board of Directors, *shall temporarily forfeit the privilege of using the community lake for the operation of any motor vessel or personal watercraft until such time as such fine(s) have been paid or satisfactory arrangements for payment have been presented to and approved by the Board of Directors*. The Board of Directors shall notify the homeowner of such action and shall temporarily revoke the homeowner's Boaters Registration and void his or her decal permitting the operation of vessels or personal watercraft on the lake.

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA.
RECORD VERIFIED
HARVEY RUVIN
CLERK CIRCUIT COURT