

# BANYAN BAY CLUB, INC.

c/o Progressive Community Management, Inc.  
3701 S. Osprey Avenue, Sarasota, FL 34239  
Phone: 941-921-5393 / Fax: 941-923-7000

## APPLICATION FOR PURCHASE

**THIS APPLICATION MUST BE RECEIVED 14 DAYS PRIOR TO THE CLOSING DATE  
NO EXCEPTIONS!**

MUST include a photocopy of Driver's Licenses for all applicants and a \$100 check payable to "Banyan Bay Club".

\*A copy of the Proposed Sales Contract is attached to this application.

*The undersigned proposes to sell Unit No. \_\_\_\_\_ address \_\_\_\_\_ at the Banyan Bay Club, Inc.  
to the applicant(s) \_\_\_\_\_ . The proposed closing will be \_\_\_\_\_ .*

\_\_\_\_\_  
*Signature of current unit owner*

\_\_\_\_\_  
*Date*

**Applicant 1)** \_\_\_\_\_ Driver's License#: \_\_\_\_\_ ST: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Phone: \_\_\_\_\_ Previous Address: \_\_\_\_\_  
Email: \_\_\_\_\_ Employer: \_\_\_\_\_ Employer Phone: \_\_\_\_\_

**Applicant 2)** \_\_\_\_\_ Driver's License#: \_\_\_\_\_ ST: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Phone: \_\_\_\_\_ Previous Address: \_\_\_\_\_  
Email: \_\_\_\_\_ Employer: \_\_\_\_\_ Employer Phone: \_\_\_\_\_

Please state the intended use of the unit: Residence \_\_\_ Vacation Home \_\_\_ Rental Income \_\_\_

1. Has any proposed owner ever been convicted of a felony or a sex-related crime? \_\_\_\_\_
2. Has any proposed owner ever been convicted of any crime involving violence to persons or property? \_\_\_\_\_

**Personal references**, other than relatives (local, if possible):

1. \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
Name Address Telephone No.
2. \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
Name Address Telephone No.

**Members of family who will be in residence:** (*downstairs unit 6-person max & upstairs unit 8-person max*)

_____	_____
_____	_____
_____	_____
_____	_____

**In Case of Emergency:** \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
Name Telephone No.

**Real Estate Agent:** \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
Name Telephone No.

### **Vehicle Information**

Make \_\_\_\_\_ Model \_\_\_\_\_ Year \_\_\_\_\_ Tag # \_\_\_\_\_

**AUTHORIZATION FOR VERIFICATION OF INFORMATION FOR CREDIT REPORT, PUBLIC RECORDS, RENTAL OR LEASE HISTORY AND EMPLOYMENT VERIFICATION.**

I do hereby authorize with my/our signature(s) the release of public records, credit reports, rental or lease information and employment verification, whether by fax, verbal, photocopy or original signature, to Banyan Bay Club Condominium Association, Inc. and all its members now and in the future.

I agree to hold harmless Banyan Bay Club Board of Director's, Inc. and all providers of information on the prospective owner(s) stated above. In the event that the information provided by me (us) is found to be misleading and/or false my acceptance for this purchase, whether determination is made before or after my date of sale, may be affected.

Signed: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_/

Signed: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_/

The undersigned has received and read a copy of the Declaration of Condominium, the Articles of Incorporation, the Bylaws, Rules and Regulations and General Information, and the Frequently Asked Questions and Answer Sheet of the Banyan Bay Club Condominium Association and understand my responsibilities as an owner. I agree to abide by the provisions of said documents.

Signed: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_/

Signed: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_/

---

**Action of Association:** Approved ( ) Disapproved ( )

Date: \_\_\_\_\_ Board or Board Agent Signature: \_\_\_\_\_

---

**Rules and Regulations**  
**The Banyan Bay Club Inc**

March, 1978 567479

BANYAN BAY CLUB

Rules and Regulations

The following rules have been adopted by your Board of Directors at their meeting on March 24, 1978 and are hereby submitted to the membership for approval.

1. Rentals and loan of an apartment:

Owners may rent or loan their apartments a maximum of four times each year. Downstairs apartments can be occupied by no more than six (6) people during rental or loan. Upstairs apartments can be occupied by no more than eight (8) people during rental or loan. (An exception to the rule applies in the case of a member of the owner's immediate family: i.e. parents, children, brothers, sisters, grandchildren).

2. Pets:

Only owners are permitted to have pets. Dogs must be kept on leashes at all times when they are outside the apartment. Owner is responsible for cleaning up after his pet.

3. Children:

FAMI is to be notified in advance when an apartment is to be occupied solely by minors.

4. Noise:

Out of consideration for others, the noise level of all conversations, radios, television sets, record players, etc. must be kept at a reasonable level at all times. Radio, etc. must be kept at low volume when at use at any common area.

5. Pass Key:

Owners shall give a pass key to the management for use in case of an emergency.

6. Maintenance Staff Employment:

Owners may employ the management company's personnel provided such services are performed during hours when personnel is not employed or paid by the Association.

7. Personal Property:

No outdoor cooking units, chairs, fishing tackle, rafts, boats or toys, etc. are to be left unattended on common areas.

8. Railing and Bushes:

No clothing or other articles are to be dried in public view including railings, chairs, etc. Porches must be maintained in an orderly condition and must not appear as storage areas. This rule also pertains to patios.

9. Exterior of Buildings:

Owners may not change or alter the appearance of any exterior part of any building (including landscaping) without the consent of the Board of Directors.

10. Recreation Rooms:

Post reservation times in advance of personal use. All facilities must be left in a clean, orderly condition or a charge for cleaning will be imposed.

11. Trash:

All garbage must be enclosed in suitable containers before being deposited in the bin. To eliminate prowlers, lids on containers must be kept closed at all times.

12. Parking:

Parking areas are restricted to passenger vehicles only. An acceptable passenger vehicle is one which fits into the carport. Covered spaces are for resident use only. Open parking areas are provided for visitors. No boats, trailers or recreational vehicles are allowed in parking areas. All boats must be approved for placement by the Board of Directors.

13. Bird Feeding:

There shall be no feeding of birds allowed except in the area beyond (in the direction of the water) the high water line on both the Gulf and the Bay. Absolutely no feeding of birds from any apartment or common area. Unobtrusive small hanging or fixed feeders for song birds only, properly located, may be approved in writing by the Board of Directors. There shall be no feeding of birds (principally large species-gulls, terns, etc.) in common areas.

14. Usage of Common Areas:

There shall be no ball playing, rough play or excessive noise in any common area adjoining apartments.

15. Tennis Court:

The tennis court is private and for the exclusive use of owners, tenants and their guests. Residents must be on court with non-resident guest. There is to be no food or beverage allowed on the court. Schedule sheets will be posted 24 hours in advance and reservations are limited to one hour only. Reservations will be cancelled if players are more than ten minutes late. Violators of these rules will be requested to leave the court. All persons must be properly attired to use the courts.

16. Swimming Pool:

All persons using pool do so at their own risk. The Association is not responsible for accidents or injuries. All persons must shower before entering pool and remove suntan lotions and oils. Water sport equipment must be rinsed before using in the pool. Proper swimming attire must be worn. Children under 12 years old are not permitted in pool unless accompanied by an adult. Children not toilet trained are not allowed in the pool. No pets are allowed in the pool area. There is to be no food at pool and any beverage must be in non-breakable containers. (This includes lotions, etc.). No styrofoam floats or rafts may be used in the pool. No rough playing or running is allowed in the pool area.

SEP 11 53 AM '78  
667479

SOLOMON SCHAIKOWITZ  
Notary Public, State of New Jersey  
No. HR337  
Qualified in Hudson County  
1978

9/11/78  
Notarized  
*[Signature]*  
Notarized  
*[Signature]*

*[Signature]* Bernard D. Chalfin  
President  
*[Signature]* Ellis Levine  
Secretary

SOLOMON SCHAIKOWITZ  
Notary Public, State of New Jersey

OFFERINGS 545

Excerpts of Certain  
Rules, Regulations and Information  
Pertaining to

**THE BANYAN BAY CLUB, INC.**

As adopted by the Board of Directors, March  
24, 1978 and approved by the Association in  
accordance with our Articles of Incorporation.

Effective July 2, 1978

**The Banyan Bay Club**, INC.  
A CONDOMINIUM ON LONGBOAT KEY

Such two designated occupants shall be entitled to the same rights for guests and family use or to rental privileges described above. Such owner-designated occupants may be changed more than once every twelve months.

14. Leasing or Lending. No unit may be rented or leased in the absence of the unit owners to persons other than family more than 4 times a year. Family members shall have the same rights as owners as to length and frequency of occupancy.

15. Services to Tenants and Non Owners. The condominium has no relationship or obligation to tenants. Tenants must look to unit owners for all services, keys, repairs, services and equipment.

16. Exterior of buildings. Owners may not change or alter the exterior portion or appearance of any building or the common ground without the permission of the board of directors. Lanais and patios may be reasonably landscaped by adjacent owners. The condominium reserves the right to modify or remove any landscaping that interferes with maintenance, threatens the safety or condition of the buildings or interferes with the view of another unit owner or is deemed by the board to have an unpleasant aesthetic character. If owners do not landscape patios or lanais or care for the same, the condominium may undertake this activity according to its own standards.

17. Trash. All trash and garbage must be enclosed in suitable containers and deposited by the unit occupants in the designated dumpster container. Dumpster lids must be closed. No trash may be deposited outside dumpsters. Empty cartons must be crushed.

18. Parking. All parking areas are restricted (excepting for board boats and bicycles as previously provided for) to passenger vehicles. Trailers, including boat trailers, are prohibited.

19. Bird Feeding. Bird feeding is not encouraged. Bird feeding may take place only below the high water mark on both beaches.

Small hanging feeders for small song birds may be installed with the consent of the board of directors.

20. Usage of Common Areas. There shall be no rough play or excessive noise in any common areas.

21. Tennis Court. The tennis court is for the use of owners and guests. Residents must be on the court with non-resident guests. No food or beverages are allowed on the court.

Reservations for court use (limited to one hour) may be entered not more than 24 hours in advance. Reservations will be canceled if players are more than 10 minutes late. Proper shoes are required. The gate must be locked after use.

22. Swimming Pool. The use of the pool is at the risk of the user. There are no lifeguard facilities. No diving is permitted. Children under 12 must be accompanied by an adult. Children not toilet trained

10

**The Banyan Bay Club, INC.**  
A CONDOMINIUM ON LONGBOAT KEY

The staff is expected to provide every owner, prospective owner, guest, tenant or person using the premises with a copy of these rules. A copy is posted in the office. Unit owners who rent their units are requested to post the rules in their units.

The rules are intended for the pleasant, safe, harmonious use of the condominium. Owners are reminded to advise their guests and tenants that the condominium is primarily a family residence.

Our staff is a part-time staff functioning primarily in the area of record keeping and exterior maintenance. Tenants are expected to contact their respective unit owners for all their needs.

1. Applications to Lease or Sell. Application forms for approval of a sale or lease on forms designated by the board are available at the office. A "lease" or "rental agreement" for the purpose of this set of rules includes arrangements for use of a unit by a person other than the owner or his family. It is intended to cover: lending, oral or written permission to occupy; whether for compensation or otherwise. A lease for the purpose of these rules includes any authorization for occupation of a unit with consent of the owner.

The lease or sale forms must be submitted for approval and filed with the condominium office two weeks prior to any occupancy other than by the owner or his family.

No lease, as broadly defined herein, shall be made more often than once during each 30-day period. No more than 4 leases shall be made each year.

This rule does not apply to family members, (parents, grandparents, children and grandchildren, brothers and sisters

2. Pets. Owners only (not tenants or guests) may have pets. The number and nature of pets shall not be such as to constitute a nuisance. All pets must be kept on a leash. Owners are responsible for cleaning up after pets.

3. Noise. Noise levels from conversation, radio, television, record players and other such devices must be kept at reasonable levels. Earphones only may be used at the beaches and pool.

4. Pass Key. A pass key to each unit must be left with the staff for use in inspections and emergencies.

5. Staff. Unit owners are not to give direction to condominium staff. Requests, suggestions and complaints are to be given through the office or directly to a board member. Unit owners may privately engage staff members for services only after working hours.

6. Boats. All boats stored or used are stored and used at the owner's risk. The beaches may reasonably be used for small boats and sailboards. When boats are not in use at the beach they must be

**The Banyan Bay Club, INC.**  
A CONDOMINIUM ON LONGBOAT KEY

adequately secured so as not to damage condominium grounds or property in a storm. The use of bay beach space shall be on a first-come first-served basis with a priority for unit owners. There is no objection to canoes, dinghies and other rowing craft, sailboards or small sailboats. Units owners considering the purchase of other vessels should consult with the board before purchase.

With respect to other vessels, the board reserves the right to limit the size, type, storage, engine size, draft, location, and beaching or storing of boats above the high water mark.

When boats appear to be causing danger they may be removed by the staff.

Should improved facilities become available, the board is authorized to adopt suitable rules and or changes for the use of such improved or created(docking) facilities.

7. Sailboats. Sailboards less than 14 feet, including Sunfish, may be neatly stored alongside carport walls with the permission of the owner of the carport adjacent to the carport wall.

8. Bicycles. Owners when in residence may store bicycles next to carport walls if approved by the owner of the adjacent carport.

9. Outdoor Cooking. By reason of fire hazards, there shall be no outdoor cooking on porches or balconies or under carports. There shall be no outdoor cooking on common areas, except the beach, without permission of the board. Cooking is permitted on patios with the permission of the adjacent owner.

10. Personal Property. No personal property, including but not limited to chairs, fishing tackle, toys, hammocks, casual furniture are not to be left unattended in common areas. Casual furniture may be left on patios..

11. Railings and bushes. No clothing or other articles are to be dried or hung on bushes, railings or other public places. Porches and patios are to be maintained in an orderly condition and not used for general storage.

12. Occupancy. No lower unit may be occupied by more than 6 persons including children. No upper unit may be occupied by more than 8 persons including children. This rule does not apply to owners immediate family.

13. Corporate or Multiple Forms of Ownership: For those who may become unit owners after the adoption of these new or amended rules, corporate or other multiple ownership as described above shall not have rights exceeding the rights of single or husband and wife ownership.

New owners such as corporations, partnerships, joint tenants or tenants in common or other multiple owners are required to designate in writing, before the transfer of title, not more than two persons as the designated regular occupants.

**The Banyan Bay Club**, INC.  
A CONDOMINIUM ON LONGBOAT KEY

Such two designated occupants shall be entitled to the same rights for guests and family use or to rental privileges described above. Such owner-designated occupants may be changed more than once every twelve months.

14. Leasing or Lending. No unit may be rented or leased in the absence of the unit owners to persons other than family more than 4 times a year. Family members shall have the same rights as owners as to length and frequency of occupancy.

15. Services to Tenants and Non Owners. The condominium has no relationship or obligation to tenants. Tenants must look to unit owners for all services, keys, repairs, services and equipment.

16. Exterior of buildings. Owners may not change or alter the exterior portion or appearance of any building or the common ground without the permission of the board of directors. Lanais and patios may be reasonably landscaped by adjacent owners. The condominium reserves the right to modify or remove any landscaping that interferes with maintenance, threatens the safety or condition of the buildings or interferes with the view of another unit owner or is deemed by the board to have an unpleasant aesthetic character. If owners do not landscape patios or lanais or care for the same, the condominium may undertake this activity according to its own standards.

17. Trash. All trash and garbage must be enclosed in suitable containers and deposited by the unit occupants in the designated dumpster container. Dumpster lids must be closed. No trash may be deposited outside dumpsters. Empty cartons must be crushed.

18. Parking. All parking areas are restricted (excepting for board boats and bicycles as previously provided for) to passenger vehicles. Trailers, including boat trailers, are prohibited.

19. Bird Feeding. Bird feeding is not encouraged. Bird feeding may take place only below the high water mark on both beaches.

Small hanging feeders for small song birds may be installed with the consent of the board of directors.

20. Usage of Common Areas. There shall be no rough play or excessive noise in any common areas.

21. Tennis Court. The tennis court is for the use of owners and guests. Residents must be on the court with non-resident guests. No food or beverages are allowed on the court.

Reservations for court use (limited to one hour) may be entered not more than 24 hours in advance. Reservations will be canceled if players are more than 10 minutes late. Proper shoes are required. The gate must be locked after use.

22. Swimming Pool. The use of the pool is at the risk of the user. There are no lifeguard facilities. No diving is permitted. Children under 12 must be accompanied by an adult. Children not toilet trained

**The Banyan Bay Club, INC.**  
A CONDOMINIUM ON LONGBOAT KEY

or children in diapers may not enter the pool. No pets may enter the pool area. No food is allowed in the pool area. Beverages must be in unbreakable containers. Earphones must be used with radios or similiar devices. No rough play or running is allowed. Floats or rafts may not be placed in the pool when persons wish to swim. Floats or rafts must not be left unattended in the pool or pool area.

23. Beach. You are asked to keep the beach free of litter. Glass containers are prohibited. Earphones must be used with radios and similiar instruments. Lounge chairs should not be left below the tide level. To prevent staining of straps by suntan lotions, towels should be spread on the chairs.

24. Dock. No personal gear, chairs, or fishing equipment is to be left unattended at the dock.

25. Nuisance or Disturbance. No conduct which may be reasonably defined as a nuisance or dangerous to others may be engaged in.

26. Enforcement. These rules may be enforced with the assistance of the public authorities, by injunction, by actions for damage and any and all of the foregoing and all other lawful means available. Unit owners shall be responsible for the conduct of the occupants of their units.

27. Attorneys Fees. In any action it is expected that reasonable attorneys fees will be sought against the persons who may be directly or indirectly responsible for the breach of the rules by any unit owner or occupant or both.

28. Limits on Enforcement. Units owners are not authorized to attempt any personal enforcement of rules. Unit owners are required to direct any complaints to the office or a board member or, where appropriate, with the public authorities.

-----  
Florida law requires that all rentals, except those negotiated directly between owner and renter, be negotiated by a licensed real estate agent. For the convenience of owners, the Secretary to the Board will list the units to be rented, along with the telephone number of the owner. The Secretary will play no further part in the rental process nor will she be in a position to handle complaints or other communication between owner and renter. Owners wishing to rent their units should expect to do so through a licensed agent, and renters should register complaints or requests during occupancy with said agent. Renters should understand that Banyan Bay Club has no responsibility for the interior of the unit or for the appliances in it. Once rental negotiations are completed, owners must, for the record, report details to the Secretary (name, dates, etc.) and submit a rental form to be approved by the Board prior to occupancy.

## BANYAN BAY CLUB

**ACCESS TO UNIT** - If you need Management to open your unit for service/repair calls, deliveries, or guests, please contact the Property Manager, Larry Thibodeaux in advance. Office 383-7484, Cell 447-5719.

**SERVICE WORK** - Make sure your work is planned so that it is completed between the hours of 8:00 a.m. and 4:00 p.m. If invoices need to be signed, owners need to be present. When considering a rehabbing project, review your plan with the Banyan Bay Board to determine if a permit from Longboat Key is necessary.

**INSPECTION OF UNITS** - After any heavy rainfall, Larry will inspect each unit. Otherwise, he will inspect unoccupied units once a week.

**GUESTS AND RENTERS** - If you have people using your unit while you are away, notify Larry of their names and the dates the condo will be used. Homeowners should furnish any keys they might need, including a key to the clubhouse/exercise room. If renters/guests have a problem inside the unit, they should contact the owner before contacting the office. Renters/guests are NOT allowed pets. Rules of Banyan Bay should be posted in the unit.

**PARKING** - Be aware of the limited parking spaces on the property, and direct guests accordingly. Do not use another owner's parking space without permission. Carports are designed for use by one car. Please park in the center of your space to allow your neighbors to easily access their cars.

**CLUBHOUSE** - Owners and renters may reserve the clubhouse by calling the office to provide date and time.

**GRILLING** - Feel free to use the grill at the clubhouse. Gas and charcoal grills are NOT allowed except by the pool area. Electric grills on patios and porches may be used with the consent of the units that are connected to your unit (on the sides and above/below).

**COMPUTERS** - Owners and renters are invited to hook up their personal computers to the wireless Internet service at the clubhouse. See Larry for the wireless key.

**POOL** - Young children must be monitored at the pool area. Infants in diapers are not permitted in the pool. Everyone is reminded to help keep the pool area clean.

TENNIS - Players may reserve the court by using the signup sheet on the gate of the court. Feel free to use the ball machine, which can be found in the storage unit by the tennis court. (Please return the machine to the storage area.)

PLUMBING - Please take care to avoid clogging drains. Sand in washing machines, sinks and tubs, and citrus deposited in disposals are especially problematic. Shake towels thoroughly before washing and wash shells at outside hose. Deposit fruit rinds in trash. For any problems involving clogged sinks or toilets, call a plumber (rather than Larry). If the plumber determines that the problem is related to an external line, the association will reimburse the owner for that expense.

SPRINKLER SYSTEM for the complex during the winter ordinarily runs at night on the Gulf side on Sundays and on the Bay side on Tuesdays. After March, the sprinklers also operate in the evenings of the same days.

PEST CONTROL will enter the unit to spray on the first Thursday every other month. If you spot a problem between sprayings, notify Larry, who will arrange for an interim visit.

PETS are allowed only by OWNERS. Dogs are not allowed on any part of the beach, including area of lounge chairs, and must be kept on a leash at all times. Owners are expected to clean up after their dogs.

WILDLIFE - Occupants of the units on the Gulf side are asked to avoid bright lights shining onto the Gulf during turtle hatching time, May - October.

RECYCLING - Please be aware of what can and cannot be placed in recycling bins. A list of items appropriate for recycling is available from Larry.

MAIL - If you are going to be in residence for the season, notify Larry so that he can put BBC notices in your box instead of mailing them to your permanent address. If you would like mail from Beth Callens Management Office to be delivered to Banyan Bay during your stay, call 387-3443 to notify of your arrival and departure dates.