

ACTION BY
UNANIMOUS CONSENT OF DIRECTORS OF
PHOENIX ON THE BAY OWNERS ASSOCIATION, INC.
(IN LIEU OF SPECIAL MEETING)

State of Alabama, Baldwin County
I certify this instrument was filed
and taxes collected on:
2005 April -22 10:31AM
Instrument Number 886898 Pages 4
Recording 12:00 Mortgage
Deed Min Tax
Index 5.00
Archive 5.00
Adrian I. Johns, Judge of Probate

The undersigned, constituting all of the Directors of PHOENIX ON THE BAY OWNERS ASSOCIATION, INC., an Alabama not-for-profit corporation, do hereby unanimously consent and agree that the following resolution be adopted, taking the action in lieu of a meeting as permitted under Section 10-3A-40, *Code of Alabama* (1975).

RESOLVED, the following Rules & Regulations of "The Marina" of Phoenix on the Bay, a condominium, are adopted:

1. Persons using the Marina and the facilities located at the Marina do so at their own risk. The Phoenix on the Bay Owners Association, Inc. is not responsible for any accident or injury in connection with the use of the Marina or for any loss or damage to personal property. Persons using the Marina agree not to hold the Association liable for any actions of whatever nature occurring on or around the Marina.
2. Owners are responsible for the conduct of their guests at all times, and for the careful observance of all safety and sanitation precautions. All sanitation waste emptied from boats at the Marina is to be deposited by boat Owner into proper disposal system and placed into the city sewage outlet provided at fish cleaning station.
3. The Marina shall be used in accordance with such rules and regulations as shall, from time to time, be promulgated by the Association, including without limitations rules with respect to operation of watercraft and personal watercraft, which rules shall be posted by the Association.
4. The Marina and marina slips are for the private use of the condominium unit owners and the renters of condominium units in Phoenix on the Bay. One must be a condominium owner or a renter of a condominium to use a boat slip. Any boat parked in a marina slip must be in operating condition. If an owner rents his condominium unit to others and uses a rental agency to do so, the owner is responsible for informing the rental agency of the rules and regulations of the property owners association that govern his unit, marina slip, piers, fish stations, power usage and all other marina facilities.

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5. Marina slips are available to Owners for operating boat parking only and are not to be used by Owners or their guests for overnight accommodation. No exception to this rule will be made.
6. Each Owner is provided an identification sticker to be affixed to his boat in a place that can be seen from the pier by Security personnel. Should an Owner's guest wish to park his boat in the marina slip, the Owner may request that Security issue a temporary marina parking pass that indicates the dates the slip will be occupied. The pass can be picked up by the Guest at the Guard House upon arrival or at the offices of the Management Company. If the Owner's guest is a rental guest, the rental company handling the rental will provide the pass.
7. No article shall be hung or shaken from the deck or placed in the window or railing of the boats. Under no circumstances shall laundry or other articles be placed or hung on the exterior portions of the boat. No reflective blinds, shades, screens, reflection materials, or other items affecting the exterior appearance of the boat or the Limited Common Areas of the Marina shall be installed without the prior written consent of the Board of Directors of the Association.
8. The use of bicycles, scooters, skateboards, and other such items are prohibited on the piers and docks area comprising the Marina.
9. Each Marina Slip Owner shall see that the areas of the Marina are maintained in a clean condition. Owners using the fish cleaning stations are responsible for the cleaning up after such usage. Owners are required to clean up the Marina of any refuse created from pier fishing, use of cast nets any other fishing equipment.
10. Maintenance and repair to boats parked in the Marina is limited to what can be accomplished within the confines of the boat. Materials or parts removed from boats in the process of repair cannot be stored on the pier or any Marina facility.
11. In the event the U.S. Weather Service issues a "Hurricane Warning," all Owners and their guests are required to remove their boats from the Marina. The Owner's boat is his responsibility.
12. Unit Owners are reminded that additions, alterations or construction of storage facilities, hoists and/or other equipment on a Unit Owner's Marina slip shall be subject to prior written consent of the Association. Such consent may be made subject to such conditions as the Association may specify.

13. Boat Lift Procedures: All contractors that sell boatlifts to be installed at Phoenix On The Bay shall have all licenses and insurance that is required by the Association. In addition, they need to provide the Association with a copy of their product liability certificate for the Phoenix On The Bay file.
 - a. When pricing a boatlift all contractors must include in the price the final electrical hookup. Any wiring is to be the responsibility of the contractor and all work must comply with current building codes.
 - b. The contractor must include a lockable weatherproof (Fiberglass or PVC type) box for all switched and controls.
 - c. When the contractor knows his schedule, he needs to contact the Association to coordinate the installation, so there will be no delays on getting the installation completed.
 - d. If there are any questions, please contact The Property Owners Association.
 - e. The contractor shall be responsible for collecting the money and paying for all materials. The Property Owners Association need not be involved. The contractor and the Marina slip Owners are responsible for all costs and installation.
14. Boat lifts cannot be installed on existing pilings. The lift has to be installed on its own piling. This keeps the dock from settling. All pilings are to be in the ground 10 feet to 12 feet to insure stability.
15. All pilings are to have an 8 inch top with a 10 inch to 12 inch butt. All pilings are to be 2.5 CCA pressure treated.
16. All boat lifts are to have a 6 feet 6 inch clearance under the eye beam to prevent people from hitting their heads.
17. All motors are to be stainless steel. No wood bunks. All lifts are to be aluminum.
18. All Marina slips are metered for electricity. Each owner will be billed monthly for his electrical bill by the association. There will be a base rate of \$10.00 a month for each Marina slip.
19. All control panels for lifts are to be locked. Lock boxes to be provided by the contractor installing the lift.

20. No commercial business of any description can be conducted at this Marina such as but not limited to charter boats-dolphin trips-jet ski rental, etc. this does not preclude pick up and delivery service.
21. When the owner sells his marina slip, the lift has to be sold with the Marina slip.
22. Any rules stated in the recorded condominium documents will supersede these rules.
23. All boat lifts are to be uniform in appearance and design. The Association has selected Boat Lift U.S., Inc., as the company authorized by the association to install boat lifts. The regional dealer and distributor is Charles Pridgeon. He may be reached at the following telephone numbers:

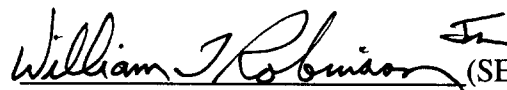
Toll Free: 1-800-393-8296
Cell Phone: 251-510-8960
Home: 251-937-7110

RESOLVED, that this writing be filed with the minutes of the corporation and recorded in the Office of the Judge of Probate, Baldwin County, Alabama.

IN WITNESS WHEREOF, the undersigned, constituting all of the directors of Phoenix on the Bay Owners Association, Inc., hereby execute this written consent and agreement to act on behalf of the corporation, effective as of the 20 day of april, 2005.

 (SEAL)
TILLIS M. BRETT

 (SEAL)
THOMAS E. BRETT

 (SEAL)
WILLIAM T. ROBINSON, JR.