



**Riviera Dunes Master Association**  
**Wednesday, March 24, 2021, at 11:00 AM**  
**SPECIAL MEETING OF THE DELEGATES BOARD MEETING**  
**MEETING MINUTES**

- I. Called to Order – The President Shay Hawkinberry call the meeting to order at 11:00AM also via zoom.
- II. Quorum- established: Proof of quorum Delegates- Shay Hawkinberry, Deborah Sperry, Drew Denick, Saul Fineman, Rob Hartwell, Michael Averbuch (via Zoom), and Bob Crowley.  
 Ken Johnson, At Large Director & Gary Schuster, Marina Director present.  
 Community Association Presidents Keith Grady, Jim Bailie, Lynn Daniels, and Bob Crowley were present as well as other residents of Riviera Dunes. (see meeting audio).
- III. Proof of Notice – was mailed and posted accordingly to FL State Statute 720.
- IV. Approval of Minutes –NONE
- V. Officer Reports – NONE
- VI. New Business
  - A. Board openly discussed the proposed draft version of the Eighth Amendment to the Master Declaration of Covenants.

Bob Crowley, RDMA Delegate & Marina President- presented a letter to the RDMA Delegates (see attached). Open discussion was held for consideration.

- B. Delegate Vote was called to approve the proposed Eighth Amendment as presented.

TYPE	ASSOCIATION	*Acreage	Units/Votes	Votes	Delegates
Commercial	7-11	1.0767	22	22	Shay Hawkinberry
Commercial	ALBA PALMS LLC-PALMETTO FUND	2.4806	50	50	Michael Averbuch
Multi-Family	BEL MARE Condo-Towers 1&2 & East Property (124 Units)		124	124	Deborah Sperry
Multi-Family	GDAWG BEL MARE-TOWER 3	1.3697	27	27	Shay Hawkinberry
Commercial	GDAWG HABEN RETAIL	2.2744	45	45	Shay Hawkinberry
Commercial	GDAWG HARBORSIDE	6.1394	123	123	Shay Hawkinberry
Multi-Family	GDAWG LAGUNA TOWER 5	1.5000	30	30	Shay Hawkinberry
Single Family	HAMMOCKS at Riviera Dunes (65 Homes)		65	65	Rob Hartwell
Single Family	HOA at Riviera Dunes (154 Homes)		154	154	Drew Denick
Multi-Family	LAGUNA RIVIERA CONDOS(4 bldgs 168 Units)		168	168	Saul Fineman
Multi-Family	MARINA (219 Taxable Boat Slips Condominium Units)		0	0	abstained
Commercial	MARINA	2.0000	40	0	abstained
Commercial	MARINA	2.3670	47	0	abstained
			895	808	
				90%	

Eighth Amendment of the Master Declaration passes with 90%.

Meeting adjourned at 11:30 am.



*Riviera Dunes Marina Condominium Association, Inc.*

March 24, 2021

Dear Shay:

On March 11, 2021, I wrote to you expressing the concerns of the Marina Condominium Association as to the errors in the Governing Documents for Riviera Dunes. Specifically, the allocations for assessments and votes for Bel Mare Condo Towers 1 and 2, Bel Mare Tower 3, Laguna Tower 5, and the Marina have each been the subject of errors that impact every member of the Master Association. What began as an allocation based on "Index Points" per acre is now arbitrarily being reconfigured based upon "unit" in the proposed Eighth Amendment.

In lieu of passing the Eighth Amendment, it was and is our proposal that we gather all of the interested parties and their attorneys for a mediation in an effort to fix these errors without the need for litigation and all of the divisiveness and expenses that litigation would bring to our community.

In order to facilitate the mediation and discussions, we ask that you waive the statute of limitations as to claims that Riviera Dunes Marina Condominium Association, Inc. may have regarding the documents and amendments. You indicated that you would refer that matter to counsel, however, we have heard nothing from counsel for the Master Association as to this issue. Therefore, we are again asking you to waive that statute of limitations so that no one is under a time pressure to litigate.

Instead of attempting to resolve this matter amicably through a mediation, you have pressed forward with the proposed Eighth Amendment which you know will be opposed by the Marina Condominium as it does not fairly or accurately allocate the interests of the members. Therefore, we urge each member of the Master Association to consider mediation as an alternative to approving yet another amendment which could be subject to legal challenge and further divide our community, and to direct President Hawkinberry to execute the requested waiver of statute of limitations. Therefore, we call upon you, the delegates, to table this issue or to vote in opposition of the issue to give us time to create a more accurate and fair resolution of this complex issue that affects all of us in Riviera Dunes.

Thank you for your consideration.

Sincerely,



Bob Crowley, President  
Riviera Dunes Marina Condominium  
Association, Inc.



Prepared by and Return to:  
Karen E. Maller, Esq.  
Powell, Carney, Maller, P.A.  
200 Central Avenue, Suite 1210  
St. Petersburg, FL 33701

***EIGHTH AMENDMENT TO THE MASTER DECLARATION OF COVENANTS,  
CONDITIONS, RESTRICTIONS AND EASEMENTS FOR RIVIERA DUNES***

This Eighth Amendment to the Master Declaration of Covenants, Conditions, Restrictions and Easements for Riviera Dunes ("Eighth Amendment") is made this 24<sup>th</sup> day of March 2021, and is made with reference to the following:

***WHEREAS***, the Master Declaration of Covenants, Conditions, Restrictions and Easements for Riviera Dunes ("Master Declaration") was executed on November 23, 1999 and recorded in O.R. Book 1616, beginning at Page 4557, in the Public Records of Manatee County, Florida; and

***WHEREAS***, the Master Declaration has been amended:

1. On April 23, 2001 by the First Amendment to Master Declaration of Covenants, Conditions, Restrictions and Easements for Riviera Dunes, recorded in O.R. Book 1677, beginning at Page 1378, in the Public Records of Manatee County, Florida; and
2. On June 26, 2001 by the Second Amendment to Master Declaration of Covenants, Conditions, Restrictions and Easements for Riviera Dunes, recorded in O.R. Book 1688, beginning at Page 4355, in the Public Records of Manatee County, Florida; and
3. On April 4, 2003 by the Third Amendment to Master Declaration of Covenants, Conditions, Restrictions and Easements for Riviera Dunes, recorded in O.R. Book 1818, beginning at Page 5706, in the Public Records of Manatee County, Florida; and
4. On October 20, 2003 by the Fourth Amendment to Master Declaration of Covenants, Conditions, Restrictions and Easements for Riviera Dunes, recorded in O.R. Book 1874, beginning at Page 5122, in the Public Records of Manatee County, Florida; and
5. On August 16, 2005 by the Fifth Amendment (incorrectly identified as the Third Amendment) to Master Declaration of Covenants, Conditions, Restrictions and Easements for Riviera Dunes, recorded in O.R. Book 2051, beginning at Page 2109, in the Public Records of Manatee County, Florida; and
6. On December 20, 2007 by the Sixth Amendment to Master Declaration of Covenants, Conditions, Restrictions and Easements for Riviera Dunes, recorded in O.R. Book 2240, beginning at Page 1925, in the Public Records of Manatee County, Florida; and
7. On June 19, 2013 by the Seventh Amendment to Master Declaration of Covenants, Conditions, Restrictions and Easements for Riviera Dunes, recorded in O.R. Book 2481, beginning at Page 1485, in the Public Records of Manatee County, Florida; and



**WHEREAS**, pursuant to Section 16.05 of Article 16, of the Master Declaration, at a duly called meeting of the Delegate Members of Riviera Dunes Master Association, Inc., the Master Declaration, as amended, was further amended by this Eighth Amendment by an approval vote of not less than seventy percent (70%) of all Members of Riviera Dunes Master Association, Inc., as evidenced by Delegate Voting.

**NOW, THEREFORE**, pursuant to said Delegate Vote, the Master Declaration, as amended, is further amended as follows:

(~~Strikethroughs~~ are deletions; underlined words are additions or changes:

1. Section 1.05 of the Master Declaration titled "Assessment Index" is amended as follows:

1.05. "Assessment Index" means the number of Index Points assigned to each Lot or Parcel to establish the share of Common Expense to be borne by such Lot or Parcel. Each Lot shall have one Index Point and each Parcel shall have twenty (20) Index Points ~~per full developable acre thereof~~ (exclusive of roadways, stormwater systems, and common area property [once determined] serving more than one (1) Lot or Parcel) as determined by Declarant for purposes of Assessments and voting rights, except those areas identified on the attached Exhibit A as parcels 4 and 18 which shall not be assigned Index Points. Parcel 14A has been adjusted to account for the storm water pond. Bel Mare East property, parcel ID #2581600959, has been adjusted as common area property and will not be allocated index points or voting rights. Index Points shall not be reduced for any acre listed on Exhibits A and B except in accordance with Manatee County zoning and land use regulations or by any future amendment to the Master Declaration. A partial developable acre shall be allocated the corresponding percentage of the twenty (20) Index Points (e.g., one-half acre would be allocated ten (10) Index Points).

2. (i) Section 9-A.01 of the Master Declaration Second Amendment, titled "Description of Marina Parcel" and Section 9-A.01 of the Mater Declaration Fifth Amendment titled "Description of Marina" are deleted in their entirety, and the following is substituted; (the following language is substantial rewording. (See governing documents for deleted text):

9-A.01 Description of the Marina Parcel. The Marina Parcel shall hereafter consist of all that real property identified and legally described in Exhibit "A" to the Second Amendment and Exhibit "B" to the Fifth Amendment, each of which is incorporated herein by this reference. The Marina Parcel, as expanded by this Fifth Amendment, shall thereafter be considered a "Parcel" as such term is defined at Article 1.34 of the Master Declaration, and shall thus be separate and distinct from the Harbor, shall not be considered a part of the Exclusive Common Area known as the Harbor, and shall not be included within any definition or other description of the Harbor



or bound by any covenants, restrictions, regulations pertaining to the Exclusive Common Area and/or the Harbor except as same may affect a Parcel or unless otherwise specifically set forth elsewhere in the Declaration.

(ii) Based upon the foregoing, the following Marina Parcels are allocated the following Index Points for determination of voting and assessment obligations, to wit:

- a. The Marina parcel identified as parcel number 2581600639 in the Manatee County Property Appraiser's records, shall be deemed to have 2.3670 acres with twenty (20) Index Points allocated per acre, for a total of forty-seven (47) Index Points.
- b. The Marina parcel identified as parcel number 2581600509 in the Manatee County Property Appraiser's records, shall be deemed to have 2.0 acres with twenty (20) Index Points allocated per acre, for a total of forty (40) Index Points.
- c. Marina parcels identified as parcel numbers 2581608959; 2581618309, and 2581614909 in the Manatee County Property Appraiser's records, contain a total of two hundred nineteen (219) taxable boat slip condominium units with one (1) Index Point allocated per boat slip unit, for a total of two hundred nineteen (219) Index Points.

3. Section 2.01 of the Master Declaration Third Amendment titled "Existing Property" is amended as follows:

2.01. Existing Property.

(a) The real property subject to this Master Declaration is described on Exhibit A attached to the initial Master Declaration recorded in O.R. Book 1616, beginning on Page 4557, in the Public Records of Manatee County, Florida hereto and made a part hereof, with the exception that and exclusion of Parcels 15, 16 and 17 as described on Exhibit A have been excluded. However, it is acknowledged that Parcel 15 as depicted in the first page of Exhibit 1 to the Sixth Amendment to the Master Declaration (which consists of a 2.4806 acre parcel also identified as parcel number 2581600639 in the Manatee County Property Appraiser's public record) is not the same Parcel 15 excluded from the Master Declaration and is part of the property governed by the Master Declaration and entitled to the assignment of Assessment Index points as are other Parcels. By virtue of this Eighth Amendment to the Master Declaration, the Parcel identified as Parcel 15 on the first page of Exhibit 1 to the Sixth Amendment is hereby labeled and identified as Parcel 14B.



(b) Effective the date of this Eighth Amendment the real property subject to this Master Declaration is described on Exhibit A attached hereto and made a part hereof. The current Assessment Index allocating Index Points among the depicted real property currently subject to the Master Declaration is listed in Exhibit B attached hereto and made a part hereof. Effective the date of this Eighth Amendment, the attached Exhibit A depicting the real property subject to the Master Declaration and the attached Exhibit B containing the current Assessment Index allocating Index Points supersedes all prior real property depictions and Assessment Index contained in the Master Declaration as previously amended.

4. Section 10.02 of the Master Declaration Fourth Amendment titled "Architectural Control Committee" is amended as follows:

10.02. Architectural Control Committee. Architectural Review shall be implemented by the ACC. The ACC shall consist of not less than three (3), nor more than seven (7) members, except as provided below. If the Board chooses to appoint a separate ACC from the Board, members of the ACC shall serve terms established by the Board. five members. The members shall be Michael A. Fernandez, Dennis D. Bradford, and C. Timothy Vining, and two other members selected by Declarant prior to the turnover date and thereafter, two other members shall be appointed by the board. In the event C. Timothy Vining ceases to serve as a member of the ACC, his replacement shall be selected by Riviera Dunes Partners, LLC, or its successors, that is assigned this right).

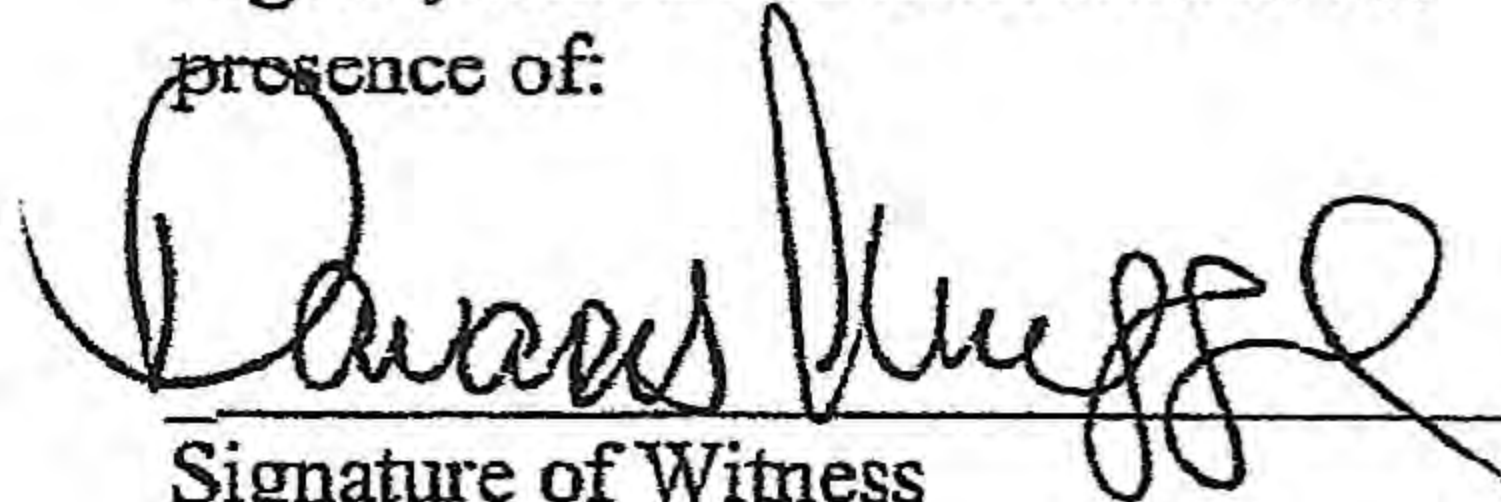
5. All references to the Third Amendment to the Master Declaration of Covenants, Conditions, Restrictions, and Easements for Riviera Dunes recorded in O.R. Book 02051, Pages 2109 through 2112, Public Records of Manatee County, Florida, are deleted, and substituted for the word "Third" is the word "Fifth," since the described amendment is in fact the Fifth Amendment to the Master Declaration.

**[Remainder of Page Intentionally Left Blank]**

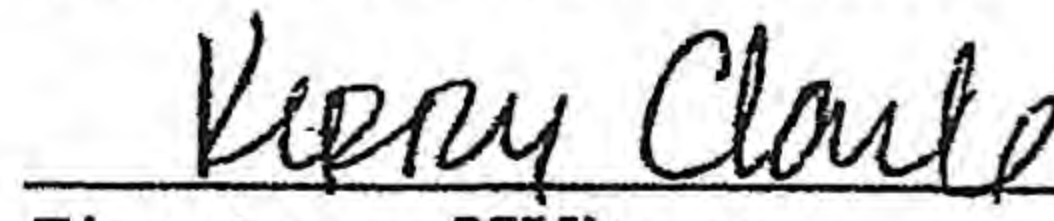


**IN WITNESS WHEREOF**, this Eighth Amendment has been executed by Riviera Dunes Master Association, Inc., on the day and year first above written.

Signed, sealed and delivered in the presence of:


  
Signature of Witness

Davarious Huggins  
Printed Name of Witness

  
Signature of Witness

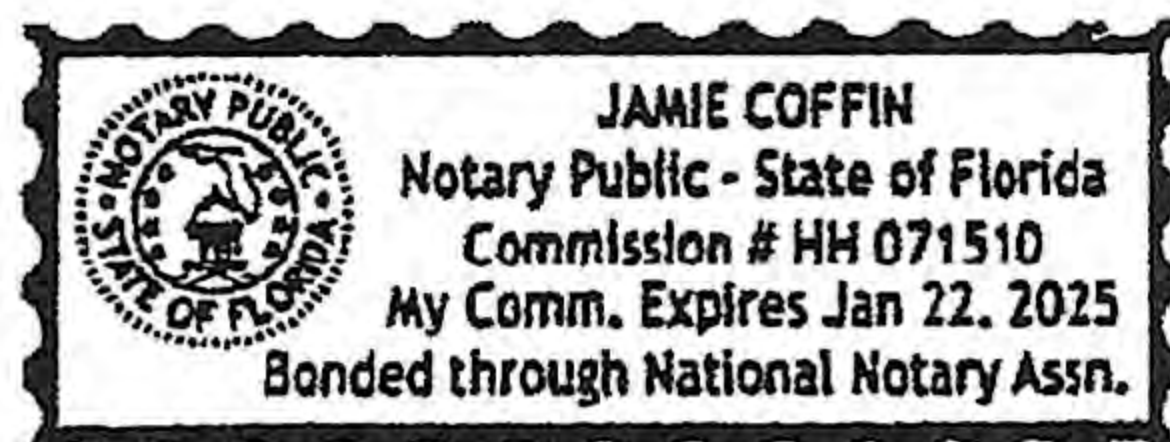
Kerry Clark  
Print Name of Witness

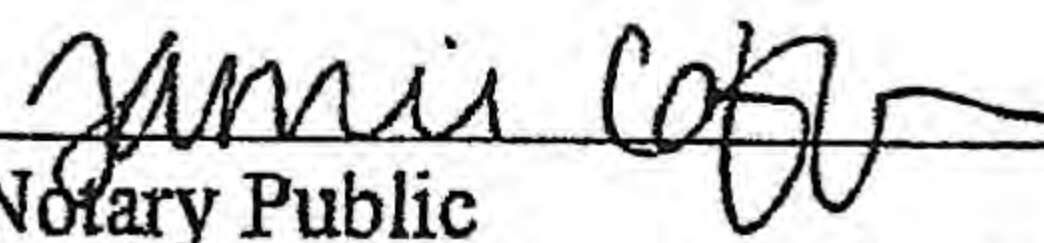
RIVIERA DUNES MASTER ASSOCIATION, INC.

By:   
Name: Shay Hawkinsberry  
Title: President

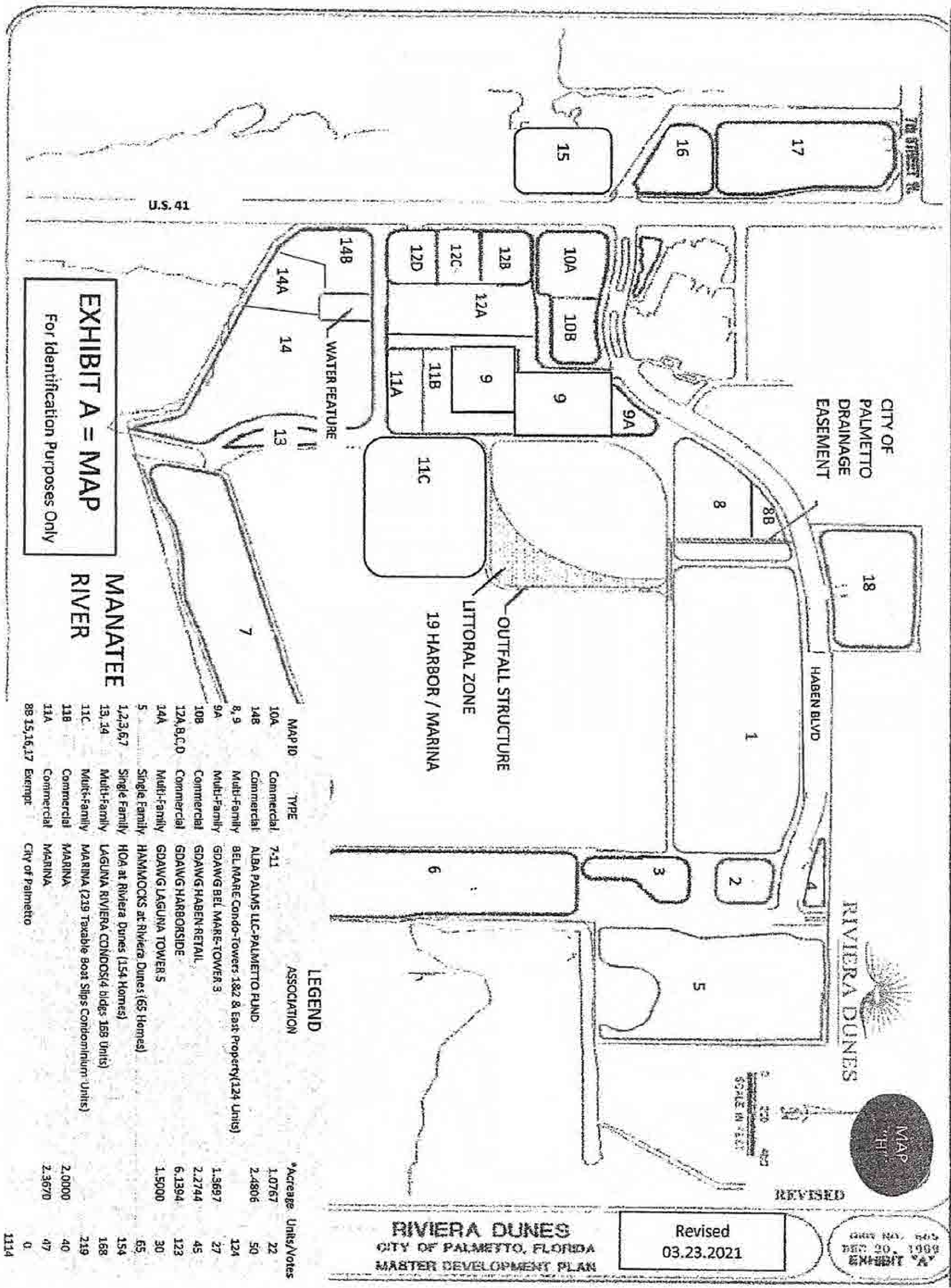
STATE OF FLORIDA  
COUNTY OF MANATEE

The foregoing was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 7 day of April, 2021, by Shay Hawkinsberry, as President of RIVIERA DUNES MASTER ASSOCIATION, INC., on behalf of the Association, who ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.



  
Notary Public  
Print Name of Notary Jamie Coffin  
My Commission Expires: 01/22/2025







**EXHIBIT B**

MAP ID	TYPE	ASSOCIATION	*Acreage	Units/Votes
10A	Commercial	7-11	1.0767	22
14B	Commercial	ALBA PALMS LLC-PALMETTO FUND	2.4808	50
8, 9	Multi-Family	BEL MARE Condo-Towers 1&2 & East Property(124 Units)		124
9A	Multi-Family	GDAWG BEL MARE-TOWER 3	1.3697	27
10B	Commercial	GDAWG HABEN RETAIL	2.2744	45
12A,B,C,D	Commercial	GDAWG HARBORSIDE	6.1394	123
14A	Multi-Family	GDAWG LAGUNA TOWER 5	1.5000	30
5	Single Family	HAMMOCKS at Riviera Dunes (65 Homes)		65
1,2,3,6,7	Single Family	HOA at Riviera Dunes (154 Homes)		154
13, 14	Multi-Family	LAGUNA RIVIERA CONDOS(4 bldgs 168 Units)		168
11C	Multi-Family	MARINA (219 Taxable Boat Slips Condominium Units)		219
11B	Commercial	MARINA	2.0000	40
11A	Commercial	MARINA	2.3670	47
8B 15,16,17	Exempt	City of Palmetto		0
				1114