

## **AMENDMENT TO THE RULES AND REGULATIONS OF SAN DE VANCE GOLF AND TENNIS CLUB CONDOMINIUM ASSOCIATION NO.1, INC.**

In the event that anything in the Rules and Regulations conflicts with this Rule, this Rule controls.

### **GUEST OCCUPANCY:**

A "Guest" is defined as a person who enters upon the Condominium property at the invitation of a Unit Owner or a Tenant of a Unit Owner (or their respective families) for the purpose of visiting the Unit Owner or Tenant (or their respective families). Use or visitation without consideration (payment) distinguishes a Guest from a Tenant. There are various types of Guest uses that are regulated as follows:

#### **1) Non-overnight Guests When Unit Owner or Tenant is Absent:**

Unit Owners and Tenants are prohibited from having non-overnight Guests when the Unit Owner or Tenant is absent from the Unit, unless the non-overnight Guest is registered with the Association by the Unit Owner or Tenant prior to the non-overnight Guest entering the unit. In the absence of the Unit Owner or Tenant, non-overnight Guests are prohibited from using the Clubhouse or any of the recreational facilities of the Association. The Association can restrict or prohibit Guest visitation by persons convicted of, but not limited to, sexual offenses, thefts, assaults and drug offenses.

#### **2) Overnight Guests When Unit Owner or Tenant is in Residence:**

Unit Owners and Tenants can have overnight Guests, so long as the Unit Owner or Tenant is in simultaneous residence. Any Guest visiting the Unit Owner or Tenant for a period of more than thirty (30) calendar days in any sixty (60) calendar day period must file an Application with the Management of the Association on a form provided by the Association, consent to a full background investigation and allow a report to be generated in connection therewith, and be interviewed by an authorized representative of the Board of Directors. The Association can restrict or prohibit Guest visitation by persons convicted of, but not limited to, sexual offenses, thefts, assaults and drug offenses.

#### **3) Overnight Guests in the Absence of the Unit Owner or Tenant:**

a) **Unit Owners** can have overnight Guests in the absence of the Unit Owner, subject to the following conditions and such other Rules and Regulations as deemed necessary by the Board to effectuate the residential, non-transient nature of this Condominium Association. The Association can restrict or prohibit Guest visitation by persons convicted of, but not limited to, sexual offenses, thefts, assaults and drug offenses.

1) A Unit Owner who will have overnight Guests in the absence of the Unit Owner must notify the Management of the Association in writing prior to the arrival of the overnight Guest(s), stating the full legal name of each Guest and the dates of their stay. The number of

Guests occupying the unit is restricted to two (2) persons per bedroom. The Unit Owner is responsible for the actions and conduct of the Guests and must provide all overnight Guests with a copy of the governing documents of the Condominium Association, including the Rules and Regulations. Should any Guest violate any provision in the governing documents, including, but not limited to, the Rules and Regulations, the Association can hold the Unit Owner responsible for the actions of the Guest and enforce the governing documents against the owner of the unit that the Guest is occupying. Any Guest(s) occupying a unit for a period of more than thirty (30) calendar days in any sixty (60) calendar day period, must file an Application with the Management of the Association on a form provided by the Association, consent to a full background investigation and allow a report to be generated in connection therewith, and be interviewed by an authorized representative of the Board of Directors. It is the intent of this provision that once any Guest or series or combination of Guests occupies a Unit in the absence of the Unit Owner for a combined total of sixty (60) days in a calendar year, the Unit Owner cannot have any Guest occupy the Unit overnight in the absence of the Unit Owner until the commencement of a new calendar year.

2) A Guest's vehicle parked on Association property must comply with all parking regulations in the governing documents of the Association, including, but not limited to, the Rules and Regulations, and must properly display a Guest Parking Permit issued to the owner of the Unit the Guest is occupying.

b) **Tenants** are prohibited from having overnight Guests in the absence of the Tenants' simultaneous residence.

#### **4. Guests deemed Illegal Occupants:**

Any Guest occupying or visiting a Unit contrary to the terms and conditions of this Rule is deemed an Illegal Occupant, whether or not any consideration is being received for the use of the Unit. Any Guest deemed an Illegal Occupant is also deemed disapproved, pursuant to the provisions of the Declaration of Condominium of San de Vance Golf and Tennis Club Condominium Association, No.1, Inc. The Association can evict such Illegal Occupant(s), or bring any other legal or equitable action to have such Illegal Occupant(s) removed from the Condominium Property, in its own name or as the agent of the Unit Owner, and to recover from the Unit Owner and/or the Illegal Occupant(s), jointly and severally, the Association's costs and reasonable attorney's fees, through all appellate levels, incurred in connection with such eviction or other legal or equitable action, whether suit be brought or not, and to prohibit such Illegal Occupant(s) from accessing the Condominium Property; accessing, utilizing, or occupying the Unit; or accessing or utilizing any of the Common Elements or recreational facilities. The remedies provided for herein are cumulative and in addition to any other remedy the Association has against the Unit Owner, Guest/Tenant, or Illegal Occupant.

