

# Watermark

401 North Atlantic Ave.  
New Smyrna Beach,  
Florida 32169  
July 11th, 2025

Attention Watermark Owners,

The Special meeting to vote on the Hurricane Protection and specifications amendment will be held at 9:00 a.m. on July 11th. The meeting will be held in Unit #103 at the Watermark

The following is what is scheduled:

- One topic owner's meeting to go over the vote on the Hurricane Amendment and specifications adoption to Condo Rules and Regulations. July 11th, at 9:00 a.m., Unit #103

This mailing includes the following materials:

- Meeting agenda
- Instructions
- Proposed Amendment (attachment)
- Ballot (attachment)
- Limited Proxy form for this meeting. (attachment)
- Voter Certification form (attachment)

Any adoption of an amendment to our Rules and Regulations requires a 2/3<sup>rd</sup> affirmative vote by the designated unit voter which makes it very important that **should you be unable to attend the meeting in person, each unit's designated voting member should complete the Proxy form and return it to the Manager's Office (#103) by mail or delivery prior to the meeting.**

If you have any questions, please feel free to contact me.

Ron Laramy, Secretary

## ATTENTION OWNER/DESIGNATED VOTER OF THE UNIT,

As discussed previously, the state/new law requires that a statement specifying whether the unit owner or the association is responsible for the installation, maintenance, repair, or replacement of hurricane protection that is for the preservation and protection of the condominium property and association property, be added to the condominiums Declaration. Hurricane protection is defined as hurricane shutters, impact glass, code-compliant windows or doors, and other code-compliant hurricane protection products used to preserve and protect the condominium property or association property. The owners of each unit have always been responsible for this, but the law now states that the statement be added to the Declaration of Condominiums, and in order to place that statement, it requires an owner vote.

At Watermarks latest BOD Meeting, the Board voted to have the unit owner be responsible for the installation, maintenance, repair, or replacement of hurricane protection that is for the preservation and protection of the condominium property and association property. Now that this statement has been voted on by the board, the ownership will need to vote on the statement to have it added to Watermarks Declaration.

Inside this notice, you will find the agenda for the Special Meeting of the Members, Instructions for the meeting, proposed amendment, ballot, limited proxy and voter certificate. The Watermark docs state that votes can only be counted if voting in person (ballot) or by proxy. So, **PLEASE**, remember to fill out the limited proxy form **or** the voting ballot for the Special Meeting of the Members for all votes to be counted

Additionally, please be advised that in order for the proposed amendment to be approved, it must receive an **affirmative vote of not less than two-thirds (2/3rds) of the membership**. So, it is very important that you follow the instructions below.

1. Once the meeting packet is received, read and go over everything.
2. Ask any questions that you may have by contacting Nikki by phone at (386.428.3793) or emailing watermark401@hotmail.com.
3. To cast your vote, please follow one of these steps
  - a) If you are **UNABLE TO ATTEND IN PERSON**, please fill out the limited proxy form and send it back via email, mail or hand-deliver it to Nikki (Manager) in the office (unit 103). Please make sure to place an "x" under FOR or AGAINST the proposed amendment.
  - b) If you are **ABLE TO ATTEND IN PERSON**, please fill out the ballot form and hand-deliver it to Nikki (Manager) at the time of the meeting. Please make sure to place an "x" under FOR or AGAINST the proposed amendment.

# Watermark

401 North Atlantic Ave  
New Smyrna Beach,  
Florida 32169 July  
11th, 2025

**Subject:** Agenda for Special meeting, Watermark Condominium Association  
**Time/Date** 9:00 a.m., Friday, July 11<sup>th</sup>, 2025  
**Location:** Unit #103, Watermark 401 North Atlantic Ave., New Smyrna Beach,  
FL 32169

## AGENDA

1. Call to Order Bryan
2. Roll call / proxy certification / establish quorum Laramy
3. Proof of notice of meeting Laramy
4. Discussion and vote on proposed amendment to Declaration
5. Counting of owners' ballot submissions
6. Treasurer's report Stacy
7. Managers report Nikki and Dustin
8. Results of vote on amendment to Declaration
9. Open discussion
10. Adjournment Bryan

**WATERMARK CONDOMINIUM a/k/a 401 MANAGEMENT, INC.**

**BALLOT**

The Special Meeting of the Membership will be held for the purpose of voting on certain proposed amendments and such other business as may lawfully be conducted on **July 11, 2025 at 9 a.m.** located at **401 North Atlantic Ave NSB, FL 32169 in the office (unit 103).**

Please indicate with an "X" in the appropriate box how you wish to vote:

| <u><b>Amendment</b></u>  | <u><b>For</b></u> | <u><b>Against</b></u> |
|--|-------------------|-----------------------|
| <b>The following proposed amendment will be added to Article XX of the Declaration:</b><br>This amendment authorizes the Association's Board of Directors to establish uniform specifications for hurricane protection (including style, color, and other criteria) for all buildings. It clarifies that such work does not constitute a material alteration to common areas. The Board may operate hurricane protection systems when necessary for safety, and unit owners may install or replace protection systems if they follow the approved specifications. Responsibility for hurricane protection serving private dwellings falls to the unit owner. The amendment also outlines procedures and cost responsibilities when removal or reinstallation is needed for Association property maintenance. |                   |                       |

**Disclaimer: Owners are advised to refer to the exact language of the proposed amendment for a full and clear understanding of its contents.**

Date: \_\_\_\_\_, 20\_\_\_\_\_

Signature of Owner or the Designated

Voting Member for the Unit:

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Unit Address:

**ONCE SUBMITTED, YOUR BALLOT CANNOT BE REVOKED.**

**WATERMARK CONDOMINIUM a/k/a 401 MANAGEMENT, INC.**

**LIMITED PROXY**

The Undersigned owner or designated voter of property address \_\_\_\_\_ within Watermark Condominium a/k/a 401 Management, Inc., hereby appoints \_\_\_\_\_ as my proxy, or the Secretary of the Association, as my proxyholder (if the above is left blank) to attend the meeting of Members of Watermark Condominium a/k/a 401 Management, Inc., which will be held for the purpose of voting on certain proposed amendments and such other business as may lawfully be conducted on **July 11, 2025 at 9 a.m.** located at **401 North Atlantic Ave NSB, FL 32169 in the office (unit 103)**. This Proxy shall also be used for all lawful adjournments of such meeting held within ninety (90) days of the date this meeting was originally called, if any, unless this Proxy is sooner revoked by the undersigned. The proxyholder named above has the authority to vote and act for me as indicated below:

  X   To establish quorum.

  X   To vote regarding the following matters as indicated below:

| <u><b>Amendment to Declaration</b></u>   | <u><b>For</b></u> | <u><b>Against</b></u> |
|--|-------------------|-----------------------|
| <b>The following proposed amendment will be added to Article XX of the Declaration:</b><br>This amendment authorizes the Association's Board of Directors to establish uniform specifications for hurricane protection (including style, color, and other criteria) for all buildings. It clarifies that such work does not constitute a material alteration to common areas. The Board may operate hurricane protection systems when necessary for safety, and unit owners may install or replace protection systems if they follow the approved specifications. Responsibility for hurricane protection serving private dwellings falls to the unit owner. The amendment also outlines procedures and cost responsibilities when removal or reinstallation is needed for Association property maintenance. |                   |                       |

**Disclaimer: Owners are advised to refer to the exact language of the proposed amendment for a full and clear understanding of its contents.**

Date: \_\_\_\_\_, 20\_\_\_\_

Signature of Owner or the Designated  
Voting Member for the Unit:

\_\_\_\_\_

Print Name: \_\_\_\_\_

Unit Address: \_\_\_\_\_

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(DO NOT FILL OUT THIS SECTION - THIS IS FOR YOUR DESIGNATED PROXY TO ASSIGN THE PROXY TO SOMEONE ELSE IF HE/SHE CANNOT ATTEND THE MEETING.)

#### **SUBSTITUTION OF PROXY HOLDER**

The undersigned, appointed as proxy above, does hereby designate  
\_\_\_\_\_ to substitute for me in the proxy set forth above.

Date: \_\_\_\_\_

Signature of Proxy Holder

**THIS PROXY IS REVOCABLE BY THE UNIT OWNER AND IS VALID ONLY FOR THE MEETING FOR WHICH IT IS GIVEN AND ANY LAWFUL ADJOURNMENT. IN NO EVENT IS THE PROXY VALID FOR MORE THAN NINETY (90) DAYS FROM THE DATE OF THE ORIGINAL MEETING FOR WHICH IT WAS GIVEN.**

# Voting Certificate

(designation of voting member)

The purpose of this certificate is for owners to designate the person they wish to vote as a representative of their unit in official business matters of the **Watermark Condominium Association (401 Management Inc.)**. Only one person per unit is entitled to vote. Reference: Articles of Incorporation IV, 4 and By-laws 2,c. The certificate must be signed by ALL owners of the unit. If the unit is owned by a Corporation, then the certificate must be signed by a designated officer of the Corporation. If the unit is owned in the name of a Trust, then the current trustee must sign this certificate. This appointment shall be valid until revoked by a subsequent certificate. The certificate must be filed and retained by the Secretary of the Association. Please return this completed form back to the Association via mail, email, or by hand delivery.

The person named below is entitled to cast the vote for Unit \_\_\_\_\_, located in the Watermark Condominium at 401 N Atlantic Ave., New Smyrna Beach, FL 32169.

\_\_\_\_\_  
(Voting Representative)

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

NOTE: This form is **NOT** a proxy and may not be used as such.

**The following proposed amendment is being added to Article XX of the Declaration:**

The owner of each PRIVATE DWELLING must promptly correct any condition, which, if left uncorrected, would adversely affect the apartment building or any part thereof belonging to another PRIVATE DWELLING owner. If the building or any other PRIVATE DWELLING owner should sustain damages because of another owner failing to correct the condition within his premises, such owner shall be liable and responsible for the damages and liability which his action or non-action occasioned. The owner of each PRIVATE DWELLING shall be liable and responsible for the maintenance, repair, replacement, as the case may be, of all air conditioning and heating equipment, stoves, refrigerators, fans or other appliances or equipment, including any fixtures and/or their connections required to provide water, light, power, telephone, sewage and sanitary service to his PRIVATE DWELLING and which may now or hereafter be situated in his PRIVATE DWELLING. Such owner shall further be responsible and liable for maintenance, repair and replacement of any and all wall, ceiling and floor exterior surfaces, painting, decorating and furnishings, and all other accessories which such owner may desire to place or maintain in his PRIVATE DWELLING. Wherever the maintenance, repair, replacement of any items for which the owner of a PRIVATE DWELLING is obligated to maintain, repair or replace at his own expense is occasioned by any loss or damage which may be covered by any insurance maintained in force by the ASSOCIATION, the proceeds of the insurance received by the ASSOCIATION shall be used for the purpose of making such maintenance, repair or replacement, except that the owner of such PRIVATE DWELLING shall be, in said instance, required to pay such portion of the costs of such maintenance, repair and replacement shall, by reason of the applicability of any deductibility provision of such insurance, exceed the amount of the insurance proceeds applicable to such maintenance, repair or replacement.

**A. Hurricane Protection**

The Association's Board of Directors shall adopt specifications for hurricane protection for all buildings within the condominium property. Such specifications may include requirements for color, style, and other factors deemed relevant by the Board, provided that all specifications comply with the applicable building code. The installation, maintenance, repair, replacement, and operation of hurricane protection in accordance with these specifications shall not be considered a material alteration or substantial addition to the common elements or association property.

The Board of Directors may operate hurricane protection without obtaining the permission of unit owners if such operation is necessary to preserve and protect condominium property or association property.

Notwithstanding any other provisions of this Declaration, the Board may not refuse to approve the installation or replacement of hurricane protection by a unit owner, provided that such installation or replacement conforms to the specifications adopted by the Board.

The Board may, however, require the unit owner to adhere to a unified building scheme regarding the external appearance of the condominium.

The installation, maintenance, repair, or reinstallation of hurricane protection systems located within or serving a PRIVATE DWELLING, including but not limited to exterior windows, exterior doors, and other similar components that serve a PRIVATE DWELLING, shall be the sole responsibility of the unit owner.

If the removal or reinstallation of hurricane protection, including exterior windows, doors, or other apertures, is necessary for the maintenance, repair, or replacement of condominium property or association property for which the Association is responsible, the following shall apply:

- a. The Board shall determine whether the removal or reinstallation is to be completed by the Association or the unit owner. If the Association completes the removal or reinstallation, the costs incurred shall not be charged to the unit owner.
- b. If the removal or reinstallation is to be completed by the unit owner, the Association shall reimburse the unit owner for the reasonable costs incurred or apply a credit toward future assessments equal to the cost of removal or reinstallation.
- c. If the unit owner fails to timely perform the required removal or reinstallation after being directed to do so, the Association may complete the work and charge the unit owner for the costs incurred. Such costs shall constitute an enforceable assessment against the unit and may be collected in the manner provided by applicable law, including but not limited to lien and foreclosure remedies.

All hurricane protection installed, maintained, or replaced by unit owners must conform to the specifications adopted by the Board to ensure uniformity and consistency in the appearance and functionality of the condominium property.

**WATERMARK CONDOMINIUM a/k/a 401 MANAGEMENT, INC.**

**PROOF OF NOTICE AFFIDAVIT**

STATE OF FLORIDA

COUNTY OF VOLUSIA

The undersigned Community Association Manager of the Association, being first duly sworn, deposes and says that the notice of special meeting of the members where amendments to the Declaration will be considered was mailed, or hand delivered to each unit owner at the address last furnished to the Association in accordance with the requirements of Chapter 718, Florida statutes, at least fourteen (14) days prior to the meeting.

Dated this 27 day of June, 2025

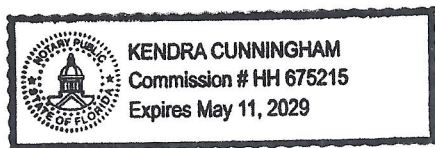
**WATERMARK CONDOMINIUM a/k/a 401 MANAGEMENT, INC.**

By: Nicole Gunter  
Print name: Nicole Gunter  
Title: manager / CAM

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this day of June 27, 2025 by Nicole Gunter, an authorized representative **WATERMARK CONDOMINIUM a/k/a 401 MANAGEMENT, INC.**, a Florida not-for-profit corporation, on behalf of the corporation. He/She is personally known to me and/or has produced Florida Driver's License Number [REDACTED] as identification.



Kendra Cunningham  
Notary Public, State of Florida

Print Name: Kendra Cunningham

My commission Expires: May 11 2029