

Belvedere Gardens Policies & Procedures

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PARKING POLICIES AND PROCEDURES

As background, the Belvedere Gardens Condominium Association, Inc.'s condominium declarations ("Declaration of Condominium") establish, and Florida law recognizes, a class of common elements referred to as "limited common elements," which are portions of the common elements designated for the exclusive use of only one or a limited number of owners. Specifically, the Declaration of Condominium states, in relevant part, that "limited common elements" include storage closets, unit balconies, and automobile parking spaces. Importantly, the right to utilize limited common elements designated to a certain unit is said to be "appurtenant" to the unit, which means that the right to utilize a limited common element is tied directly to ownership of the unit and transfers along with ownership of the unit.

Pursuant to the Declaration of Condominium, this building has 30 units with 30 parking spaces. One numbered parking space is appurtenant to each condominium unit and each unit owner shall have the exclusive right to use a parking space.

Since the Declaration of Condominium does not allow for transfers of limited common element use rights, an attempted transfer of limited common element use rights conveys only a license on the part of the transferee. *Brown v. Rice*, 716 So.2d at 807. Importantly, however, the license does not survive the sale of either unit involved in the transfer.

Accordingly, ownership and assignment of the parking spaces are fixed, they are not interchangeable. Residents can let or rent their unused spaces to other residents or interchange them temporarily with other residents. However, the extended occupancy of a resident's space by another resident does not entitle the latter to ownership of the space. When an apartment unit changes ownership, whatever parking occupancy arrangement had been agreed upon is voided and the assigned parking space will be returned to the owner of the unit to which the parking space is appurtenant. Owners are required to provide signed written documentation of any interchange and/or arrangement related to assigned parking with the Association indicating the nature and duration of the arrangement.

A Permit Parking Hang Tag or Guest Permit Parking Hang Tag with the unit owner's corresponding assigned parking number is required and must be displayed on the dashboard of the vehicle or on the rearview mirror in order to park in the owner's assigned parking space. Unauthorized vehicles (i.e., vehicles without the proper Permit Parking Hang Tag or Guest Permit Parking Hang displayed) will be subject to towing by Tremont Towing.

For the avoidance of doubt, please consider the following example:

The unit owner that has been assigned parking space number (“No.”) 1 will receive a Permit Parking Hang Tag No. 1. Additionally, the same unit owner that has been assigned parking space No. 1 will be given a Guest Permit Parking Hang Tag No. 1. Accordingly, assigned parking space No. 1 should only have a vehicle with either (i) a Permit Parking Hang Tag No. 1 or (ii) a Guest Permit Parking Hang Tag No. 1. If a vehicle is parked in assigned parking space No. 1 and that vehicle does not have either (i) a Permit Parking Hang Tag No. 1 or (ii) a Guest Permit Parking Hang Tag No. 1, said vehicle is unauthorized and in violation of the permit parking requirement. Therefore, said vehicle will be subject to tow by Tremont Towing at the vehicle owner’s risk and expense.

Any vehicle that (a) is wrongfully parked in the ingress/egress area (as depicted herein), (b) blocking or using the fire entrance/exit area (as depicted herein), or (c) not properly displaying the corresponding Permit Parking Hang Tag or Guest Permit Parking Hang Tag that corresponds to the assigned parking space will be subject towing. Additionally, consistent to prior notices (see attached) no unit owner or his representative can allow any outside person to use or rent a parking space. Visitors or relatives coming to our parking area and temporarily using an assigned parking space must use the Guest Parking Hang Tag that corresponds to the assigned parking space being used.

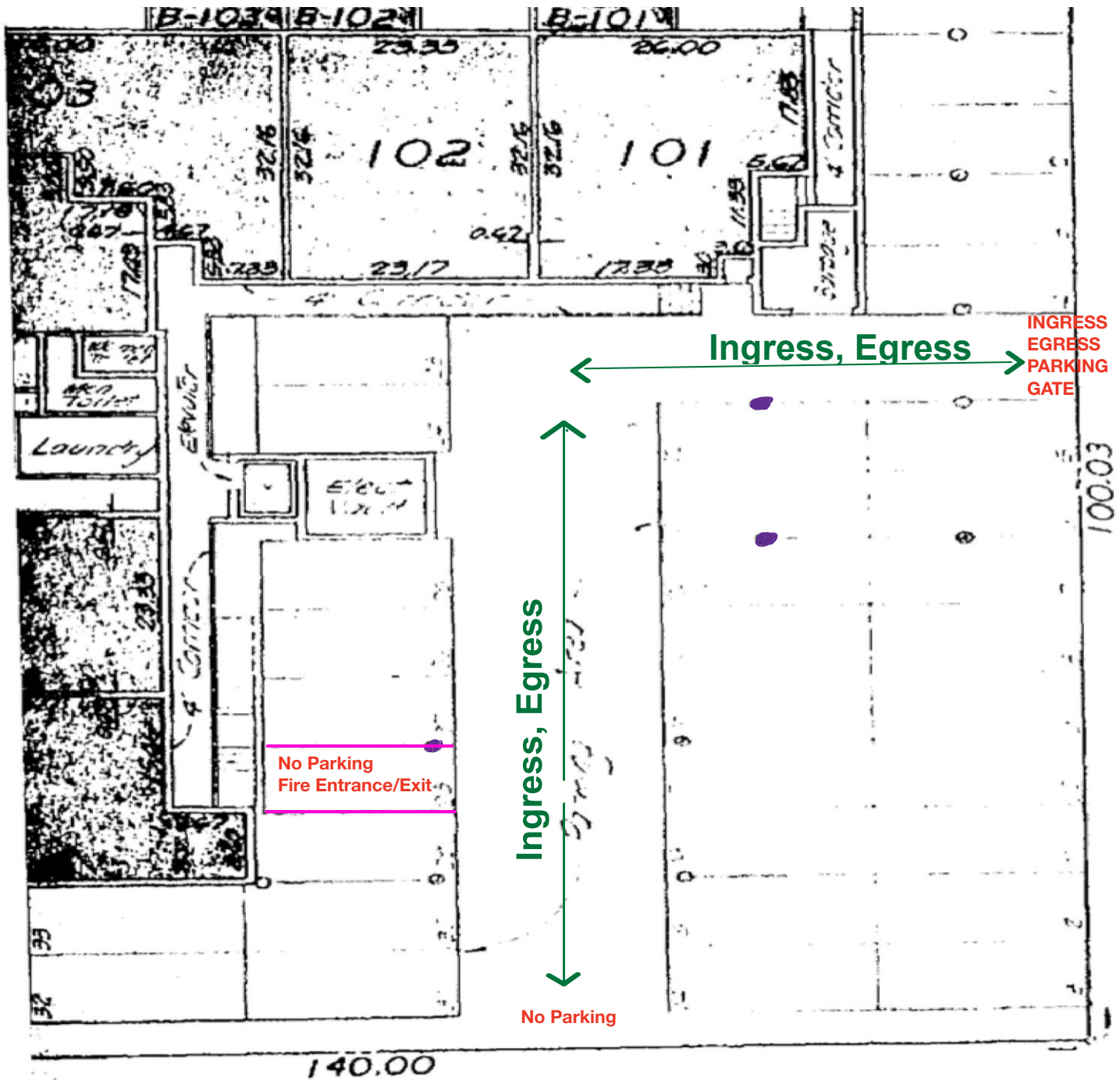
Parking Gates (other than the ingress/egress gate) must be maintained closed after use for security purposes. Parking cones (or other items placed in the parking area) are not allowed.

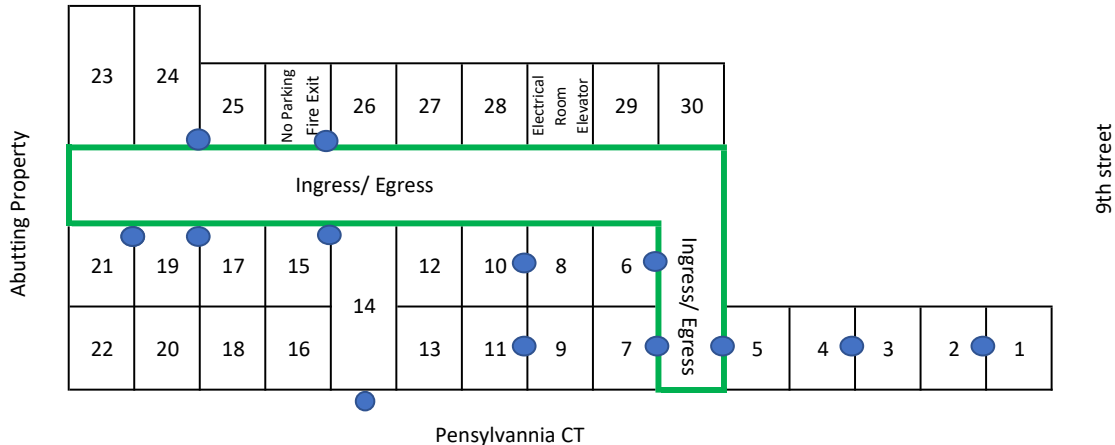
PARKING NOTICE

PURSUANT TO THE RULES OF THE BELVEDERE GARDENS CONDOMINIUM ASSOCIATION, THERE IS NO PARKING ALLOWED IN THE INGRESS/EGRESS AREA AS DEPICTED IN THE DIAGRAM BELOW.

THIS IS A WARNING NOTICE

9TH Street





Excerpts from Declaration of Condominium:

V. Appurtenances: B. Limited Common Elements, Pg. 4

This building has **30 units** with **30 parking spaces**. Each unit owner shall have the exclusive right to use a parking space.

X - Common Areas. B. Appurtance to Units, Pg. 6

The shares of a unit owner in the common areas are appurtenant to the unit owned by him. **None of the appurtances may be separated from the unit to which they appertain;** and all the appurtances shall be deemed to be conveyed or encumbered or to otherwise pass with the unit whether or not expressly mentioned or described in a conveyance or other instrument describing the unit.

XIII. Use Restrictions. C. Conveyances, Pg. 15

No common element, limited common element, parking space and/or other attribute or appurtance of a unit or any part thereof may be conveyed separate or apart from the conveyance of the entire unit.

XVII - Unit Transfers, pg 18

Any transfer of a unit shall include all appurtances thereto whether or not specifically described, including but not limited to the owner's share in the common areas and commen elements, balconies, automobile parking spaces, easements, association membership and interest in funds and assessments held by the Association.