

Section 1: [Paragraph 5(b)(4) & Paragraph 11 (Mandatory Addendum to Lease)] Remedies of the Condominium - Summary

MARKUP #1 ->

[Para. 5(b)(4)]: '...the Board shall, after thirty (30) days written notice to Landlord, have the power to terminate the Lease as if it were the Landlord, or to bring summary proceedings to evict the Tenant in the name of the Landlord in the event of a default by the Tenant in the performance of any provisions of the Lease or of this Addendum to Lease or the Declaration, Bylaws and Rules and Regulations of the Condominium.' [Para. 11]: 'Unless otherwise provided by law, proof of violation shall not require a criminal conviction but shall be BY A PREPONDERANCE OF EVIDENCE as determined in the sole judgment of the Board of Directors.'

Section 2: [Paragraph 11 (Mandatory Addendum to Lease)] Jurisdictional Rent Manipulation Clause

Furthermore, Tenant agrees that in any legal proceeding brought by Owner against Tenant, Owner may, at his/her sole discretion, allege that the rental value of the leased Unit is less than the actual rent paid by Tenant pursuant to the Lease, so that any legal action taken is not otherwise prohibited due to jurisdictional limitations.

Section 3: [Paragraph 6 (Mandatory Addendum to Lease)] Strict-Liability Master Casualty Policy Deductible Shift

In addition to the foregoing, in the event of an insured loss to a Unit or common element under the Condominium's master casualty insurance policy, if the loss is caused by anything in a Unit or for which the Landlord as the Unit Owner has the maintenance, repair or replacement responsibility, then the deductible amount of \$5,000.00 or such greater amount as may be permitted from time to time by the Act shall be paid by Landlord without regard to the negligence of the Landlord or his or her tenant, guest or invitee.

ISSUE #1

Section 4: [Section G-1 (Co-Owner Info Book) & 2009 Satellite Dish Rules] Television Antenna and Satellite Dish Rules

[Section G-1]: 'Antennas: Antennas may not be installed on the roofs or exteriors of any CPIV unit.' [2009 Dish Rules, Procedure I - III & Don'ts #3]: 'I. All Unit Owners shall submit a written request to the CPIV Board of Directors for any installation to occur on the common area... III. The Unit Owner shall review the diagram and sign the form, which only then shall be approved by the Board... Don'ts: 3. Satellite dishes shall not be mounted to the front, rear, or side brick wall of a unit.'

Section 5: [Section K-1 (Co-Owner Info Book)] Dog Policy in Limited Common Element Patios/Yards

2. The fact that the Board allows co-owners to have fences does not change the fact that the property remains the property of the condominium. That being the case, a fenced-in area, as well as the General Limited Common Elements, may not be used for keeping a dog, or any other animal, in any manner.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Section G-1 (Co-Owner Info Book) & 2009 Satellite Dish Rules (p. 1): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas is preempted by federal FCC OTARD regulations.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000) preempts community association restrictions that prohibit, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of antennas and satellite dishes 1 meter or less in diameter situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

[Section G-1 (Co-Owner Info Book) & 2009 Satellite Dish Rules] Television Antenna and Satellite Dish Rules - [Section G-1]: 'Antennas: Antennas may not be installed on the roofs or exteriors of any CPIV unit.' [2009 Dish Rules, Procedure I - III & Don'ts #3]: 'I. All Unit Owners shall submit a written request to the CPIV Board of Directors for any installation to occur on the common area... III. The Unit Owner shall review the diagram and sign the form, which only then shall be approved by the Board... Don'ts: 3. Satellite dishes shall not be mounted to the front, rear, or side brick wall of a unit.'

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna or satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).