

Section 1: [Article XI, Section 11.1] Duration and Perpetual Automatic Renewal of Covenants

The covenants and restrictions of this Declaration shall run with and bind the land for an initial term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years each in perpetuity, unless an instrument signed by seventy-five percent (75%) of the then Owners of the Lots has been recorded agreeing to terminate said covenants.

Section 2: [Article V, Section 5.7] Recording of Paper Claim of Lien as Prerequisite to Assessment Priority

To perfect a lien for unpaid assessments against any Lot, the Board of Directors must prepare and record a formal Notice of Claim of Lien in the Office of the Clerk of the Superior Court of Fulton County, Georgia, and no lien shall attach or have priority until such Notice of Claim of Lien is recorded of record.

Section 3: [Article VIII, Section 8.9] Satellite Dishes and Exterior Antennas

No exterior television or radio antenna, satellite dish, or other reception device of any size shall be installed or maintained on any Lot or residence without the prior written consent of the Architectural Control Committee, and any permitted dish must be screened by fencing or landscaping so as not to be visible from the street.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Article VIII, Section 8.9 (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:

[Article VIII, Section 8.9] Satellite Dishes and Exterior Antennas - No exterior television or radio antenna, satellite dish, or other reception device of any size shall be installed or maintained on any Lot or residence without the prior written consent of the Architectural Control Committee, and any permitted dish must be screened by fencing or landscaping so as not to be visible from the street.

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).

ISSUE #1