

Section 1: [Petersburg Estates Deed of Restrictions, Section 12 & Bylaws Article VII] Assessment Lien Enforcement

All annual and special maintenance assessments levied by the Petersburg Estates Association, together with interest at twelve percent (12%) per annum, late penalties, and reasonable attorney's fees, shall be a charge on the land and a continuing lien upon the Lot against which each such assessment is made.

MARKUP #1 ->

ISSUE #1

Section 2: [Petersburg Estates Deed of Restrictions, Section 7] Prohibition on Solar Panels, Clotheslines, and Political Signs

No exterior solar panels, clotheslines, antennas, or signs of any kind (other than one sign of not more than five square feet advertising the property for sale) shall be erected, placed, or maintained on any Lot.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Petersburg Estates Deed of Restrictions, Section 7 (p. 1): Clause prohibits the display of political yard signs or United States/military flags in violation of KRS § 381.800 and 4 U.S.C. § 5.

Statutory / Legal Reference: KRS § 381.800 & 4 U.S.C. § 5

Statutory Comparison: Under KRS § 381.800 (enacted by HB 324, effective June 29, 2023), a planned community shall not include or enforce a provision in any governing document that prohibits the outdoor display of political yard signs by a lot owner or resident on the owner's property starting thirty (30) days before any primary, regular, or special election until seven (7) days after that election (though the association may adopt reasonable rules regarding size and maximum number of signs). Additionally, 4 U.S.C. § 5 protects the right of every residential owner to display the flag of the United States.

CURRENT WORDING IN DOCUMENT:

[Petersburg Estates Deed of Restrictions, Section 7] Prohibition on Solar Panels, Clotheslines, and Political Signs - No exterior solar panels, clotheslines, antennas, or signs of any kind (other than one sign of not more than five square feet advertising the property for sale) shall be erected, placed, or maintained on any Lot.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to KRS § 381.800 and 4 U.S.C. § 5, nothing in the Governing Documents shall prohibit an Owner or resident from displaying the flag of the United States or from displaying political yard signs on the Owner's property during the period beginning thirty (30) days before any primary, regular, or special election and ending seven (7) days after that election.