

Section 1: [Declaration of Protective Covenants and Restrictions, Article 3, Section 3.1 & Section 3.2] Architectural Co

MARKUP #1 ->

No building, fence, wall, swimming pool, outbuilding, patio cover, or other structure or exterior improvement shall be commenced, erected, or maintained upon any Lot, nor shall any exterior addition to or change or alteration therein be made, until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing by the Architectural Control Committee (ACC). The ACC shall have thirty (30) days after receipt of a complete ACC Request Form and plans to approve or disapprove the submission.

Section 2: [Declaration of Protective Covenants and Restrictions, Article 4 & Amendments] Assessments, Late Charge

Each Owner of a Lot in Shadowbrook Lakes Subdivision is obligated to pay annual and special assessments levied by the Shadowbrook Lakes Homeowners Association, Inc. for the maintenance of the common areas, lakes, landscaping, and security. Any assessment not paid within thirty (30) days after the due date shall bear interest and late fees as set by the Board, and together with costs of collection and reasonable attorney's fees, shall be a continuing charge and privilege/lien upon the Lot against which such assessment is made.

ISSUE #1

Section 3: [Declaration of Protective Covenants and Restrictions, Article 5 (Use Restrictions)] Signs, Solar Collectors,

No signs of any kind shall be displayed to the public view on any Lot except one (1) professional real estate sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder during the construction and sales period. No solar panels, solar collectors, or exterior television/radio antennae visible from any street shall be installed without express prior written approval of the ACC, which may prohibit installation on street-facing roof slopes.

Section 4: [Declaration of Protective Covenants and Restrictions, Article 5 & 5th Amendment (2021)] Residential Use, L

All Lots shall be used exclusively for single-family residential purposes. No Lot may be leased for transient or short-term hotel purposes. The Board of Directors is authorized to adopt a schedule of monetary fines for violations of these Restrictions, Rules, and Regulations, and unpaid fines may be collected and secured by a privilege/lien against the Lot in the same manner as unpaid assessments.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Declaration of Protective Covenants and Restrictions, Article 5 (Use Restrictions) (p. 1): Clause prohibits or prevents the installation of residential solar collectors/panels in violation of La. R.S. § 9:1255.

Statutory / Legal Reference: La. R.S. § 9:1255

Statutory Comparison: Under La. R.S. § 9:1255(A) - (B), no person or entity, including any homeowners association or property owners association, shall enact or enforce a building restriction, covenant, or rule that prohibits or has the unreasonable effect of preventing the installation of a solar collector on a residential roof or lot.

CURRENT WORDING IN DOCUMENT:

[Declaration of Protective Covenants and Restrictions, Article 5 (Use Restrictions)] Signs, Solar Collectors, Antennae, and Exterior Appearance - No signs of any kind shall be displayed to the public view on any Lot except one (1) professional real estate sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder during the construction and sales period. No solar panels, solar collectors, or exterior television/radio antennae visible from any street shall be installed without express prior written approval of the ACC, which may prohibit installation on street-facing roof slopes.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to La. R.S. § 9:1255, no provision of the Community Documents shall prohibit or have the unreasonable effect of preventing the installation or use of solar collectors on an Owner's residential property.