

ISSUE #1

Section 1: [Article IX, Section 9.11] Prohibition of Solar Collectors and Wind Easements

No Lot Owner may grant or record a solar or wind easement across their Lot or install rooftop solar energy collectors without unanimous written consent of all adjoining Lot Owners and the Design Review Committee.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Article IX, Section 9.11 (p. 1): Barring owners from creating and recording statutory solar or wind easements conflicts with Montana's solar and wind easement statutes.

Statutory / Legal Reference: Mont. Code Ann. §§ 70-17-301 & 70-17-403
Statutory Comparison: Under MCA §§ 70-17-301 to 70-17-302 and §§ 70-17-401 to 70-17-404, property owners in Montana are statutorily authorized to create, grant, and record solar easements and wind energy easements that run with the land to ensure undisturbed exposure of a solar energy device or wind turbine.

CURRENT WORDING IN DOCUMENT:
[Article IX, Section 9.11] Prohibition of Solar Collectors and Wind Easements - No Lot Owner may grant or record a solar or wind easement across their Lot or install rooftop solar energy collectors without unanimous written consent of all adjoining Lot Owners and the Design Review Committee.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Amend Section Article IX, Section 9.11 ([Article IX, Section 9.11] Prohibition of Solar Collectors and Wind Easements - No Lot Owner may grant or record a solar or wind easement across their Lot or install rooftop solar energy collectors without unanimous written consent of all adjoining Lot Owners and the Design Review Committee.) to conform with Mont. Code Ann. §§ 70-17-301 & 70-17-403 and the manual attorney audit recommendations for Flanders Mill Homeowners Association, Inc..