

ISSUE #1

MARKUP #1 ->

Section 1: [Third Amendment to Declaration, Preamble & Paragraph 2] Extension of Covenants Through Dec. 31, 2028

...for extension of the applicability to Lots 372 through 415 of Regency 6 and enforceability of such conditions and other terms set out in said Declaration executed October 24, 1978, throughout the period to be ended after December 31, 2028, or such later date as might be fixed through formal corporate action of Declarant and for extension of the inclusion in membership respectively in Declarant and in said Homes Association... Paragraph 2. Covenants: The involved property is and will be through December 31, 2028, subject to all and each of the following conditions and other terms...

Section 2: [Paragraph 2(c) & 2(d)] Single-Family Occupancy Limited to One Family Group and Household Servants

c. ...no townhome lot will be occupied or used for other than single-family residential purposes. No townhome lot will be occupied or used for such residential purposes at a density greater than one single-family residence for each townhome lot. d. ...Each residence shall be designed to accommodate a single person or one family group together with household servant or servants of not more than one and one-half stories in height with an enclosed private garage (two car minimum)...

Section 3: [Paragraph 2(e) & 2(i)] Architectural Control Committee Discretion and Blanket Immunity from Action or Liability

e. ...If the ACC determines that the proposed Improvement will not protect and enhance the integrity and character of all the lots and neighboring lots as a quality community, ACC may refuse approval of the proposed Improvement... i. No lot owner, or combination of lot owners or other person or persons shall have any right to any action by ACC, or to control, direct or influence the acts of the ACC with respect to any proposed Improvement. No responsibility, liability or obligation shall be assumed by or imposed upon ACC by virtue of the authority granted to ACC in this section, or as a result of any act or failure to act by ACC with respect to any proposed Improvement.

Section 4: [Paragraph 2(k)(D)] Roofing Materials and Joint Duplex Owner Application Mandate

D. Roofs: Unless other materials are specifically approved by ACC, the roof of all improvements shall be covered with wood shakes or wood shingles, tile, or slate. In the case of a single family clustered residence (duplex), a request for approval to change from an existing roofing material to another type, will only be considered by the ACC when both adjacent owners jointly submit the request.

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Third Amendment to Declaration, Preamble & Paragraph 2 (p. 1): NE Manual Attorney Audit Finding (Third Amendment to Declaration, Preamble & Paragraph 2 - [Third Amendment to Declaration, Preamble & Paragraph 2] Extension of Covenants Through Dec. 31, 2028 or by Formal Corporate Action Alone - ...for extension of the applicability to Lots 372 through 415 of Regency 6 and enforceability of such conditions and other terms set out in said Declaration executed October 24, 1978, throughout the period to be ended after December 31, 2028, or such later date as...

Statutory / Legal Reference: Neb. Rev. Stat. §§ 76-825 to 76-894 & Ch. 21, Art. 19; Neb. Rev. Stat. §§ 76-825 to 76-894 (Nebraska Condominium Act)

Statutory Comparison: Manual attorney review identified statutory and enforceability compliance risks under Neb. Rev. Stat. §§ 76-825 to 76-894 & Ch. 21, Art. 19; Neb. Rev. Stat. §§ 76-825 to 76-894 (Nebraska Condominium Act).

CURRENT WORDING IN DOCUMENT:

[Third Amendment to Declaration, Preamble & Paragraph 2] Extension of Covenants Through Dec. 31, 2028 or by Formal Corporate Action Alone - ...for extension of the applicability to Lots 372 through 415 of Regency 6 and enforceability of such conditions and other terms set out in said Declaration executed October 24, 1978, throughout the period to be ended after December 31, 2028, or such later date as might be fixed through formal corporate action of Declarant and for extension of the inclusion in membership respectively in Declarant

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Third Amendment to Declaration, Preamble & Paragraph 2 ([Third Amendment to Declaration, Preamble & Paragraph 2] Extension of Covenants Through Dec. 31, 2028 or by Formal Corporate Action Alone - ...for extension of the applicability to Lots 372 through 415 of Regency 6 and enforceability of such conditions and other terms set out in said Declaration executed October 24, 1978, throughout the period to be ended after December 31, 2028, or such later date as might be fixed through formal corporate action of Declarant and for extension of the inclusion in membership respectively in Declarant and in said Homes Association... Paragraph 2. Covenants: The involved property is and will be through December 31, 2028, subject to all and each of the following conditions and other terms...) to conform with Neb. Rev. Stat. §§ 76-825 to 76-894 & Ch. 21, Art. 19; Neb. Rev. Stat. §§ 76-825 to 76-894 (Nebraska Condominium Act) and the manual attorney audit recommendations for Regency Homes Association.