

ISSUE #1

Section 1: [Article X, Section 10.6] Signs and Political Advertising

MARKUP #1 ->

No sign of any kind shall be displayed to the public view on any Lot except one professional 'For Sale' sign of not more than four (4) square feet. Political signs, candidate placards, and commercial contractor signs are strictly prohibited on any Lot or Common Area at all times.

Section 2: [Article XI, Section 11.2] Declarant Control and Amendment Without Member Vote

For a period of twenty-five (25) years from the date of recording of this Declaration, the Declarant reserves the unilateral right in its sole and absolute discretion to amend, modify, or grant variances from any provision of this Declaration without the consent or vote of the Association or any Lot Owner, even after all Lots have been conveyed to Owners.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Article X, Section 10.6 (p. 1): Sign restriction prohibits or curtails political signs during the protected 45-day pre-election to 7-day post-election window without the mandatory declaration disclosure required by N.C. Gen. Stat. § 47F-3-122.

Statutory / Legal Reference: N.C. Gen. Stat. § 47F-3-122

Statutory Comparison: Under N.C. Gen. Stat. § 47F-3-122, an association may not prohibit the indoor or outdoor display of political signs on a lot/unit prior to 45 days before an election and 7 days after an election (nor restrict sign dimensions below 24 inches by 24 inches) unless the Declaration explicitly states that it regulates or prohibits political signs and, for declarations registered on or after October 1, 2005, prints on the first page in boldface capital letters: "THIS DOCUMENT REGULATES OR PROHIBITS THE DISPLAY OF POLITICAL SIGNS." Unrecorded Board rules cannot prohibit political signs.

CURRENT WORDING IN DOCUMENT:

[Article X, Section 10.6] Signs and Political Advertising - No sign of any kind shall be displayed to the public view on any Lot except one professional 'For Sale' sign of not more than four (4) square feet. Political signs, candidate placards, and commercial contractor signs are strictly prohibited on any Lot or Common Area at all times.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to N.C. Gen. Stat. § 47F-3-122, unless expressly restricted on the first page of the recorded Declaration in the statutory boldface format, owners may display political signs on their property during the period beginning forty-five (45) days before an election and ending seven (7) days after the election, subject to a maximum size restriction of no less than twenty-four inches by twenty-four inches (24" x 24").