

ISSUE #1

MARKUP #1 ->

Section 1: [Emergency Rule - Signs, Sections 1 - 4 & CC&Rs Rule 7.14] Sign Prohibition and Board 'Emergency Rules'

Rule 7.14 of the current Covenants, Conditions and Restrictions (CC&R's) states: 'No signs or billboards shall be displayed to the public view on any Lot except signs placed by builders or licensed realtors for the sale or rental of property and such signs as are approved by the Association or committee appointed by the Association. Provided, an Owner's "For Sale" or "For Rent" sign, approved by the Association as to size and content, may be displayed.' ... The board has met and have agreed to implement the following 'emergency rules' to allow certain signs until such time that formal changes to the CC&R's are developed, voted on and filed... Section 3. Election Signs: Election signs must not exceed 2 feet x 2 feet; Are limited to one per yard; May not be displayed earlier than 30 days before an election date; Must be removed within 3 days of the vote.

Section 2: [Griffin Gate Rules & Regulations] Unrecorded Rules Imposing 1-Year Minimum Lease Term & Banning Free

Leases or rental of a single-family residence must be no less than one (1) year in duration and tenants must adhere to the Griffin Gate/Griffin Park Rules and Covenants. No above ground pools. No basketball goals. No trampolines or skateboard ramps. Flag poles shall only be house mounted. No outdoor clotheslines.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Emergency Rule - Signs, Sections 1 - 4 & CC&Rs Rule 7.14 (p. 1): Clause prohibits the display of the United States flag, Oklahoma flag, military flags, or political yard signs in conflict with 60 O.S. § 858 and 4 U.S.C. § 5 Note.

Statutory / Legal Reference: 60 O.S. § 858 & 4 U.S.C. § 5 Note
Statutory Comparison: Under Oklahoma Real Estate Development Act standards (60 O.S. § 858) and the federal Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 Note), an owners association may not prohibit an owner from displaying the flag of the United States, the flag of the State of Oklahoma, or official U.S. military flags on the owner's lot or unit, nor prohibit protected election yard signs.

CURRENT WORDING IN DOCUMENT:
[Emergency Rule - Signs, Sections 1 - 4 & CC&Rs Rule 7.14] Sign Prohibition and Board 'Emergency Rules' Limiting Election Signs to One Sign Per Yard - Rule 7.14 of the current Covenants, Conditions and Restrictions (CC&R's) states: 'No signs or billboards shall be displayed to the public view on any Lot except signs placed by builders or licensed realtors for the sale or rental of property and such signs as are approved by the Association or committee appointed by the Association. Provided, an Owner's "For Sale" or "For Rent" sign, approved by the Association as to size and content, may be displayed.' ... The board has met and have agreed to implement the following 'emergency rules' to allow certain signs until such time that formal changes to the CC&R's are developed, voted on and filed... Section 3. Election Signs: Election signs must not exceed 2 feet x 2 feet; Are limited to one per yard; May not be displayed earlier than 30 days before an election date; Must be removed within 3 days of the vote.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Notwithstanding anything herein to the contrary, pursuant to 60 O.S. § 858 and 4 U.S.C. § 5 Note, Owners may display the flag of the United States, the flag of the State of Oklahoma, and official U.S. Armed Forces flags on their Lot or Unit in accordance with 4 U.S.C. §§ 1 - 10, as well as reasonable non-commercial political signs prior to an election.