

Section 1: [Paragraph 1 & Paragraph 2 (1968 Restrictive Covenants, Deed Book 74)] Dedication of Streets & Roadways

MARKUP #1 ->

1) The grantor hereby dedicates to the public, for public use forever, all of the streets and rights of way shown on the attached plat or plan, EXCEPT, AS NOTED ON PLAT PLANS HERETO APPENDED. 2) The grantor may assess each lot owner the sum of Fifteen Dollars (15.00) per year for the use, upkeep and maintenance of the roads within all sections of said subdivision... Should the rights and responsibilities be delegated to a lot owner's association whose governing board or officers are duly elected by the lot owners themselves, said owners' association through its board or officers may assess whatever reasonable figure they or it may deem necessary to maintain the roads and common facilities.

ISSUE #1
Section 2: [Paragraph 7 (1968 Restrictive Covenants)] Total Ban on Signs

7) No signs, billboards, or advertising of any nature shall be erected, placed or maintained on any lots herein designated, nor upon any building erected thereon, except directional and information signs of grantor.

Section 3: [Paragraph 14 vs. 2012 Owners Packet (Lake Rules)] Perpetual Lake Use Easement vs. Two-Pass Limit

[Declaration Paragraph 14]: 'All lot owners shall have perpetual use of the Sleepy Hollow Subdivision Lake for the purpose of fishing, swimming and boating in and on same.' vs. [2012 Owners Packet Lake Rules]: 'The lake is available for all Lot Owners in Good Standing for swimming and nonmotorized boating... Two Lake Passes will be issued to each lot owner (upon request).'

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Paragraph 7 (1968 Restrictive Covenants) (p. 1): Clause prohibits the display of the United States flag or political yard signs on an owner's property.

Statutory / Legal Reference: 4 U.S.C. § 5 Note & W. Va. Code § 36B-3-102

Statutory Comparison: Under the Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 Note) and West Virginia common interest ownership standards, an association may not adopt or enforce any policy or covenant that restricts or prevents a unit owner from displaying the flag of the United States on property to which the owner has a separate ownership interest or right to exclusive possession.

CURRENT WORDING IN DOCUMENT:

[Paragraph 7 (1968 Restrictive Covenants)] Total Ban on Signs - 7) No signs, billboards, or advertising of any nature shall be erected, placed or maintained on any lots herein designated, nor upon any building erected thereon, except directional and information signs of grantor.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Notwithstanding anything herein to the contrary, Owners shall have the right to display the flag of the United States and the flag of the State of West Virginia on their Unit, Lot, or Limited Common Elements in accordance with 4 U.S.C. §§ 1 - 10, and to display reasonable non-commercial political signs prior to an election.