

Section 1: [Declaration of Covenants, Conditions and Restrictions, Article VI, Section 6.08] Subordination and Non-Sat

MARKUP #1 ->

All sums assessed against any Lot pursuant to this Declaration, together with late charges, interest, costs, and reasonable attorney's fees, shall be secured by a continuing lien on such Lot in favor of the Association. In the event an Owner fails to pay any assessment within thirty (30) days after the due date, the Association may foreclose its lien in the same manner as a mortgage on real estate with power of sale under Alabama law.

ISSUE #1

Section 2: [Declaration of Covenants, Article VIII, Section 8.12] Blanket Prohibition on All Yard Signs Except One 'For S

No sign of any kind shall be displayed to the public view on any Lot except one (1) professional sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 2 (p. 1): Clause prohibits the display of the United States flag, military/state flags, or residential political signs in violation of 4 U.S.C. § 5 and Ala. Code §§ 35-20-5, 35-8A-302.

Statutory / Legal Reference: 4 U.S.C. § 5 Note (Freedom to Display the American Flag Act of 2005) & Ala. Code §§ 35-20-1 to 35-20-14 (Alabama Homeowners' Association Act)

Statutory Comparison: Under the Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5), a condominium, cooperative, or residential real estate management association may not adopt or enforce any policy, or enter into any agreement, that would restrict or prevent a member of the association from displaying the flag of the United States on residential property to which the member has a separate ownership interest or right to exclusive use. Additionally, under Ala. Code § 35-20-5, any restriction on residential political signs must be expressly set forth in the recorded declaration and subject only to reasonable time, place, and manner limits.

CURRENT WORDING IN DOCUMENT:

[Declaration of Covenants, Article VIII, Section 8.12] Blanket Prohibition on All Yard Signs Except One 'For S No sign of any kind shall be displayed to the public view on any Lot except one

(1) professional sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to 4 U.S.C. § 5 and Ala. Code §§ 35-20-5 and 35-8A-302, nothing in the Governing Documents shall prohibit an Owner from respectfully displaying the flag of the United States, the State of Alabama, or Armed Forces flags, or displaying temporary political signs on the Owner's Lot or exclusive-use area subject to reasonable size and placement guidelines.