MARKUP #1 ->

DECLARATION
FOR
CEDAR ESTATES AT INDEPENDENCE PARK

Exhibit 4

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Article IV
Property Rights and Regulations

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3. Nuisances. No noxious or offensive activities (including but not limited to the repair of automobiles) shall be carried on upon the property. No horns, whistles, bells or other sound devices audible outside a unit, except security devices used exclusively to protect the security of the unit and its contents, shall be placed or used in any such unit. No loud noises shall be permitted on the property, and the Executive Committee shall have the right to determine if any noise or activity producing noise constitutes a nuisance. No unit owner shall permit or cause anything to be done or kept upon the

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property which will increase the rate of insurance thereon or which will obstruct or interfere with the rights of other unit owners, nor will he commit or permit any nuisance on the premises, or commit any illegal act thereon. Each unit owner shall comply with all of the requirements of the local or state health authorities and with all other governmental authorities with respect to the occupancy and use of the unit.

4. Signs. The Community Association may at any time, place and maintain upon the Community Common Areas such signs as the Community Association may deem necessary for the identification, regulation, or use of the Community Common Areas for the health, safety and general welfare of the owners. The Executive Committee may summarily cause all unauthorized signs to be removed and destroyed. This section shall not apply to any signs used by Declarant or its agents in connection with original construction and sale within the property.

5. Hold Harmless and Indemnification. Each owner shall be liable to the Community Association for any damage to the General Common Areas or any equipment thereof which may be sustained by the reason of the negligence of said owner or of his guests or invitees, to the extent that any such damage shall not be covered by insurance.

ISSUE #1

6. Outside Installation. No outside radio pole or clothesline shall be constructed, erected or maintained on the property. No outside television antenna, wiring or installation or air conditioning or other machines shall be installed on the exterior of a building of the project or be allowed to protrude through the walls or roof of the building and no basketball backboards or fixed sports apparatus shall be allowed on the Property except in accordance with standards set by the Design Review Committee.

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. 6 (p. 42): FCC OTARD preemption conflict (47 C.F.R. § 1.4000): Outright antenna/satellite-dish prohibition, sub-1-meter diameter cap, mandatory cable-hookup removal, permit fee, or unqualified front-elevation/street-visibility ban is unenforceable as applied to covered <= 1-meter reception devices on exclusive-use property.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: Under the FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, including FCC 21-10), preemption applies to covered direct-broadcast satellite (DBS/DSS) dishes one meter (39.37 inches) or less in diameter, television broadcast antennas, and fixed wireless broadband antennas installed within areas under the owner's or occupant's exclusive use or control. Outright bans, sub-1-meter diameter caps, monetary permit fees, mandatory removal upon cable availability, and unqualified front-elevation or street-visibility prohibitions that preclude an acceptable quality signal are preempted unless justified by a documented safety objective (§ 1.4000(b)(1)) or a National Register historic site (§ 1.4000(b)(2)).

CURRENT WORDING IN DOCUMENT:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that for covered reception antennas and satellite dishes one meter (39.37 inches) or less in diameter installed within areas under the owner's or occupant's exclusive use or control, this provision shall be administered in accordance with 47 C.F.R. § 1.4000 without outright prohibition, permit fee, or placement/size limits that preclude an acceptable quality signal, while preserving association authority over shared common elements, dishes exceeding one meter, documented safety objectives (§ 1.4000(b)(1)), and historic preservation sites (§ 1.4000(b)(2)).