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MARKUP #1 ->

SECOND AMENDMENT TO RESTRICTIONS, COVENANTS AND CONDITIONS OF EMERALD POINTE

The Declaration of Restrictions, Covenants and Conditions of Emerald Pointe dated June 20, 1994, recorded in Book 0328, Pages 0663-0686, and amended on the 28th day of March, 1997, and recorded in Book 0344, Pages 8150-8151, Office of the Recorder of Deeds, Taney County, Missouri are further amended as follows:

The following shall be added as subparagraph (f) of Section 2, Single-Family Residential Use, Article IX to read as follows:

"(f) All signs are prohibited in areas zoned and platted as residential except:

1. Signs erected by the developer or a public authority for the identification of streets, neighborhoods, recreational facilities, traffic control and directional purposes.

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2. Signs by the developer in connection with its sales program. Except for signs as provided in subparagraphs 1 and 2 above, the erection of signs in areas zoned residential upon any recorded plat shall require a permit from the Architectural Control Board. No signs shall be erected without the prior approval of the Architectural Control Board."

ARTICLE VIII

ARCHITECTURAL CONTROL

Is Amended by adding Section 7 thereto to read as follows:

"Section 7 - Architectural Fees and Construction Fees

The Lot owner shall pay a non-refundable fee of Two Hundred Fifty Dollars ($250.00) to the Developer for the review of residential house plans and to receive a residential building permit from the Architectural Committee. Said fee shall be paid at the time the plans are submitted to the Committee. Whether

MARKUP #1 · POTENTIAL STATUTE CONFLICT

BOARD & COUNSEL REVIEW

Sec. 2 (p. 28): Blanket sign prohibition omits mandatory California Civil Code § 4710 protection for noncommercial signs and posters (up to 9 sq. ft.).

Statutory / Legal Reference: Cal. Civ. Code § 4710

Statutory Comparison: Under Cal. Civ. Code § 4710, the governing documents may not prohibit posting or displaying noncommercial signs or posters on or in a member's separate interest, except that an association may prohibit noncommercial signs or posters exceeding 9 square feet in size or made of lights, roofing, paving, balloons, or flora.

CURRENT WORDING IN DOCUMENT:

Signs by the developer in connection with its sales program. Except for signs as provided in subparagraphs | and 2 above, the erection of signs in areas zoned residential upon any recorded plat shall require a permit from the Architectural Control Board: No signs shall be erected without the ; prior approval of the Architectural Control Board." "

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to California Civil Code § 4710, members may post or display noncommercial signs or posters (not exceeding nine (9) square feet in size) and noncommercial flags or banners (not exceeding fifteen (15) square feet in size) on or within their separate interest, provided they are not made of lights, roofing, paving, balloons, or flora.