

Marsh Pointe Condominium Association Rules and Regulations
Revised as of August 2023

Marsh Pointe Rules and Regulations:

As owners in Marsh Pointe, we all live in a condominium structure where the grounds and the property are subject to restrictions and policies set by the Master Deed, Bylaws, and the Board of Directors. These are not a complete summary of all requirements under the Master Deed and Bylaws so you should always reference the recorded documents for a complete understanding of the terms of ownership. We suggest you take the time to read this document as it will help answer many questions regarding policies affecting you and your home.

Per Article IV. Section A. 14. The Association shall have the right to make any improvement which it wishes on any General Common Elements and make any rules and regulations regarding use of any use of the General Common Elements.

Association Board, Management Company and Communication – Article 1. 111. And IV:

The Marsh Pointe Association is governed by its owners as represented by an elected Board of Directors. You as a Co-Owner elect a Board of Directors per the terms agreed upon in the Bylaws. The Board of Directors will make Association decisions based on their understanding of the best interest of all Co-Owners. An Annual Association meeting is held each year, usually in November, to provide a Budget Review and complete the Board Elections.

The Management Company communicates with Co-Owners by phone, mail and email. Newsletters are mailed and emailed twice a year, once in the spring and one in the fall. Facebook and email blasts are also used to post updates, notices, and reminders.

Marsh Pointe Condominium Association retains Berkshire Hathaway Property Management Company as its property manager for the purposes of facilitating services on behalf of the Association pertaining to grounds, buildings, maintenance, communication and financial care.

Please contact the management company at:

Berkshire Hathaway Property Management Company
6312 Stadium Drive
Kalamazoo, MI 49009

Maintenance service can be contacted at:

Lindsay Flynn – (269) 488-0133 or lindsayflynn@bhhsmi.com
Diane Bornhorst – (269) 488-0161 or dianebornhorst@gmail.com
marshpointecondoassociation@gmail.com

MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. N/A (p. 2): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas is preempted by federal FCC OTARD regulations.

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

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, as expanded by the 2021 OTARD Report and Order, FCC 21-10) preempts community association restrictions that prohibit, charge application fees for, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of television broadcast antennas, direct-broadcast satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

Satellite Dishes: page 13 1 Marsh Pointe Condominium Association Rules and Regulations Revised as of August 2023 Marsh Pointe Rules and Regulations: As owners in Marsh Pointe, we all live in a condominium structure where the grounds and the property are subject to restrictions and policies set by the Master Deed, Bylaws, and the Board of Directors.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband hub/relay device, or satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).