

Section 1: [Article VIII, Section 8.10] Deemed Irrevocable Warrant of Attorney to Confess Judgment Against Residence

MARKUP #1 ->

8.10 Confession of Judgment. In order to expedite the Association's collection of any delinquent assessment, each lot owner, by the acceptance of the deed to his lot, shall be deemed to have appointed any one or more members of the Board of Directors the attorney-in-fact for such lot owner to confess judgment against such lot owner in any court of competent jurisdiction in Pennsylvania, for any such unpaid assessments, which appointment (being for security) shall be irrevocable; and for so doing a copy of this Article and said deed, both verified by affidavit, shall be a sufficient warrant. The authority Correct granted herein to confess judgment shall not be exhausted by one exercise thereof, but shall continue from time to time and at all times until all of the obligations of the Lot Owner have been fully discharged.

ISSUE #1

Section 2: [Article III, Section 3.1(e)] Prohibition on Exterior Television Antennas Visible From Any Street

(e) Antennas. No exterior television antennas, large satellite dishes or antenna towers are permitted except when located where it is not substantially visible from any street.

Section 3: [Article IX, Section 9.2] Warrantless Entry Onto Fee-Simple Lots and Summary Abatement or Removal of Structures

9.2 Remedies for Violations. For a violation or a breach of any of these reservations and restrictions by any person claiming by, through or under the Declarant, or by virtue of any judicial proceedings, the Declarant and the lot owners, or any of them severally, shall have the right to proceed at law or in equity to compel compliance with the terms hereof or to prevent the violation or breach of any of them. In addition to the foregoing right, the Declarant shall have the right, whenever there shall have been built on any lot any structure which is in violation of these restrictions, to enter upon the lot where such violation of these restrictions exists and summarily abate or remove the same at the expense of the owner, and any such entry and abatement or removal shall not be deemed a trespass.

Section 4: [Amendment No. 1 (Recorded 2002), Paragraph 8.13] Exemption of Unoccupied / Unbuilt Lots From Common Area Assessments

A new paragraph 8.13 is hereby inserted: 'Assessments for each Lot commence at the time of the first occupancy of a structure on the Lot.'

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. (e) (p. 1): 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:

Antennas. No exterior television antennas, large satellite dishes or antenna towers are permitted except when located where it is not substantially visible from any street.

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).