

ISSUE #1

4655 682 March 29, 1996

5271 546 January 19, 1999

These documents are the Restrictive Covenants for Mountain Shadows Estates Subdivision. Legal copies of the above Restrictive Covenants can be obtained from the Hamilton County Register of Deeds Office.

The most recent Restrictive Covenants are transcribed below. Though some of the earlier covenants differ slightly (for example, no large satellite dishes was added in the mid-1980s)--the majority of the below covenants apply across ALL sections of Mountain Shadows. Any differences are slight and due to changes in building materials. The MSRA Board maintains a complete record of all covenants across Mountain Shadows. If you did not receive a copy of your covenants at closing, contact any board member and you are welcome to make a copy.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. c (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:
differ slightly (for example, no large satellite dishes was added in the mid-1980s)--the majority of the below covenants apply across ALL sections of Mountain Shadows. Any differences are slight and due to changes in building materials. The MSRA Board maintains a complete record of all covenants across Mountain Shadows. If you did not receive a copy of your covenants at closing, contact any board member and you are welcome to make a copy.

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).

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RESTRICTIVE COVENANTS

MOUNTAIN SHADOWS ESTATES, PHASE THREE – UNIT SEVEN

PER PLAT BOOK 60, PAGE 18, IN THE REGISTER’S OFFICE

OF HAMILTON COUNTY, TENNESSEE

WHEREAS, the undersigned, JAMES D. LEE, INC, a Tennessee Corporation, is the owner of lots in Mountain Shadows Estates, in Hamilton County, Tennessee, as above set out in the title to this instrument; and,

WHEREAS, it is the plan of the Developer to devote the said lots in said Subdivision to restricted residential purposes;