

GETTING ACQUAINTED

With Your New Documents

This communication is the third installment in a planned series highlighting specific changes in the Association documents and the new Declaration from the original old declaration that was subsequently amended by the members.

This installment focuses on specific provisions relating to signs (including political signs), flags, and the repair and maintenance of electrical boxes and related fixtures and equipment providing services to the buildings or the Units. (Provisions relating to this are not new as they were also in the old declaration).

Flags (Exhibit A - Initial Use Restrictions – 7)

As noted in bold language on the front page of the Amended Declaration, "THIS DOCUMENT REGULATES OR PROHIBITS THE DISPLAY OF THE FLAG OF THE UNITED STATES OF AMERICA OR THE STATE OF NORTH CAROLINA."

An Owner may not display any sign, decoration, art work, flag, political statement, or banner either upon the Common Elements, Limited Common Elements (which would include the decks and stairs and the area under a Unit), or within his Unit which is visible from any Common Elements other than: (a) the official flag of the United States and the State of North Carolina properly flown or displayed; (b) the official flag of the Town of Topsail Beach, (c) the flag of any nationally recognized university or college, and (d) any decorative flags which are consistent with the overall aesthetics and plan of the uniformity of the Condominium as may be specifically approved by the Board of Directors. The actual size and location of any flags will be designated by the Board of Directors and in the rules and regulations as may be adopted and amended from time to time.

Political Signs (Exhibit A - Initial Use Restrictions)

Again, in bold print on the first page of the Amended Declaration, the following appears "THIS DOCUMENT REGULATES OR PROHIBITS THE DISPLAY OF POLITICAL SIGNS."

Political signs may be displayed pursuant to rules and regulations adopted from time to time by the Board. The Board does not have to permit political signs and has indicated a policy against doing so to promote general harmony within the over community.

Upkeep of Electrical Power Boxes (Section 13.1 – Owner Upkeep of Units) This provision is not new to the new, in fact Article XVIII of the old declaration (Maintenance and Repair by Owners) specifically sites the following:

"The Owner of each Condominium Unit shall be liable and responsible for the

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"The Owner of each Condominium Unit shall be liable and responsible for the

maintenance, repair and replacement, as the case may be, of all air conditioning and heating equipment, stoves, refrigerators, fans, or other appliances or equipment, including any utility fixtures and/or their connections required to provide water, light, power, telephone, sewage, and sanitary service to its Condominium Unit"

This particular provision was carried over, almost word for word, in Section 13.1 of the Amended Declaration which reads in part as follows:

"The Owner of each Unit shall be liable and responsible for the Upkeep of all air conditioning and heating equipment, fans or other appliances or equipment, including any fixtures and/or their connections required to provide water, light, power, telephone, sewage, and sanitary service solely to his Unit."

The Board is aware that at times in the past Association funds have been used to repair individual electrical boxes providing services to the Units. This use of Association funds was inconsistent with both the old declaration as well as the new Amended Declaration and the Board has no authority to utilize Association funds for those types of repairs. Just as with air conditioning units, each Owner is required to inspect, maintain, and repair and replace and provide all Upkeep to his electrical box.

The current electrical boxes, which are located outside of the Units, are highly visible. Prior to initiating any Upkeep which will require the installation of a new box, change in the location of the existing box, or change in size or dimensions, the Owner should contact the Architectural Review Committee of the Board to ensure that the installation and box will be in compliance with the reasonable rules and regulations which have been adopted by the Board pertaining to the installation and location of electrical boxes.

The Board strongly urges each Owner to read the Association Documents --- especially the Amended and Restated Declaration of Condominium.