

BRANDON OAKS COMMUNITY ASSOCIATION, INC.

POLICY RESOLUTION NO. _____

ANTENNA PLACEMENT PROCEDURES AND GUIDELINES

relating to the regulation and placement of permitted antennas within Brandon Oaks ("Community").

RECITALS:

R-1. Section 4.08 of the Declaration of Covenants, Conditions and Restrictions for Brandon Oaks gives the Board of Directors ("Board") "the right to write, amend, supplement, adopt, publish and enforce Rules and Regulations governing the Project, the use and enjoyment of the Common Area, the Recreational Common Area and any facilities thereon, and the personal conduct thereon of the Owners, their guests, invitees, members of their families or households and tenants."

R-2. Section 207 of the Telecommunications Act of 1996 has made unenforceable certain restrictions on installation of certain antennas.

R-3. For the benefit and protection of Brandon Oaks Community Association, Inc. ("Association"), the owners and residents, the Board deems it necessary to establish guidelines

and procedures for regulation of and the installation, use and maintenance of permitted antennas within the community.

NOW, THEREFORE, BE IT RESOLVED THAT, the following Antenna Placement Procedures and Guidelines be adopted:

I. GENERAL

Except for Covered Antennas (as defined herein), which are subject to the Federal Communications Commission Over-the-Air Reception Devices Rule, no antenna used to transmit or receive video, radio or short-wave broadcast signals of any kind may be placed, installed or operated by any individual within the community without prior application to and written approval of the Board or the Architectural Control Committee ("Committee"), as appropriate.

II. EXCEPTION FOR ANTENNAS" INSTALLED WITHIN A BUILDING AND NOT VISIBLE FROM OUTSIDE THE BUILDING.

An antenna of any type may be installed totally within an individually owned building so long as the antenna is not visible from outside the building and the installation complies with all applicable health, safety, building code and licensing requirements.

III. EXCEPTION FOR COVERED ANTENNAS PLACED ON
INDIVIDUALLY OWNED, EXCLUSIVE USE PROPERTY

A. In accordance with Federal law (Section 207 of the Telecommunications Act of 1996 and 47 C.F.R. § 1.4000 of the Rules of the Federal Communications Commission) , the placement of: (i) a direct broadcast satellite ("DBS") antenna that is one meter or less in diameter, (ii) a multipoint distribution service ("MDS") antenna that is one meter or less in diameter or diagonal measurement, (iii) a television broadcast signal ("TVBS") antenna, and (iv) an antenna mast measuring not more than 12 feet in height above the roof line (collectively, the "Covered Antennas") on (a) individually-owned property or (b) property in which the owner (or tenant) has a direct or indirect ownership (or leasehold) interest and which is within the exclusive use or control of such owner or tenant is permitted subject to prior notification of installation and subject to the restrictions and guidelines set forth in Section IV of this Resolution.

B. Before installing a Covered Antenna, owners and tenants must notify the Committee in writing of their intent to install a Covered Antenna and provide relevant information about the Covered Antenna by completing the Antenna Placement Notification

Form attached as Exhibit A. Prior approval is not required to install a Covered Antenna.

IV. GUIDELINES FOR THE INSTALLATION, USE AND MAINTENANCE OF COVERED ANTENNAS

A. Location.

1. If there is more than one location where an acceptable quality signal can be received, the Covered Antenna must be placed in the location that is least visible to persons not on the owner's property. Preferred locations in order of preference are: (1) rear yards, (2) rear patios, decks or balconies, (3) rear roof, (4) side yard adjacent to gas meters or mechanical equipment, or (5) front yard; in all cases preferably fully screened by shrubbery. Preferred roof locations are adjacent to a chimney or on the rear roof just above the gutter line or just below the ridge line of the roof. Preferred patio locations are adjacent to an exterior wall or fence. The preferred location on a deck or balcony is within the interior space of the deck or balcony below the height of the railing.

2. If the only location where an acceptable quality signal can be received is a highly visible location, then the Covered Antenna must be appropriately camouflaged or screened, to the extent signal quality is not diminished so extensively that

reception is unreasonably impaired, by paint or other means which do not unreasonably delay or increase the cost of the installation. The Board or the Committee may require disguising the Covered Antenna (e.g., as a rock or umbrella), camouflaging the Covered Antenna by painting or reducing visibility by screening. The Board or the Committee has the right but not the obligation to pay the cost of reasonable additional screening of any visible Covered Antenna, to the extent such screening does not unreasonably impair signal quality or unreasonably delay installation.

B. Installation.

1. The installation of any Covered Antenna must comply at all times with all applicable building codes and industry safety standards (e.g., not within two feet of electric power lines). The Covered Antenna must be affixed to its location in a safe and secure manner. Acceptable installation techniques for common Covered Antennas are as shown on the Installation Details furnished by the antenna manufacturer, unless a different Installation Detail is attached as an exhibit to this Resolution.

2. Any damage caused by the installation of the Covered Antenna shall be repaired at the sole expense of the owner immediately following the installation.

3. Cabling and grounding wire shall be installed in the least visible manner possible. When a Covered Antenna is located on the ground, cabling and wire shall be installed underground whenever possible unless doing so would be unreasonably costly (See Section VII).

4. If it is possible (without unreasonable delay, expense or signal impairment) to install the cable without penetrating an exterior surface (roof, window or wall) by using "ribbon cable" or a through-the-glass device, then the installation may not penetrate (make a hole through) such building components except in single family detached homes.

5. If a contractor is installing the Covered Antenna, the contractor shall (i) be appropriately licensed as required by law, (ii) employ personnel trained in the proper installation of such equipment and (iii) upon request, furnish evidence of all required insurance coverages.

C. Maintenance.

1. Maintenance of Covered Antennas shall be the responsibility of the owner. The Covered Antenna (and associated camouflaging and screening) shall be maintained in a manner that its appearance and condition remains consistent with the original appearance and condition of the Covered Antenna. Any damage, dislodgement, or wear and tear of the Covered Antenna that is visible by persons not on the owner's property shall be repaired by the owner as soon as practicable.

2. If an owner fails to maintain a Covered Antenna properly, the Committee shall notify the owner, in writing, that the Covered Antenna requires maintenance or repair and that such maintenance or repair must be completed within thirty days after such notification (or such lesser period as may be established by the Committee for safety reasons or other good cause shown) . If any required repair or maintenance is not performed by the owner within the time period allowed, the Association may complete such maintenance and repair and assess the reasonable cost of such work to the owner.

3. If a Covered Antenna must be removed to allow the Association to perform necessary maintenance or repair, the owner

shall be responsible for the removal of such Covered Antenna within seven days (or such shorter period as may be reasonably necessary under the circumstances) after notice of such maintenance or repair. If the owner fails to remove the Covered Antenna prior to the commencement of necessary maintenance or repairs, then the Association shall remove such Covered Antenna and assess the reasonable cost of such removal to the owner. If the owner pays the cost, the Association shall reinstall the Covered Antenna when the maintenance or repair has been completed. The Association shall not be liable for damage to the Covered Antenna during such removal or reinstallation except due to the Association's gross negligence or willful misconduct.

4. If the installation of or access to the Covered Antenna requires passage over restricted access common property in a manner that may be hazardous to the owner or tenant or may damage the restricted access common property, then the Association may, at its option, perform required maintenance at the reasonable expense of the owner or tenant.

D. Guidelines for TVBS Antenna Placement.

If the signal received by an indoor or attic TVBS antenna is sufficient to receive acceptable quality signal for local off-

the-air programming, installation of an outdoor antenna is prohibited. If an exterior installation is necessary, the use of the least obtrusive antenna possible, which will receive acceptable quality signal (such as the 12-inch or 18-inch circular dish antenna) is required unless doing so would be unreasonably costly (See Section VII). Any installation of an outdoor TVBS antenna shall conform to all guidelines set forth in Section IV of this Resolution.

V. SAFETY RESTRICTIONS FOR MAST-MOUNTED ANTENNAS

No antenna may be mounted on a mast measuring more than twelve feet in height above the roof line or one and one-half times the distance to the property line without prior application to and the written consent of the Committee. The Committee shall approve the proposed installation once it has determined that all applicable building codes, industry safety standards and local permitting requirements have been followed and complied with, and that no other installation could receive an acceptable quality signal without a mast of that height. All antenna masts shall be the minimum height necessary to receive an acceptable quality signal.

VI. DETERMINATION OF SUFFICIENCY OF RECEPTION

To the extent required, the Committee shall employ a knowledgeable, independent consultant to determine the acceptability of broadcast signals received in various locations on any owner's property and recommend a placement that:

(1) ensures an acceptable quality signal (if such reception is possible on such owner's property), (2) maximizes the safety of the installation and (3) minimizes the visibility of the antenna.

VII. COST

If the individual installing a Covered Antenna believes that compliance with these requirements cannot be accomplished at a reasonable cost, such individual may advise the Association of that fact and the Association may, at its option, share the cost of compliance.

VIII. RELOCATION AND REMOVAL

A. If a Covered Antenna has been installed prior to the date of general distribution of this resolution, the Association may require the owner or tenant served by that antenna to relocate the antenna in compliance with the provisions of this resolution; provided, however, that signal quality is not materially diminished, the relocation is scheduled at the

reasonable convenience of the owner or tenant and service is not disrupted for more than twenty-four hours.

B. If a Covered Antenna is installed prior to the Association providing the same service through a common antenna system, the Association may require its removal; provided, however, that the cost of the same service to the owner or tenant is no more than the cost of using the existing individual antenna, the changeover is scheduled at the reasonable convenience of the owner or tenant and service is not disrupted for more than twenty-four hours. Further, the Association may not charge such owner or tenant any portion of the cost of installation of the central antenna and the Association shall reimburse the owner or tenant for the cost of the covered Antenna, prorated over a useful life of five years. In either case, the cost of relocation or removal shall be at the expense of the Association.

C. If a Covered Antenna is installed after the date of general distribution of this resolution, the Association may require its relocation if not in compliance with this resolution; if a Covered Antenna is installed after the Association provides the same service through a common antenna system, the Association may require its removal. In either case, the cost of relocation

or removal shall be at the reasonable expense of the owner or tenant.

IX. ENFORCEMENT

A. If an individual installs an antenna not permitted by this Resolution, the Committee shall enforce the Association's rules in accordance with Policy Resolution No. 1.

B. If an individual installs a permitted antenna not in compliance with this Resolution (other than the prior notification requirement), then the Committee shall require the individual to comply.

C. If an individual installs a permitted antenna in compliance with this Resolution but fails to provide prior notification, the Committee shall not penalize the individual nor pursue any other enforcement action.

BRANDON OAKS COMMUNITY ASSOCIATION, INC.
RESOLUTIONS ACTION RECORD

This Resolution, Policy Resolution No. _____, was adopted by the Board on _____, _____, with the directors voting as indicated below:

_____	_____ Yes	_____ No
_____	_____ Yes	_____ No
_____	_____ Yes	_____ No
_____	_____ Yes	_____ No
_____	_____ Yes	_____ No

ATTEST:

_____	_____
President	Date
_____	_____
Secretary	Date

Effective date of resolution: _____

Expiration date (if any): _____

BRANDON OAKS COMMUNITY ASSOCIATION, INC.
ANTENNA PLACEMENT NOTIFICATION FORM

To: Brandon Oaks Community Association, Inc.
c/o Braesael Management Company, P.O. Box 1196, Matthews, NC 28106

From: Owner's Name: _____
Tenant's Name (if not owner): _____
Property Address _____

I wish to notify you that I am installing a Covered Antenna on my Lot in accordance with Policy Resolution No. _____ of Brandon Oaks Community Association, Inc.

1. TYPE OF ANTENNA: Direct Broadcast Satellite Antenna (DBS)
Diameter: _____ inches
- Multipoint Distribution System Antenna (MDS)
Size: _____ inches
- Off-the-air Television Antenna (TVBS)
2. MAST: Yes No
- Height of mast above roof line:
_____ feet _____ inches
- Height of mast: _____ feet _____ inches and
distance to property line: _____ feet _____ inches
3. LOCATION: Inside House (including attic)
- Rear Yard Front Yard Side Yard
- On Ground Patio, Deck or Balcony
- Roof at Drip Edge Roof Below Ridge Line
- Roof on Chimney Roof Above Ridge Line
4. SCREENING: Yes No Partial

I have received the Association's Antenna Placement Guidelines and will install my antenna in compliance with such Guidelines. If my antenna installation does not comply with the Guidelines, I will relocate or reinstall my antenna at my expense to comply with the Guidelines provided that compliance does not preclude reception of an acceptable quality signal or impose an unreasonable expense.

Signature of Owner (or Tenant)