

SATELLITE DISHES & AERIAL ANTENNAS—PERMITTED USES

Introduction

These rules are adopted by the Board of Directors of the Surfside Estates Condominiums Owners Association, on March 2nd 2008, effective March 2nd 2008.

RECITALS

WHEREAS, the Surfside Estates Condominiums Owners Association ("Association") is responsible for governance and maintenance of the association community ("Community"); and

WHEREAS, the Association exists pursuant to Neb. Rev. Stat. § 76-801 et. seq. and the Declaration and By-laws; and

WHEREAS, the Board of Directors is authorized to adopt and enforce reasonable rules and regulations in the interests of the Community, pursuant to the Amended Declaration of Covenants and the Bylaws of the Association; and

WHEREAS, the Federal Communications Commission ("FCC") adopted a rule effective October 14, 1996, and amended effective January 4 and 22 and February 16, 1999, preempting certain association restrictions on the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas ("Covered Antennas"); and

WHEREAS, the Board of Directors wishes to adopt reasonable restrictions governing installation, maintenance, and use of antennas in the best interests of the Community and consistent with the FCC OTARD Rule;

NOW, THEREFORE, the Board of Directors votes and adopts the following rules and restrictions for the Community, which shall be binding upon all owners and residents and their grantees, lessees, tenants, occupants, successors, heirs, and assigns and which shall supersede any previously adopted rules on the same subject matter.

I. Definitions

A. **Antenna**: any device used for the transmission and receipt of video or audio services, including direct broadcast satellite (DBS), television broadcast, and multipoint distribution service (MDS). A mast, cabling, supports, guy wires, conduits, wiring, fasteners, or other accessories necessary for the proper installation, maintenance, and use of a reception antenna shall be considered part of the antenna.

B. **Covered Antenna**: an Antenna covered by the FCC's Over-the-Air Reception Devices (OTARD) Rule.

C. **Central Antenna System:** an antenna system installed by the Association to serve more than one resident simultaneously.

D. **Common Property:** property owned by all unit owners jointly, as defined in the Declaration of Covenants and Bylaws of the Association; and

E. **Exclusive Use Area:** area (and airspace) in which the owner has a direct or indirect ownership interest and which is designated for the exclusive use of the owner as defined in the Declaration of Covenants and Bylaws of the Association; and

F. **Individual Antenna:** Antenna installed by one Resident for reception by that Resident.

G. **Individually Owned Property:** property defined in a recorded deed and the Declaration of Covenants and Bylaws of the Association as being owned solely by the Resident, regardless of whether the Association has maintenance responsibility for that property.

H. **Mast:** Structure to which an Antenna is attached that raises the Antenna height to enable the Antenna to receive acceptable-quality signals.

I. **Resident:** any person residing in the Association.

J. **Transmission-Only Antenna:** An Antenna that has limited transmission capability and is designed for the Resident to select or use video programming.

II. Antenna Size and Type

Subject to criteria detailed elsewhere in these rules, the following are Covered Antennas and may be installed:

1. Antennas designed to receive Direct Broadcast Satellite (DBS) service that are 39.4 inches (1 meter) or less in diameter may be installed. DBS antennas larger than 39.4 inches (1 meter) are prohibited.

2. Antennas designed to receive Multipoint Distribution Service (MDS) that are 39.4 inches (1 meter) or less in diameter. MDS antennas larger than 39.4 inches (1 meter) are prohibited..

3. Antennas designed to receive television broadcast signals, regardless of size.

4. Transmission-Only Antennas that are necessary for the use of Covered Antennas.

5. Masts that are required for the installation of Covered Antennas.

6. All other Antennas (including amateur or ham radio antennas) not covered by the FCC's Over-the-Air Reception Devices Rule as amended are prohibited.

III. General Rules

A. Residents may install Covered Antennas according to the following rules, provided that these rules do not unreasonably delay Covered Antenna installation, maintenance, or use; unreasonably increase the cost of Covered Antenna installation, maintenance, or use; or preclude reception of acceptable-quality signals from Covered Antennas.

B. Location

1. Covered Antennas shall be installed solely on Individually Owned Property or Exclusive-Use Areas, as designated in the Declaration of Condominium defining the portions of Common Property, limited common elements, or Individually Owned Property. Installation of Covered Antennas on a limited common element does not convert the limited common element to Individually Owned Property.

2. Television broadcast Covered Antennas must be installed inside a unit whenever possible.

3. Covered Antennas shall not encroach upon any Common Property, any other Resident's Individually Owned property or Exclusive-Use Area, Common Property airspace, or the airspace of another Resident's Individually Owned or Exclusive-Use Area.

4. Covered Antennas shall be located in a place shielded from view from other units or homes, from streets, or from outside the Community to the maximum extent possible. If Covered Antennas can receive acceptable-quality signals from more than one location, then Covered Antennas must be located in the least visible preferred location. This section does not permit installation on Common Property, even if an acceptable-quality signal cannot be received from an Individually Owned or Exclusive-Use Area.

5. If an installation cannot comply with the previous section because the installation would unreasonably delay, unreasonably increase the cost, or preclude reception of acceptable-quality signals, the Resident must ensure that the installation location is as close to a conforming location as possible. The Association may request an explanation of why the nonconforming location is necessary.

C. Installation

1. Covered Antennas shall be neither larger nor installed higher than is absolutely necessary for reception of an acceptable-quality signal.

2. All installations shall be completed so that they do not materially damage any property in the Community, or void any warranties of the Community or other Residents, or in any way impair the integrity of any building in the Community.

3. A Resident is not required to hire a professional antenna installer. However, any installer other than the Resident shall employ qualified personnel to install the Covered Antenna and

shall provide the Association with an insurance certificate listing the Association as a named insured prior to installation. Insurance shall meet the following minimum limits:

Contractor's general liability (including completed operations): \$1 million.

The purpose of this regulation is to ensure that Covered Antennas are installed in a manner that complies with building and safety codes and manufacturer's instructions. Improper installation could cause damage to structures, posing a potential safety hazard to Association residents and personnel.

4. Covered Antennas must be secured so that they do not jeopardize the soundness or safety of any structure or the safety of any person at or near the Covered Antennas, or cause property damage, including damage from wind velocity.

5. Residents are liable for, and shall hold the Association and its Residents harmless from, any personal injury or damage occurring to Community Common Property or other Residents' Individually Owned Property or Exclusive-Use Areas arising from installation, maintenance, or use of a Covered Antenna, and shall pay the costs to

Repair damages to the Common Property, other Residents' Individually Owned Property or Exclusive-Use Areas and any other property damaged by Covered Antenna installation, maintenance, or use;

Pay medical expenses incurred by persons injured by Covered Antenna installation, maintenance, or use; and

Reimburse residents or the Association for damages caused by Covered Antenna installation, maintenance, or use.

6. A Resident installing a Covered Antenna shall indemnify the Association against injury or loss caused by the Covered Antenna.

D. Installation on Exclusive-Use Areas (for condominium and cooperative associations)

There shall be no penetrations of exterior areas of the building to install, use, or maintain Covered Antennas. The following devices shall be used whenever possible:

Devices that permit the transmission of telecommunications signals through a glass pane without cutting or drilling a hole through the glass pane or other Common Property;

Devices such as ribbon cable that permit the transmission of telecommunications signals into a residence through a window or door without penetrating the wall; or

Existing wiring for transmitting telecommunications signals and cable services signals.

E. Maintenance

1. Residents shall not permit their Covered Antennas to fall into disrepair or to become a safety hazard. Residents shall be responsible for Covered Antenna maintenance, repair, and replacement, and the correction of any safety hazard within thirty days after notification of the need for repair.
2. If Covered Antennas detach, Residents shall remove the Antennas or repair such detachment within seventy-two hours of the detachment. If the detachment threatens safety, the Association may remove Covered Antennas at the expense of the Resident.
3. Residents shall be responsible for Covered Antenna maintenance if the exterior surfaces of the Covered Antennas deteriorate.
4. If the Resident does not correct a safety hazard within thirty days after notification, the Association may enter onto the property to repair the Covered Antenna. Any repair expense will be charged to the Resident.
5. If a Covered Antenna is not properly maintained, the Resident shall be responsible for any personal injury or property damage to Common Property or another Resident's Individually Owned Property and shall indemnify the Association for any personal injury or property damage.

F. Covered Antenna Camouflaging

1. Covered Antennas shall be neutral in color or painted to match the color of the structure (wall, railing) on which they are installed.
2. Covered Antennas installed on the ground and visible from the street or other Residents' Individually Owned or Exclusive-Use Areas must be camouflaged. A covered antenna preferably should be camouflaged by existing landscaping or screening. If existing landscaping will not adequately camouflage the Covered Antenna, then the Association may require additional camouflage. If the camouflaging will cause an unreasonable cost increase, then the Association has the option to pay for additional camouflaging.
3. Exterior Covered Antenna wiring shall be installed so as to be minimally visible and blend into the material to which it is attached.

IV. Safety

Because the Association has a legitimate safety interest in preventing personal injury or property damage occurring due to improper or unsafe Covered Antenna installation, Residents must follow the listed safety guidelines:

A. Covered Antennas shall be installed and secured in a manner that complies with all applicable codes, safety ordinances, city and state laws and regulations, and manufacturer's instructions. If a Resident must obtain a permit in compliance with a valid safety law or ordinance, then the Resident shall provide a copy of that permit to the Association before installation. The purpose of this rule is to ensure that Covered Antennas are installed safely and securely, and to minimize the possibility of detachment and resulting personal injury or property damage.

B. Unless the above-cited codes, safety ordinances, laws, and regulations require a greater separation, Covered Antennas shall not be placed within 10 feet of electrical power lines (above-ground or buried) and in no event shall Covered Antennas be placed where they may come into contact with electrical power lines. The purpose of this requirement is to prevent injury or damage resulting from Covered Antenna contact with power lines.

C. Covered Antennas shall not obstruct access to or exit from any doorway or window of a unit, walkway, ingress or egress, electrical service equipment, water shut-off valves, or any other areas necessary for the safe operation of the Community. The purpose of this requirement is to ensure the safe ingress or egress of association residents and personnel, and to ensure safe and easy access to the association's physical plant.

D. To prevent electrical and fire damage, Covered Antennas shall be permanently and effectively grounded.

E. To prevent detachment during a storm, Covered Antennas shall be installed to withstand wind speeds of 70 mph.

F. To prevent roof damage and possible resultant personal injury, Covered Antennas shall be attached to withstand the pressure of snow and ice.

V. Number of Covered Antennas

No more than one Covered Antenna providing the same service from the same provider may be installed by a Resident.

VI. Association Use of Common Property for Covered Antenna Installation

A. The Association may choose to set aside a portion of Common Property for the installation of a Central Antenna System to receive telecommunications signals. If the Association chooses to install a Central Antenna System, the Association may prohibit Individual Antenna installations provided that the following conditions are met:

1. The Central Antenna System offers the same service from the same provider as the Individual Antenna;

2. The proportionate costs for both Central Antenna System installation and signal reception (including any service fees) must be equal to or lower than costs for installation and service of an Individual Antenna;
3. The quality of signals received from the Central Antenna System is equal to or better than that of signals received from Individual Antennas; and
4. There is no unreasonable delay in receiving the signals.

B. If the Association installs a Central Antenna System, it may order the removal of Individual Antennas provided that the Association pays for the removal of the Individual Antennas and reimburses the Residents the value of the Individual Antennas.

VII. Mast Installation

A. Mast height may be no higher than absolutely necessary to receive acceptable-quality signals.

B. Masts extending 12 feet or less beyond the roofline may be installed on Individually Owned or Exclusive-Use Area property, subject to the regular notification process (see below). Masts that extend more than 12 feet above the roofline or are installed nearer to the lot line than the total height of the Mast and Covered Antenna above the roof must be preapproved due to safety concerns posed by wind loads and the risk of falling Covered Antennas and Masts. Any application for a Mast higher than 12 feet must include a description of the Covered Antenna and the Mast, the location of Mast and Covered Antenna installation, a description of the means and method of installation, including any manufacturer specifications, and an explanation of the necessity for a Mast higher than 12 feet. If this installation will pose a safety hazard to association residents and personnel, then the Association may prohibit such installation. The notice of rejection shall specify these safety risks.

C. Since Masts extending more than 12 feet above the roofline pose risks of personal injury and damage to Common and other Residents' Individually Owned Property or Exclusive Use Areas, these Masts shall be installed by an insured Covered Antenna installer to ensure proper and secure installation.

D. Masts must be painted the appropriate color to match their surroundings, and re-painted as necessary.

E. Masts shall not be installed nearer to electric power lines than a distance equal to the total height of the Mast and Covered Antenna above the roof. The purpose of this regulation is to avoid damage to electric power lines if the mast should fall in a storm.

F. Masts shall not encroach upon Common Property or another Resident's Individually Owned or Exclusive-Use Areas.

G. To prevent personal injury and property damage, Masts must be installed to safely withstand environmental conditions natural to Association's location.

VIII. Covered Antenna Removal

Covered Antenna removal requires restoration of the installation location, holes for cables or wires, and any other affected locations, if any, to their original condition to the satisfaction of the Board. Residents shall be responsible for all costs relating to restoration of these areas. Residents vacating a Property, or selling their Property, shall remove an antenna and associated wires and cables, prior to vacating the Property. The Association shall have the right to file a lien for the cost of such removal or request that monies be escrowed by a title company to assure that the cost of removal is not borne by the Association.

IX. Association Maintenance of Locations upon Which Covered Antennas Are Installed

A. If Covered Antennas are installed on property that is maintained by the Association, the Residents retain responsibility for Covered Antenna maintenance. Covered Antennas must not be installed in a manner that will result in increased maintenance costs for the Association or for other Residents. If increased maintenance or damage occurs, Residents are responsible for all such costs.

B. If maintenance requires the temporary removal of Covered Antennas, the Association shall provide Residents with ten-days' written notice. Residents shall be responsible for removing or relocating Covered Antennas before maintenance begins and replacing Covered Antennas afterward. If they are not removed in the required time, then the Association may do so, at the Residents' expense. The Association is not liable for any damage to Covered Antennas caused by Association removal. The Association is not responsible for reinstalling Covered Antennas.

C. If Covered Antennas pose immediate threats to Association Residents and personnel or property, then the Association has the right to remove Covered Antennas. The Association is not liable for any damage to Covered Antennas caused by this removal.

X. Notification Process

A. Any Resident desiring to install a Covered Antenna must sign an acknowledgement that they have read these rules and agree to comply with them, and complete a notification form and submit it to the Board of Directors, in care of either the President or Secretary of the Association. The installation may then begin immediately. The purpose of the notification process is to allow the Association to provide Covered Antenna installation rules and other information to Residents, to know if a person other than the Resident will be entering the community for Covered Antenna installation, and to determine whether the installation could pose a safety hazard.

B. The Association may hire an independent contractor to determine whether an installation in a non-conforming location is necessary. If the independent contractor finds that installation in

a conforming location is possible, then the Resident will be required to relocate the Covered Antenna.

XI. Installation by Tenants

These rules shall apply in all respects to all Residents, whether owners or tenants.

XII. Enforcement

A. If these rules are violated, the Association, after providing the Resident with notice and opportunity to be heard, may bring action for declaratory relief with the FCC or any court of competent jurisdiction. If the court or FCC determines that the Association rules are enforceable, a fine of Fifty and no/100ths Dollars (\$50.00) shall be imposed by the Association for each violation twenty-one (21) days after the Association rules have been validated, unless the rules had previously been validated and the Resident does not contest the rules' application to his or her particular situation. In this situation, the Association will fine the Resident immediately upon revalidation of the rules. If the violation is not corrected within a reasonable length of time, additional fines of Ten and no/100ths Dollars (\$10.00) per day will be imposed for each day that the violation continues.

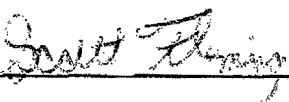
B. If permitted in Association documents or by state statute, attorneys' fees may be collected for any work done after the Association rules have been validated by the FCC or a local court.

C. If Covered Antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit the installation or seek removal of the installation.

XIII. Severability

If any of these provisions is ruled to be invalid, the remainder of these rules shall remain in full force and effect.

XIV. Certification. The undersigned, being the duly elected Secretary of the Board of Directors, hereby certifies that the foregoing policy with regard to satellite dishes and aerial antennas was duly adopted as part of the Rules and Regulations of the Surfside Estates Condominiums Owners' Association at a regularly scheduled and noticed meeting of the Board of Directors on the 2nd day of March, 2008.



Secretary

Acknowledgement: The undersigned owner hereby acknowledges a receipt of a copy of the policy on satellite dishes and aerial antennas and agrees to conform to the provisions set forth in the above policy adopted by the Board of Directors.

Date: _____ Owner: _____.