

Dear Eaglewood Homeowner:

On October 14, 1996 the Federal Communications Commission (FCC) adopted Regulations preempting certain restrictions in our Protective Covenants and Restrictions, Bylaws (PC&R's) concerning the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas. These FCC Regulations were issued in conformance with, and to implement provisions of, the Federal Telecommunications Act of 1996.

These Regulations prohibit any state or local law or regulation, or any private covenant, or homeowners association from drafting or enforcing rules that impair a viewer's ability to receive video programming services through devices designed for over-the-air reception of television broadcast signals ("TVBS"), multichannel multipoint distribution service ("MMDS"), or direct broadcast satellite services ("DBSS").

Article V.VII.F of the Eaglewood PC&R's states "No outside television or radio pole, antennae, dog house, greenhouse, tool shed, metal utility shed, wood storage shed or similar structure shall be constructed, erected or maintained on any residence without first obtaining written approval of the Design Committee". In November 1987 the Eaglewood Design Committee decided that "no outside antenna will be approved. If cable TV service is not available within the subdivision, outside antennae will be considered on a case by case basis". Since 1987, subsequent Design Committees have followed and concurred with that decision.

Eaglewood was originally established with very detailed PC&R's with the purpose "to create in Eaglewood a carefully planned community which will provide an unusually attractive place to live and conserve the natural beauty of Eaglewood ..." and "... by providing standards for the improvement of private areas within Eaglewood through the instrumentality of the PC&R's the Developer hopes to assure that property within the development will have the maximum value for those who acquire it". Eaglewood's detailed covenants, and their enforcement by the Design Committee, has helped keep our subdivision one of the more attractive places to live within all of Alaska.

When you drive through Eaglewood you don't see the kind of detractors you have in some other residential areas. You don't see yards and driveways cluttered with junk vehicles, or RV's covered with blue tarps parked on lawns year-round, or unkept lawns, or houses in drastic need of repair, or TV antennas on every rooftop, or satellite dishes in front yards, or a multitude of other things that could detract from the natural beauty of Eaglewood. Because of our PC&R's and supplemental Design Committee Rules, and the enforcement of these by the Design Committee, our subdivision remains an attractive place to live, our property values remain high and houses within the subdivision sell relatively quickly. With the new FCC Regulations, we no longer can deny a homeowner the opportunity to install an antenna or satellite dish on their private property. We do, however, have the ability to establish some control on location and screening necessary to minimize the devices visibility and to maintain the safety of residents. Hopefully, our homeowners will understand the importance of insuring the impact of installing these devices must be minimized to continue to protect the attractiveness and safety of our subdivision as a whole, to protect the attractiveness and safety of their own property, and to protect the property value for all our homeowners. It is in all of our best interests to insure that we maintain that attractiveness and safety.

Since the Board of Directors first found out about the new FCC Regulations, they have undertaken an aggressive effort to determine what the Association could do to meet the requirements of the new Law and the implementing regulations, yet still insure consistency in keeping Eaglewood to the same high standards that currently exist. To that end, the Board and the Design Committee drafted new rules for installation of antennas (including satellite dishes) within Eaglewood Subdivision. The Board also sought and received a legal opinion regarding the development of these new rules, their contents, and also the feasibility of our requesting and receiving some kind of waiver from the new FCC Regulations. Unfortunately, the legal opinion received indicated that it was highly probable that neither the FCC nor a court of competent jurisdiction would determine that aesthetics and property valuations were "concerns of a highly specialized or unusual nature" which would warrant the granting of a petition for waiver. The legal opinion received also indicated that an exception to the Regulations for Historic Landmark purposes is inapplicable, and there were no apparent clearly defined safety objectives that would permit an exception to apply. Historic landmark and safety are the only two purposes for which an exception could be granted.

Based on the legal opinions received, the Board of Directors has adopted the new "Rules For Installation of Antennas Within Eaglewood Subdivision", effective April 8, 1997. A copy of these Rules is provided to you as an owner of property within Eaglewood. In addition, a copy of these Rules will be provided with each resale certificate for prospective new homeowners to insure they are made aware of Eaglewood's requirements regarding installation of antennas. The FCC Regulations do not give us much flexibility in the types of restrictions we may impose on the installation of new antennas. However, the Board has tried to insure that our new Rules provide the Association with maximum control available under the new FCC Regulations.

If you have any questions regarding the new Law, the FCC Regulations or the Associations new Rules, contact our Operations Manager, Doug Maxfield, at 694-6942, or attend the next Open Board Meeting at Joy Lutheran Church. Copies of the FCC Regulations and applicable sections of the Federal Telecommunications Act of 1996 are available for your information at the Eaglewood Work Center.

Sincerely,

John M. Landis, President For the Board of Directors

RULES FOR INSTALLATION OF ANTENNAS WITHIN EAGLEWOOD SUBDIVISION

I. Preamble:

These rules are adopted by the Board of Directors of the Eaglewood Homeowner's Association, on the day of April 7, 1997, effective April 8, 1997.

WHEREAS, the Eaglewood Association, Inc. ("the Association") is responsible for governance and maintenance of the Eaglewood Subdivision ("the Community"); and

WHEREAS, the Association exists pursuant to applicable Alaska state law and the applicable Protective Covenants, Restrictions, and Bylaws ("PC&R's"); and

WHEREAS, the Association is authorized to adopt and enforce reasonable rules and regulations in the best interests of the Community, pursuant to applicable Alaska state law and the PC&R's; and

WHEREAS, the Federal Communications Commission ("the FCC") adopted Regulations effective October 14, 1996, preempting certain restrictions in the governing documents concerning the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas ("antennas"); and

WHEREAS, the Association desires and intends to adopt reasonable restrictions governing installation, maintenance, and use of antennas in the best interest of the Community and consistent with the FCC Regulations.

NOW THEREFORE, the Association adopts the following restrictions and regulations for the Community, hereinafter referred to as the "Antenna Rules (Satellite Dishes and/or TV Signal Antenna)" which shall be binding upon all owners and their grantees, lessees, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess an interest in the Community, and which shall supersede any previously adopted rules on the same subject matter.

II. Definitions:

- A. **Antenna:** any device used for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast, and multipoint distribution services (MDS). A reception antenna that has limited transmission capability designed for the viewer to select or use video programming is a reception antenna provided that it meets FCC standards for radio frequency emission. 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. **Mast:** Structure to which an antenna is attached that raises the antenna height.
- C. **Transmission-only antenna:** any antenna used solely to transmit radio, television, cellular, or other signals.
- D. **Owner:** any homeowner in the Association. For the purpose of this rule only, "owner" includes a tenant who has the written permission of the homeowner/landlord to install antennas.
- E. **Telecommunications signal:** signals received by DBS, television broadcast, and MDS antennas.

III. Caveat:

If, for any reason, the new FCC Regulations are ever reversed or revised in any manner that would permit the Association to again restrict antennas, the Association may require any existing antennas to be removed.

IV. Installation Rules:

A. Antenna Size and Type

1. The size of any antenna will be the minimum size necessary to receive an acceptable signal. Currently DBS antennas (satellite dishes) no greater than approximately 6 feet in diameter can receive an acceptable signal.
2. The total vertical height of any antenna, including mast pole, will be no greater than the horizontal distance from the base of the antenna mast pole to the nearest private property line or utility (electric, telephone, cable TV, or water) pedestal, pad, meter, or other such device. This restriction is imposed to insure the safety of persons and/or property from damage or injuries which may occur should the antenna fall.
3. Installation of transmission antennas are prohibited.
4. All antennas not covered by the FCC Regulations are prohibited.

B. Location

1. Antennas shall be installed solely on individually-owned property as designated on the recorded deed defining the homeowner's property.
2. If acceptable quality signals may be received by placing antennas inside a dwelling, without unreasonable delay or unreasonable cost increase, then outdoor installation will be prohibited.
3. Antennas shall not encroach upon common areas or any other owner's property.
4. Antennas shall be located in a place shielded from view from the street(s) or from other lots to the maximum extent possible, provided, however, that nothing in this rule would require installation in a location from which an acceptable quality signal may not be received. This section does not permit installation on common property, even if an acceptable quality signal may not be received from an individually-owned lot.

5. Antennas shall not obstruct any utility/homeowners' association use/slope easements, any drivers view of an intersection or street, or be placed in any right-of-way, maintenance easement, or setback area. Minor exceptions may be granted to rear or side setback requirements if no other location is available which provides an acceptable signal. Rear yard areas should be considered a first priority location if such placement will permit reception of an acceptable quality signal. Side yard areas, behind the front foundation line of the dwelling, should be considered as the next priority location. If the antenna is to be placed in the front yard area, the homeowner will provide a statement from the company installing the antenna that an acceptable signal cannot be received from any other location on the property. The Association will consider requests for limited removal of trees from the rear or side setback areas to enhance reception from these areas if needed.

C. Installation

1. Antennas shall be no 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 damage the common area of the Association or the lot of any other resident, or void any warranties of the Association or other owners, or in any way impair the integrity of buildings on common area or other lots.
3. Owners are responsible for all costs associated with the antenna, including but not limited to costs to:
 - a. Place (or replace), repair, maintain, and move or remove antennas;
 - b. Repair damages to common property, other lots, and any other property damaged by antenna installation, maintenance or use;
 - c. Pay medical expenses incurred by persons injured by antenna maintenance, or use;
 - d. Reimburse residents or the Association for damages caused by antenna installation, maintenance, or use.
4. Antennas must be secured so that they do not jeopardize the soundness or safety of any other owner's structure or the safety of any person at or near antennas, including damage from wind velocity based upon a unique location.
5. The running of overhead wires or cables is prohibited. Necessary wires or cables will go directly from the antenna to the closest point of the house structure and will be placed underground if the antenna is not located adjacent to the house. This requirement is to ensure the safety of persons and property from exposed wires and cables and for consistency with existing requirements that all utility wires and cables within Eaglewood be placed underground. All wires or cables in the vicinity of the antenna will be secured to the antenna in such a manner that makes them as unobtrusive as possible.

D. Maintenance

1. Owners shall not permit their antennas to fall into disrepair or to become safety hazards.
2. Owners shall be responsible for antenna maintenance and repair.
3. Owners shall be responsible for repainting or replacement if the exterior surface of antennas deteriorates.

E. Safety

1. Antennas shall be installed and secured in a manner that complies with all applicable city and state laws and regulations, and manufacturer's instructions. The owner, prior to installation, shall provide the Association with a copy of any applicable governmental permit.
2. All installations must comply with all applicable codes.
3. In order to prevent electrical and fire damage, antennas shall be permanently and effectively grounded.
4. Antennas are required to withstand winds of 80 mph, and shall be designed to withstand the pressure of snow and ice.

V. Antenna Camouflaging:

- A. Antennas will be placed, to the extent feasible, in a location that is not visible from the street(s).
- B. Antennas or masts may not extend beyond a railing or fence unless no acceptable quality signal may be received from this location.
- C. Antennas situated on the ground and visible from the street or from other lots must be camouflaged by existing landscaping or fencing that is effective year round, if an acceptable quality signal may be received from such placement. If no such existing landscaping or screening exists, the Association requires antennas to be screened by new landscaping or screening of reasonable cost that is effective year round and meets the requirements of the Associations PC&R's. Acceptable screening can include approved fencing or landscaping (flowers, shrubs, trees, etc.).
- D. Antennas, masts, and any visible wiring must be painted in such a manner that it blends into the structure to which it is installed. (Some manufacturers assert that painting may prevent the receipt of an acceptable quality signal. Association residents are advised to make sure that paint will not degrade the signal.)

VI. Number of Antennas:

No more than one antenna of each provider may be installed by an owner.

VII. Mast Installation:

- A. Mast height may be no higher than absolutely necessary to receive acceptable quality signals.
- B. Masts that extend 12 feet or less beyond the roof line may be installed subject to the regular notification process provided they meet all

code requirements. Masts that extend more than 12 feet above the roof line must be approved before installation due to safety concerns posed by wind loads and the risk of falling antennas and masts. Any application for a mast longer than 12 feet must include a detailed description of the structure and anchorage of the antenna and the mast, as well as 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. Masts must be installed by a licensed and insured contractor.
- D. Masts must be painted the appropriate color to match their surroundings.
- E. Masts installed on a roof shall not be installed nearer to the lot line than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to protect persons and property that would be damaged if the mast were to fall during a storm or from other causes.
- F. Masts shall not encroach upon another owner's lot or common property.
- G. Masts installed on the ground must sustain a minimum of 80 mph winds.
- H. Masts must be designed to withstand the weight of ice and snow.

VIII. Association Maintenance of Locations Upon Which Antennas are Installed:

- A. If antennas are installed on property for which the Association has maintenance responsibility, owners retain responsibility for antenna maintenance. Owners must not install antennas in a manner that will result in increased maintenance costs for the Association or for other residents. If such damage occurs, owners are responsible for these costs.
- B. If maintenance requires antenna removal, the Association shall provide owners with 10 days written notice. Owners shall be responsible for removing antennas before maintenance begins. If owners do not remove antennas by the required time, then the Association may do so, at owners' expense. The Association is not liable for any resulting damage to antennas.

IX. Notification Process:

- A. Any owner desiring to install an antenna must complete a notification form and submit it to the Eaglewood Association Design Committee, P.O. Box 92130, Anchorage, Alaska 99509. If the installation is routine (conforms to all of the above rules and restrictions), the homeowner may proceed with installation after submitting the notification form. The Design Committee will begin an immediate review of the notification form and provide their comments to the homeowner upon completion of this review.
- B. If the installation is other than routine for any reason, owners and the Association's Design Committee must establish a mutually convenient time to meet to discuss installation methods. The homeowner must contact the Eaglewood Association work center at 694-6942 to establish a meeting time. The Design Committee will then meet with the homeowner at the agreed upon time to resolve these issues so that installation may be completed in a timely manner.
- C. A preprinted standard notification form, developed by the Association will be completed by the homeowner. The form is available from the work center and copies will be provided upon request by calling 694-6942.

X. Installation by Tenants:

Tenants may install antennas in accordance with these rules with written permission of the homeowner/landlord. A copy of this written permission must be furnished with the notification form.

XI. Enforcement:

- A. If these rules are violated, the Association may bring action for declaratory relief with the FCC or any court of competent jurisdiction after notice and an opportunity to be heard. If the court of FCC determines that the Association rules are enforceable, a fine of \$100 shall be imposed by the Association for each violation. If the violation is not corrected within a reasonable length of time, additional fines of \$10 per day will be imposed for each day that the violation continues up to the maximum amount permitted by the PC&R's. To the extent permitted by law, the Association shall be entitled to reasonable attorney fees, costs, and expenses incurred in the enforcement of this policy.
- B. If antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit or seek removal of the installation.

XII. Severability:

If any provision is rules invalid, the remainder of these rules shall remain in full force and effect.

Dear Homeowner,

The "Intent to Install a Dish Antenna" form you requested is included below. In addition, a copy of Eaglewood Association's "Rules for Installing of Antennas within Eaglewood Subdivision" is also enclosed for your information and compliance. Please complete the notification form and return it to the Association at the above address. You may also deliver the completed notification form to our workcenter at 11915 Lazy St. Suite B in Eagle River. If you have any questions, or need clarification or assistance in completing the form, please contact the Eaglewood Work Center at 694-6942.

You are reminded to carefully review the Rules and insure that you comply with all the requirements. Any noncompliance could result in the requirement for you to remove, relocate or reconfigure your video reception device.

Eaglewood Homeowners' Association

Mail: c/o PMSI, PO Box 92130, Anchorage, AK 99509-2130 FAX (907) 696-6962

NOTIFICATION OF INTENT TO INSTALL ANTENNAE

UNIT LOCATION and IDENTIFICATION: (to be completed by Homeowner)

Homeowner Name_____
Lot Number_____
Mailing Address_____
Block Number_____
Street Address_____
Work Phone_____
Home Phone:**APPLICATION DATA:** (to be completed by homeowner)

I hereby provide notification of my intent to install an antenna on my property at the below listed address. I have included a copy of accurate as-built survey of my property showing the exact location where the antenna will be installed. I have read and agree to abide by the Association's "Rules for Installation of Antennas within Eaglewood Subdivision" and am providing the following information.

1. Type of antenna (satellite dish, antenna w/mast, etc.)
2. If satellite dish, what is its diameter?
3. Height of antenna above ground surface (including mast):
4. If antenna is other than satellite dish, where will it be mounted?
(On roof, attached to side/rear of house, attached to tree, etc.)

Check the following as applicable:

___ The antenna installation will be routine and will conform to all of the provisions of the Rules for Installation of Antennas within Eaglewood Subdivision. Homeowner may proceed with installation.

___ The installation will be other than routine for the following reason(s) (check applicable statements):

___ Unable to conform to all of the provisions of the Rules for Installation of Antennas within Eaglewood Subdivision.

Following are the provision(s) which causes the installation to be in non-conformance.

___ Mast height will be greater than 12 feet above roof line.

___ Antenna must be located in front yard or on front of house.

___ Antenna must be located in a side or rear setback area.

___ Antenna must be located in a landscape slope or maintenance easement.

___ Antenna requires removal of trees from setback area for acceptable reception.

___ Antenna cannot be painted.

___ Other. Please Explain:

Homeowner Signature_____
Date Mailed

Handling: Unit File - DC/BOD Read File - Homeowner/Member

Revised January, 2010

I understand the Association and I must establish a mutually convenient time to meet and discuss installation methods for all non-routine installations. I agree to contact the Design Committee by calling the Eaglewood Association Work Center, at 694-6942, to establish a meeting time and understand the Design Committee will meet with me thereafter at the agreed upon time to resolve these issues so installation may be completed.

DESIGN COMMITTEE REVIEW:

- 1. _____ Date: _____
- 2. _____ Date: _____
- 3. _____ Date: _____

Dear Homeowner,

Your notification of "Intent to Install Antenna" has been reviewed and noted by the Design Committee.

Design Committee comments are provided below: