

INTERPRETATIVE GUIDANCE

These notes are intended to provide certain guidance for specific sections of the Declaration of Covenants, Conditions and Restrictions for Fairway Hills Estates Subdivision, Park City, Utah, dated July 1991, and recorded at Book 618 Page 396-430 of the Summit County Recorder's Office, as amended (the "CCR's"). The purpose of these notes is to provide guidance on specific sections of the CCRs that have been superseded by federal or state legislation and is not intended as an amendment to the CCR's or a complete guidance of all sections.

1. Article I Section 1. Definition of "Improvement." The federal 1996 Telecommunications Act, which is referenced in 46 Code of Federal Regulations at Section 1.4000, specifically supersedes homeowners and local ordinances that prohibit TV antennas. While some restrictions are permitted, an absolute ban on such antennas is unlawful.
2. Article IV Section 4.4. Although this Section could be interpreted to ban political campaign signs, such a flat prohibition would likely be unlawful as violative of the First Amendment to the United States Constitution and also violates Utah Code Annotated §57-8a-218(4) and in the case of the US Flag, §57-8a-219. Likewise, "For Sale" signs and garage-sale signs could be found to violate this Section. However, the HOA should follow the Park City signage ordinances found in the Park City Municipal Code Title 12, and specifically in the case of campaign signs referring to Yard Signs in Section 12-10(H), which should govern in most cases.
3. Article X, Section 10.6. The maximum threshold for amendments was limited to 67% in the Utah Community Associations Act, Utah Code Annotated Section 57-8a-104 subsection 1(a)(i) (2018). Hence, the 80% requirement should be read as 67%, except in the case of a matter affecting the voting rights of a Member, in which case 80% may be required.

Dated this 26th day of December, 2019.

FAIRWAY HILLS ESTATES HOMEOWNERS
ASSOCIATION, INC.

By: Patter Birsic

Patter Birsic
Its: President