

NASSAU GROVE HOME OWNERS ASSOCIATION, INC.

RESOLUTION NUMBER 2014- October-01

Relating to the Installation of Leased Solar Panels

WHEREAS, the Community of Nassau Grove ("the Community") was established as a condominium under the provisions of the Unit Property Act (the "ACT") of the State of Delaware in June 2007 and under the ACT, the roofs of Units in the Community are defined as a Common Element as set forth in section 2202(3) of the ACT. Section 8(h) of the Nassau Grove Declaration defines the roof of each Unit as a "Limited Common Element," which is a subset of Common Elements; and

WHEREAS, Under a recently passed Delaware statute "No covenant, restriction, or condition contained in a deed, contract, or other legal instrument which affects the transfer, sale, or any other interest in real property that prohibits or unreasonably restricts the owner of the property from using a roof mounted system for obtaining solar energy on that owner's property shall be allowed in any deed contract or legal instrument recorded after January 1, 2010;" and

WHEREAS, the statute defines "roof" as "a roof of a single-family dwelling unit which is solely owned by a person, persons, trust or entity and which is not designated as a common element or common property in the governing documents of an association". Since the roofs of Units in the Community are a subset of Common Elements, the restrictions under Delaware law are not applicable to the Community. Thus, the Council is not obligated to approve the installation of leased solar panels. However, the law further states that if 66.67 percent of the Community (163 Units) approves installation of leased solar panels, the Council would be obliged to allow installation; and

WHEREAS, ARTICLE III, Section 3.2 of the Code of Regulations (the "Code") of the Nassau Grove Home Owners Association Inc. (the "Association" or "Condominium") assigns the Board of Directors (the "Council") all powers and duties necessary for the administration of the affairs of the Association, and states that the Council may do all such acts and things as are required by the ACT and the Code except those matters that the Council is prohibited from doing by law or the governing documents; and

WHEREAS, the Council decided to ask Unit Owners to approve or disapprove the installation of leased solar panels on roofs in the Community by a vote of the Unit Owners. and

WHEREAS, the results of the voting by Unit Owners was 155 votes for disapproval and 28 votes for approval of the installation of leased solar panels.

NOW, THEREFORE, in consideration of the foregoing **BE IT RESOLVED** that the Nassau Grove Architectural Review Committee ("NGARC") Manual is hereby amended to prohibit the installation of leased solar panels on roofs of Units in the Community.

(Ratification & Signature page follows)

Initials: PR *[Signature]* VP *[Signature]* TR *[Signature]* SEC *[Signature]* DIR _____

NASSAU GROVE HOME OWNERS ASSOCIATION, INC.

RESOLUTION NUMBER 2014- October-01

Relating to the Installation of Leased Solar Panels

(Page 2 of 2)

Duly adopted at a meeting of the Board of Directors held: October 15 , 2014

Motion By: John Butler Jr., President

Seconded By: Bruce Antiporowich

VOTE:

John Butler Jr.
John Butler Jr., Pres idffit

Anello C. Garefino
Anello C. Garefino, Vice-President

Bruce Antiporowich
Bruce Antiporowich, Treasurer

Joseph Mikesell
Joseph Mikesell, Secretary

Raymond Walsh. Director

<input checked="" type="radio"/> Yes	0	Abstain	Absent
<input checked="" type="radio"/> Yes	0	Abstain	Absent
<input checked="" type="radio"/> Yes	No	Abstain	Absent
	No	Abstain	Absent
Yes	No	Abstain	E)

ATTEST:

Joseph Mikesell
Joseph Mikesell, Secretary

10-15-2014
Date

Resolution Effective Date: October 15, 2014.