

This is an eMail from our Attorney dated 09/18/06

PRIVILEGED AND CONFIDENTIAL

The Island Club Association,

I've now had a chance to review the pertinent provisions in your governing documents regarding an attempt to restrict signage for the reasons you've stated. Despite the fact that you don't have a specific "no sign" rule, the fact remains that since Island Club is a condominium community, there are few if any places that your realtor/owner could place a sign that would not be common elements. Common elements are defined under your documents as: the land; all parts of an apartment building not included within the apartments; all improvements not included within an apartment building; easements; installations for the furnishing of utility services to more than one apartment; the personal property and installations used in connection with the furnishing of utility services to more than one apartment; the tangible personal property required for the maintenance and operation of the condominium property; and all other portions of the property which are rationally of common use or necessary to the existence, upkeep and safety of the condominium.

Accordingly, any attempt to erect or place a sign on any of the areas other than the unit itself would constitute a material alteration to the common elements which would require the approval of at least 75% of your membership. It is for this reason that most condominiums don't even have a signage rule since there is nowhere for signs to be placed other than the common elements which, of course, can be prohibited as an illegal material alteration.

If you wish to regulate placement of signs on the units (i.e. in the windows, attached to a railing, etc.) you would then have to pass a rule regarding same. However, you have not indicated that the realtor wants to place signage on the unit itself. At this time, you are able to advise this owner that any signs placed on the common elements constitute a material alteration of the common elements and will not be permitted. If you have any other questions in this regard, please just let me know.

Best,  
Donna

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**Board Clarification:** The reference to "on the unit" in Donnas second and third paragraphs is defined as "on the (Owners portion of the) unit". As we have recently discovered that is limited (simply stated) to the interior of the unit, the doors and windows. Her reference to "railings" does not apply to our building since we have none, but if we did they would be external to the walls and would therefore be considered common elements, as per our documents.

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