

OVERLOOK VILLAGE CONDOMINIUM ASSOCIATION, INC.

ADMINISTRATIVE RESOLUTION 00_____03

REGARDING PLAYING DRUMS

WHEREAS, the Board of Trustees is responsible for managing and administering the affairs of the Condominium; and

WHEREAS, the Governing Documents restrict activities which are or may become a nuisance to other owners, or which unreasonably interfere with the enjoyment of the units; and

WHEREAS, the Board has in the past permitted the use of any musical instrument during reasonable hours and at reasonable noise levels in recognition of the right of owners to reasonably conduct their own affairs within their units; and

WHEREAS, the Board has received complaints about drums played within the Condominium, which another owner claimed has unreasonably distributed the use and enjoyment of her unit; and

WHEREAS, the Board finds that, upon investigation by the managing agent, the noise level emitted by drum playing, by its nature, is unreasonably loud, unconfined, and tends to disturb the enjoyment of adjacent units; and

WHEREAS, the Board further finds that all musical instruments need not be treated in the same way, but rather that reasonable distinctions can be made between those musical

instrument that are inherently loud so that the noise is unconfined, and those instruments that may be played without unreasonably disturbing others; and

WHEREAS, the Board further finds that drums are musical instruments that are not consistent with private community living, as drums are substantially louder than many other musical instruments and cannot confine the sound within one unit, or to certain hours of the day without rendering those periods of time disturbing to other owners; and

WHEREAS, the Board further finds that drums can be maintained and played outside the Condominium in more appropriate settings without unduly inconveniencing the owners thereof; and

WHEREAS, the Board therefore concludes that prohibiting drum playing within the Condominium Property is reasonable and appropriate, and creates a proper balance between the rights of all owners in the Condominium;

NOW THEREFORE, be it hereby RESOLVED:

1. Drum playing within the Condominium Property is prohibited.
2. This rule does not affect any other musical instruments.
3. This rule shall be effective upon adoption.

I certify that the foregoing Resolution was duly adopted by the Board of Trustees of the Association at a meeting held in accordance with the Bylaws thereof on the _____ day of _____, 2003.

ATTEST:

, Secretary