

Revised Rules and Regulations

June 2021



Names/Telephone Numbers

Fernhill Estates Condominium Trust Association Board of Directors

Emilie Evans, Chairperson	2 Rebecca Way
Dina Pellegrino	4 Rebecca Way
Sylvia Hallsworth, Secretary	6 Rebecca Way



Silva Associates Property Management Company

1215 Main Street, Unit 121, Tewksbury, MA 01876
 (978) 858-3500
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 Joseph Silva, Owner
 Cheryl Gosselin, Controller & Office Manager

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 Essex North Registry

Fernhill Estates Condominium Trust Association

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These Rules and Regulations are adopted for the benefit of Unit Owners at FERNHILL ESTATES CONDOMINIUM TRUST (the "Condominium"). They are not designed to unduly interfere with, restrict or burden the use of the property.

All residents and guests are expected to abide by these rules which are meant to supplement the provisions of the Master Deed and Condominium Trust. *Adherence to the 'rules of the community for the greater good' will foster peaceful coexistence and healthy property values.*

The Trustees shall have the right (which shall not be delegated) at any time and from time to time to adopt, amend and rescind administrative Rules and Regulations governing the details of the operation and use of the Units and the Common Facilities. The restrictions on and requirements respecting the use and maintenance of the Units and the use of the Common Areas and Facilities are to be consistent with provisions of the Master Deed and this Trust and By-Laws, and are designed to prevent unreasonable interference with the use by the Unit Owners of their Units and of the Common Areas and Facilities.
Fernhill Estates Condominium Trust, Article V – By-Laws, Section 5.12, pg. 21

- 1. GENERAL.** Nothing shall be done or kept in any Unit, Limited Common Area or Common Area which will increase the rate of insurance of the Condominium. No unit owner shall permit anything to be done or kept which will result in the cancellation of insurance on the Condominium, or which would be in violation of any law. No waste shall be committed in the Limited Common Areas or Common Areas. No use shall be made of the Common Elements other than the uses permitted in the Master Deed, the Condominium Trust or by the Trustees.

No Unit Owner or Tenant, other than a Trustee or Designated Agent, shall have the authority to engage service providers hired by the Trustees in a manner which interferes with their work or which seeks services beyond that which the Trustees have authorized, supervise or request the performance of personal or additional maintenance and service over and above those provided by the Condominium Association.

A Unit Owner may, however, contract and supervise the services of the Condominium Association service providers on a private basis, separate from the Condominium's schedule for any maintenance and service with the provision that the Unit Owner assumes the cost of the contracted service.

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A Unit Owner hiring contracted service on a private basis must make sure the provider has liability and worker's compensation insurance. A certificate of the providers insurance must be submitted to the Board and Management prior to the service provider conducting any work at the owner's unit.

- 2. ADDITIONS/ALTERATIONS TO EXTERIOR OF THE UNIT.** Changes or fixtures affecting the appearance of the exterior of any unit, such as and without limitation: skylights, chimneys, decorations, awnings, signs, sun shades, air conditioning equipment, generator equipment, antennas, fans, screens and enclosures, statues, urns, animal facsimiles, fences, landscaping, vegetable or flower gardens, sheds, trellis structures, fountains, fire pits, or the like, shall be allowed only with the written consent of the Trustees of the Condominium Trust. No part of the Common Areas of the Condominium shall be furnished or decorated by a Unit Owner or Tenant in any manner, without the prior written approval of the Trustees.

Additions, installations, alterations or plantings within the Limited Common Areas and Exclusive Use Areas shall be allowed only with the prior written consent and approval of the Trustees of the Condominium. Any such addition, installation, alteration or planting that has met the consent and approval of the Trustees shall be carried out at the Unit Owner's expense and responsibility for maintenance, and in accordance with the provisions of the Condominium documents. All annuals and perennials must be cut back or pulled out no later than December 1st.

More specifically but not limited to: free-standing lawn ornaments, statues, urns, hanging plant poles, decorative flag hangings and the like, are not permitted on any front lawn area of a Unit, but may be placed within the bordering, mulched areas along the front foundation and walkway of the Unit and/or on the driveway at either side of the garage door. There is a limit of three items in front mulched beds of each Unit. Distasteful or offensive articles will not be allowed. Decorative wall ornaments, banners, string lights, vines, weathervanes and the like, are not permitted on the exterior front walls, sidewalls, garage doors or rooftops of a Unit without consent of the Trustees.

A Patriotic Flag (Freedom to Display the American Flag Act of 2005) only, may be displayed and must be mounted on either side of the Unit's garage doorframe.

The front entry door of a Unit may be painted with the Unit Owner's choice of color upon approval by the Trustees.

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Mailboxes must remain black in color and uniform in style.

Outside lighting fixtures must remain brass-colored and uniform in style.
Exterior light bulbs must remain white in color.

Unit Owners are responsible for the maintenance of the front lamppost including post painting and sensor and bulb replacement. Lamppost bulb specifications are: A19 Standard LED Bulb, 60w brightness and 2700K soft white/warm white appearance.

The Unit Owner shall be responsible for upkeep and/or damage to any such articles in accordance with the provisions of the Condominium documents.

The exterior of the Units and all other areas appurtenant to the Condominium shall not be painted, decorated or modified in any manner without prior consent which consent may be withheld on purely aesthetic grounds within the sole discretion of the Trustees.

3. **NOISE.** Owners, guests and lessees will be expected to reduce noise levels before 8:00 AM and after 10:00 PM so that neighbors are not disturbed. At no time are musical instruments, radios or televisions to be so loud as to become a nuisance.
4. **OUTDOOR EQUIPMENT AND CHILDREN'S PLAYTHINGS.** Lawn furniture, bicycles, children's wheeled vehicles and toys, recreational/athletic equipment of any type, sporting goods and other personal articles and equipment shall not be left or stored outside the Unit, except for appropriate seasonal use furniture which when used outside, shall be maintained and located on the deck and patios only and in such a fashion as to meet safety and aesthetic standards as established by the Trustees from time to time.
5. **BARBECUE GRILLS.** The use of outdoor cooking grills inside a Unit is prohibited. Storage of any type of grill outside of the Unit is prohibited except on the deck or patio. When in use outside, cooking grills shall be maintained and used in such a fashion as to meet the safety and aesthetic standards established by the Trustees as referenced in the Massachusetts Department of Fire Services memorandum dated September 8, 2015. *No propane tanks may be stored inside units, garages, basements, etc. See rule #8 regarding flammables.*
6. **CLOTHES LINES.** No clothing, linens or similar materials shall be hung or otherwise left or placed in or on the Common Areas, Limited Common Areas and

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Exclusive Use Areas and no such articles shall be placed on the front porch or deck of a Unit so as to be exposed to public view.

7. **STORAGE.** Except for garages deeded as part of a Unit, or in other areas as may be designated by the Trustees, there shall be no storing or parking of baby carriages, playpens, bicycles, wagons, toys, vehicles, trailers, tools, cords of wood, shelves, benches, chairs or other items in any part of the Common Areas and Limited Common Areas.
8. **FLAMMABLES STORAGE.** No Unit Owner or occupant or any agent, lessee, or visitor shall at any time bring into or keep in his/her Unit or the Common Areas any flammable, combustible or explosive fluid, material, chemical or substance, except for such lighting and cleaning fluids as are customary for residential use.
9. **IMPROVEMENTS TO COMMON AREAS AND FACILITIES.** Improvements to and landscaping of the Common Areas (except for Exclusive Use Easement Areas) shall be done only by the Trustees, or in such cases as written permission of the Trustees has been obtained.
10. **IMPROPER USE OF COMMON AREAS AND FACILITIES.** There shall be no use of the Limited Common Areas or Common Areas and Facilities which injures or scars them or the plantings thereon, increases the maintenance thereof, or causes embarrassment, disturbance or annoyance to the owners in the enjoyment of the Condominium. There shall be no obstruction of the Common Areas and Facilities without the proper consent of Trustees except as expressly permitted in the Master Deed, and in the Declaration of Trust or in these Rules and Regulations.
11. Frisbee throwing and ball playing are not allowed on the property.
12. No unauthorized person, including Unit Owners, shall be permitted on the roof of the condominium units.
13. There shall be no organized sports activities, or picnicking or fires, except in those areas, if any, which are approved for such use in writing by the Trustees. Under no circumstances may a person do or permit anything within the Condominium which would be in violation of any regulation of the local Fire Department or fire law, ordinance, rule or regulation pertaining to the same which now exists or is hereafter promulgated by any public authority.

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14. HOUSEHOLD PETS.

- A. Unit Owners may keep domestic pets, provided, however, the keeping of pets is subject to the Rules and Regulations of the Condominium. *Only pets who are 25 lbs. or less are allowed at the condominium.*
- B. Only domestic pets i.e., dogs, house cats, caged birds or fish are allowed. No exotic animals are allowed in the condominium, i.e., snakes, lizards, other reptiles or exotic mammals.
- C. Any unit owner or occupant desiring to bring a pet into the community must register the pet with the Trustees. Such registration shall include a copy of this regulation signed by the Unit Owner or occupant and a member of the Board of Trustees. A photograph of the pet should accompany the registration. A copy of the registration shall be placed in the minutes of the Board meeting following the signing.
- D. All dogs and cats (including 'house cats') shall have rabies and distemper vaccinations annually, proof of which shall be provided to the Trustees.
- E. Additionally, dogs must be licensed with the City of Methuen and a copy of the license must be submitted to the Trustees.
- F. There shall be no breeding of any animal in any Unit. (Master Deed, pg. 8)
- G. All pets shall be kept leashed and under the control of their owner whenever they are outside the unit and shall not be allowed to run free or unleashed at any time, or to otherwise interfere with the rights, comfort or convenience of other residents.
- H. All pets must be walked at curbside and kept off the grassy Common Areas, i.e., Detention Basin.
- I. The defecation by a dog on any Common Area or Limited Common Area shall be immediately properly disposed of by the dog's owner.
- J. The repair of any damage caused by a pet, including but not limited to staining of grass and shrubs, shall be the responsibility of the owner of the Unit in which the pet lives. The Board of Trustees is authorized, in their sole discretion, to repair to their satisfaction any such damage not repaired by the responsible Unit Owner, and the owner of the Unit in which the pet lives shall be assessed the cost of such repair.
- K. Any repeated disturbance caused by a pet shall be cause for the pet's removal from the premises, by vote of the Trustees.
- L. Each owner shall hold the Trustees and each of the other Unit Owners and their respective agents and employees harmless against loss, liability,

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damage or expense for any actions of his/her pet(s) within the Condominium.

- 15. DRIVEWAYS AND PARKING AREAS.** Owners and their tenants shall be responsible to see that neither they nor their guests interfere with the right of other Owners and their tenants to the appropriate use of driveways and parking areas. Except for changing a flat tire, or cleaning, washing and/or waxing a vehicle, no type of vehicle maintenance is permitted within the confines of the Condominium. Use of the parking spaces and/or driveways for purposes other than parking (e.g. storage of furniture, automotive repair, maintenance, furniture refinishing, etc.) is prohibited.
- 16. VEHICLES.** Only cars and light trucks without signage are permitted to park overnight in the driveways.
- 17. RECREATIONAL VEHICLES.** No recreational vehicles (campers, boats, motor homes, etc.) or commercial vehicles will be allowed to park overnight except with the express written authorization of the Board of Trustees. When such permission is granted, the permitted vehicle must be parked in the driveway and shall not be used as living quarters.
- 18. CAMPER, TRAILER, BOAT, ETC., STORAGE.** No trucks or similar heavy-duty vehicles, snowmobiles, motorcycles, boats, utility trailers and camping trailers will be allowed within common or limited common areas of the Condominium unless appropriate, temporary or permanent storage arrangements have been approved in writing by the Trustees. This prohibition includes the overnight storage of such vehicles and equipment. When such permission is granted, the vehicle shall not be used as living quarters.
- 19. CONDITION OF MOTOR VEHICLE.** All vehicles within the confines of the Condominium must be in operable condition and have current license plates and inspection stickers (if required). Any vehicle not in conformance with the above may be moved or removed by the Association, without notice and at the expense of the owner.

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- 20. PARKING OF MOTOR VEHICLES.** Under no circumstances are vehicles permitted on other than designated paved area of the condominium without the express written authorization of the Trustees or their Designated Agent. No vehicle shall be parked to block access to the roadway, driveways or mailboxes. There shall be no parking of vehicles on the roadway from 12am to 7am. Violations of the parking and street use rules will not only subject Unit Owners to fines, but also to possible towing of the vehicle at the owner's expense.
- 21. SPEED LIMIT:** Traffic speed within the community is 15 MPH.
- 22. SNOW REMOVAL.** During snow removal times, residents shall cooperate with the snow-removal contractor by moving their vehicles when requested to do so. Vehicles may, from time to time, be ordered removed from parking areas to permit snow plowing. Owners of such vehicles shall promptly comply and remove their car from the parking area until the snow plowing is complete. The Trustees are authorized to impose a per occurrence fine for failure to do so.
- 23. SIGNS.** Unit Owners may not place window displays or advertising in windows or lawns of the units. For selling purpose an open house sign will be allowed only during the hours of the open house. All other real estate signage is prohibited.
- 24. ILLEGAL ACTIVITIES.** No Unit Owner may use or maintain his/her Unit or the Common Areas appurtenant thereto for any purpose or in any manner which is illegal, contrary to any applicable law, rule, regulation or requirement of any governmental authority, or for any purpose which would constitute a nuisance or be offensive.
- 25. OFFENSIVE ACTIVITIES.** No Unit Owner shall engage in or permit offensive activities or any noises by himself, his family, agents, visitors, lessees, nor do himself or permit anything to be done by such persons either willfully or negligently that:
- A. May be or become an annoyance or nuisance to the other Unit Owners or occupants
 - B. Will interfere with the rights, comforts or conveniences of other Unit Owners or occupants

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- C. May or does cause damage to any other Unit or to the Common Areas and facilities
- D. Results in the removal of any article or thing of value from any other Unit Owner's unit or from the common areas and facilities of the Condominium.

Any Unit Owner making or permitting such nuisance, interference, damage or removal shall be responsible for the elimination of such damage or replacement of the item removed. The Trustees may assess to such Unit Owner these costs.

- 26. MOVING.** Moving Companies or other furniture movers, including Unit Owner and/or Unit occupants shall neither move into Units or out of Units before 7:00AM or after 9:00PM.
- 27. LITTERING.** There will be no littering. Paper, cans, bottles, cigarette butts and other trash is to be deposited only in trash containers, and under no circumstances, are such items to be dropped or left on the Common Areas.
- 28. TRASH DISPOSAL.** All garbage, cans and bottles must be bagged or wrapped. Trash is to be stored in non-metallic containers with secured lids in order to avoid spillage and/or attract birds and animals. No trash container shall be placed on the designated area of driveway other than on days scheduled for weekly trash pick-up. It shall be the Unit Owner's or occupant's responsibility to dispose of any article too large to be collected by standards of residential trash services.
- 29. STRUCTURAL INTEGRITY OF THE UNITS.** Nothing shall be done in any Common Areas or Facilities which will impair the structural integrity or fire rating of any Unit or Unit Component, nor shall anything be done in or on said areas which would structurally change any Unit without the prior written permission on each occasion by the Trustees.
- 30. DAMAGE.** Any damage to any Unit, Common Area or Limited Common Area caused by a Unit Owner or occupant, his family, guests, agents, servants, employees, licensees or tenants shall be the responsibility of the Unit Owner.
- 31. SAFETY.** Each Unit Owner assumes responsibility for his/her own safety and that of his/her family, guests and lessees.

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- 32. PLUMBING.** Each Unit Owner shall keep his/her Unit in a good state of preservation and cleanliness. Plumbing fixtures and apparatus shall not be used for any purpose other than for which they were constructed. Any damage to the plumbing system of any Unit resulting from such misuse shall be paid for by the Unit Owner.
- 33. GUESTS.** Unit Owners will be held responsible for the actions of their guests. If occupancy by guests creates a nuisance to other Unit Owners, the Trustees shall have the right to request that the guests leave. Responsibility for such supervision shall rest with the Unit Owner who is the host of such guests.
- 34. COMPLAINTS.** Complaints of violations of these Rules and Regulations should be made to the Trustees in writing. If the Trustees feel that the complaint is justified, they will take whatever action they deem necessary. The complainant will be notified in writing by the Trustees as to what action has been taken. Each Unit Owner has the right to protect his interest in the event the Trustees choose not to act on a complaint. The Trustees are not required to take any action upon receipt of a complaint.
- 35. VENDING, PEDDLING OR SOLICITATION.** No person, including any Unit Owner, shall enter, or go through the Condominium for the purpose of canvassing the residents, or for the purpose of vending, peddling or soliciting orders for any merchandise, book, periodical, or circular of any kind or nature whatsoever; or for the purpose of soliciting donations or contributions for or distributing any handbill, pamphlet, circular, tract, book notice or advertising matter; provided, however, that such canvassing, vending, peddling, soliciting or distribution may be made with the written consent of the Trustees.
- 36. DELEGATION OF POWERS.** The Trustees shall have the authority and duty to enforce these Rules and Regulations, but, in their discretion, may delegate such enforcement, authority and duties under these Rules and Regulations to whomever they deem desirable.
- 37. ENFORCEMENT PROCEDURES.** The Trustees shall have the authority to enforce all rules. Such enforcement will include warnings and levying assessments against violators of these rules. A first offense violation will result in a written warning from the Trustees. Subsequent infractions of the same rule within a 12-month period will result in an assessment of \$100. A resident receiving an assessment has the right to a hearing with the Trustees to show cause why the assessment should not be paid. Failure to pay such assessment within thirty (30) days will lead to a \$15 late payment charge. Nothing herein shall be construed to

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limiting the Trustees from other remedies available to them under the Bylaws or other condominium documents.

Anyone observing a violation should notify the Trustees in writing. For proper documentation, such notification should be provided in writing (either by mail or email) and include the name and unit number of the person(s) in violation (if known) and the date, time, and location of the violation. Be sure to include your own name, address and phone number. Anonymously reported violations will be disregarded by the Association and considered 'without merit'.

A. First Notice

Notice of a violation(s) will be sent in writing to the Unit Owner by mail and/or email.

B. Second Notice

Failure to correct the violation in the allotted time (if given) designated in the first letter will then result in a second notice being sent offering the owner an opportunity for a hearing before the Board at the next scheduled Board meeting and the letter shall include a fine warning.

C. Hearing

Any legal or statutory rule of evidence and procedure shall not apply to the hearing, and the Board may restrict testimony or proceed in any manner or order which it deems appropriate in its discretion. The Board may proceed with the hearing even if the violator or complainant fails to appear or refuses to participate. The Board may modify its procedures for particular circumstances, and any modification or non-compliance with these Rules shall not invalidate or impair any fine or other enforcement.

D. Third Notice/Fine:

- 1). Any Owner, occupant or other person who violates this Declaration, these Rules or any future rules, shall be subject to a minimum fine of \$50.00 per occurrence/violation, with recurring fine assessments until the owner complies with the Association's requests.
- 2). The Board may impose a punitive, initial fine for an initial violation depending upon the situation, severity and other circumstances surrounding the violation. Fines will be formally imposed only after a hearing has been held.
- 3). Owners of Condominium Units shall be responsible for the compliance of the Association governing documents and fines of their tenants, occupants and guests.
- 4). In addition, the Association may suspend voting rights and may exercise other rights and remedies, including taking legal action and/or assigning the case to collection agents, as well as seeking the recovery of costs,

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expenses and reasonable attorney fees.

- 5). Fines will be due and payable within thirty (30) days of the date of the imposed fine.
- 6). Fines will be considered delinquent on the 21st of the month following. A delinquent fine could result in a lien being filed on the unit for nonpayment and could bear interest (18percent per annum), late fees and legal fees. The lien may be foreclosed as provided in the Declaration.
- 7). Payment of an assessed fine does not relieve the violator from the responsibility of correcting the covenant violation.

38. EXTERIOR HOLIDAY, SEASONAL AND DECORATIVE ITEMS

Definitions:

Holiday decorations are defined as any item that is traditionally related to a particular holiday (e.g., turkey at Thanksgiving, bunny or chick at Easter, jack-o-lantern at Halloween, etc.).

Seasonal decorations are defined as any item that is customary for a particular season of the year (e.g., leaves during autumn, snowmen during winter, tulips during spring, etc.).

Decorative items are defined as any item not related to a specific season or holiday (e.g., animal figurines, potted plants, sports team decorations, etc.).

- A. On an annual basis, all other holiday decorations may be displayed 30 days prior to the holiday and removed 10 days after that holiday.
- B. Items that are considered Seasonal Decorations that are not holiday specific may only be displayed for the duration of the season (i.e., snowmen may only be displayed during the winter season, etc.).
- C. All holiday, seasonal, and decorative items displayed are subject to the Trustees' sole approval.

39. UNIT OWNER/AGENT/TENANT RESPONSIBILITY. Owners shall be responsible for violations committed by their guests, contractors, family members, agents or tenants. The Association may proceed against the owner. It is within the best interest of the Owner to supply any renters with a copy of these Rules & Regulations.

40. UNIT OWNER/HOMEOWNER'S POLICY. Per the master condominium documents, Owners are responsible to provide management with a copy or certificate of their homeowner's policy yearly as their policy renews. Policies are kept private and filed in case of an insurance claim.

41. All communication between Unit Owners, Trustees, Property Management and Service Providers shall be courteous and respectful.

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- 42.** Any questions or suggestions regarding the operation of Fernhill Estates Condominium Trust Association should be submitted in writing to the Trustees.

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EXECUTION OF RULES AND REGULATIONS

Board of Trustees Approval of the Fernhill Estates Condominium Rules and Regulations

By: *Emilie Evans*
Trustee

By: *Sylvia Hallsworth*
Trustee

By: *Dina Pellegrino*
Trustee

COMMONWEALTH OF MASSACHUSETTS

Essex s.s.

Executed this 7th day of July, 2021

On this 7th of day July 2021, before me, the undersigned notary public personally appeared, Emilie Evans, Sylvia Hallsworth, and Dina Pellegrino and proved to me through satisfactory evidence of identification being (check whichever applies) Driver's License or other state or federal government document bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatories or my own personal knowledge of the identity of the signatories to be the persons whose names are signed above and acknowledged the foregoing to be signed by him/her voluntarily for its stated purpose.



Cheryl Gosselein
Notary Public: Cheryl Gosselein
Expiration Date: 1/20/2023

SEVERABILITY – If any of these provisions are ruled to be invalid, the remainder of these rules shall remain in full force and effect.

AMENDMENTS/MODIFICATIONS – The Board of Trustees may amend these Rules and Regulations from time to time as they deem necessary. In all respects, The Rules and Regulations of the Fernhill Estates Condominium, as hereby amended by this resolution, are ratified and affirmed.