

Restrictions on the Installation and Maintenance of Flooring in Units

Subject to other applicable restrictions contained in the Governing Documents, Owners may modify the floor covering in their Units subject to the following:

(1) To help minimize noise transfer between Units, any hard surface or other floor coverings/materials installed in a Unit, whether before or after the recordation of this Restated Declaration, must meet or exceed the following field sound rating: a normalized impact sound rating (NISR) of 52, as determined by the American Society of Testing and Materials (ASTM) E1007 standard test method. The board is authorized to adopt Rules, as it deems appropriate, providing for a more stringent rating requirement if, in the Board's sole discretion, the foregoing NISR rating does not adequately minimize structure-borne noise between units, such as footfall, a chair dragging on the floor or other realistic sounds. Notwithstanding the foregoing, it is recognized that even with compliance with the requirements of this subsection, some noise from footfall, etc. in a Unit will likely still be noticeable in other Units.

(2) In order to minimize noise disturbance within the condominium building, carpeting and padding are required in the following areas of a Unit located above another Unit (collectively, the "Restricted Floor Areas"): (A) the living room of the Unit; (B) the hallway running between the entry area of the Unit and the living room of the Unit; and (C) the bedroom(s) of the Unit.

(3) The entry area, dining room, kitchen, laundry area and bathroom(s) of a Unit, and the Restricted Floor Areas of a Unit not located above another Unit, are permitted to have flooring materials other than carpeting as "alternative materials", subject to the requirements of this Section.

(4) All permitted alternative materials must be underlain with a sound attenuating material that, if installed pursuant to manufacturer's recommendations, will minimize impact noise to a reasonable level that does not cause a noise disturbance to any other Owners. In deciding upon floor coverings, Owners shall take all reasonable measures to choose floor coverings that mitigate sound transfer between Units.

(5) All flooring within a Unit shall comply with all the above standards regarding impact noise ratings. Notwithstanding the foregoing, "tiled surfaces" located in the entry area, dining room, kitchen, laundry area and/or bathroom(s) of a Unit that were installed prior to the recordation date of this Restated Declaration shall not be required to comply with those impact noise ratings; tiled surfaces shall include stone, ceramic and porcelain floor coverings that are cemented to the floor of a Unit.

(6) The Restricted Floor Areas shall be subject to the following provisions and exceptions:

(A) No Owner shall install alternative materials in (i) the living room of a Unit or (ii) the hallway running between the entry area of a Unit and the living room of the Unit, which is located above another Unit. Notwithstanding the foregoing, if these areas of a Unit have alternative materials installed as of the date of recordation of this Restated Declaration, those alternative materials shall be grandfathered and may remain in the Unit so long as they otherwise comply with the requirements of this Section; if those alternative materials are not compliant with the sound attenuation and noise requirements of this Section, as determined by the Board, the Owner shall be required to either make

those alternative materials compliant or replace them with carpeting and padding that meets the requirement of this Section.

(B) No Owner shall install alternative materials in any bedroom of a Unit which is located above another Unit. Notwithstanding the foregoing, if a bedroom of a Unit has alternative materials installed as of the date of recordation of this Restated Declaration, those alternative materials shall be grandfathered and may remain in the Unit so long as they otherwise comply with the requirements of this Section; if those alternative materials are not compliant with the sound attenuation and noise requirements of this Section, as determined by the Board, the Owner shall be required to replace them with carpeting and padding that meets the requirements of this Section.

(C) Owners with grandfathered alternative materials shall take steps such as, without limitation, (i) placing area rugs with padding underneath in the foot traffic areas of such floors and (ii) placing felt pads (or similar items) underneath the legs of furniture on such floors to help minimize noise transfer to other Units.

(D) If and when any grandfathered alternative materials are removed or replaced in a Unit, for any reason, they must be replaced with carpeting and padding that meets the requirements of this Section.

(7) If an Owner is alleged by another Owner to have installed alternative materials in violation of this Section, the Board shall investigate such allegation after the Board receives notice of same. If the Board, in its reasonable discretion, determines that a sound test or other inspection is required as a part of the investigation of such allegations, and it is discovered an Owner installed alternative materials that are not in compliance with this Section, the expenses and costs incurred by the Association as a part of such investigation shall be levied against the non-compliant Owner as a Reimbursement Assessment.

(8) The Board shall have the power to require an Owner who has not complied with this Section to remove any floor covering from the Owner's Unit which does not adequately mitigate sound transfer and replace such floor coverings with compliant materials. The expenses and costs incurred by the Association as a part of such action shall be levied against the Owner as a Reimbursement Assessment.

(9) The Board may attempt to help settle neighbor-to-neighbor disputes regarding sound nuisance created by floor coverings or materials; provided, however, that the Board will be under no legal obligation to settle such matters to the satisfaction of the Owners or residents involved in such dispute.

(10) The Board, in its discretion, may adopt reasonable Rules and Regulations regarding the installation and maintenance of alternative materials and other flooring within Units, consistent with this Section, including, but not limited to Rules requiring advance written approval of the Board prior to the installation of alternative materials in any Unit.

(11) In the event a complaint is made by an Owner relating to a claim of non-compliance by another owner with the impact noise ratings, the parties involved are required to make an effort to resolve the dispute without involvement of the Association. However, upon request, the Board of Directors will evaluate the complaint and determine the level of Association participation in the dispute

resolution process, if at all. Notwithstanding the foregoing, in no event shall the Association be obligated to enforce the restrictions set forth in this subsection (w), or resolve a noise complaint to the satisfaction of a complaining party, if the Board determines the noise complaint is a neighbor-to-neighbor dispute and/or involves a hyper-sensitivity to noise.