

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF THE TRIAL COURT

HAMPSHIRE, SS.

SUPERIOR COURT  
CIVIL ACTION NO. 2080CV00117

<p>MARGERY JESS,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>SUMMER HILL ESTATES CONDOMINIUM TRUST and FRANK PUDLO, in his capacity as Chair of the Trustees of Summer Hill Estates Condominium Trust,</p> <p style="text-align: center;">Defendants.</p>
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FINAL JUDGMENT

Upon joint motion by the parties, the Court hereby enters Final Judgment in this matter on the following terms:

I. With regard to Counts I, II and III of the Complaint, the Court enters Judgment as follows:

A. Declaration

Pursuant to G.L. c. 231A, the Court hereby declares:

1. The Doctrine of Equitable Reasonableness, informed by the right of free speech guaranteed by Article 16 of the Declaration of Rights, as amended, requires Summer Hill Estates Condominium Trust (“the Condominium”), a condominium duly established under G.L. c. 183A, to allow unit owners or their tenants to post non-commercial, constitutionally protected signs at and near their respective units. Such signs shall be allowed without prior permission of the Board of Trustees but may be subject to reasonable written standards as to size and location.

2. Section 10.1(g) of the Summer Hill Estates Condominium Trust's By-Laws, which is contained in Article X of the Condominium's Master Deed, and Rules 5 and 11 of the Trust's Rules and Regulations, as all three have been amended in January 2021, comply with the above Declaration. A copy of said Section 10.1(g) and said Rules 5 and 11 as so amended is attached as Exhibit A to this Judgment and shall be duly recorded within 5 business days of entry of this Judgment.

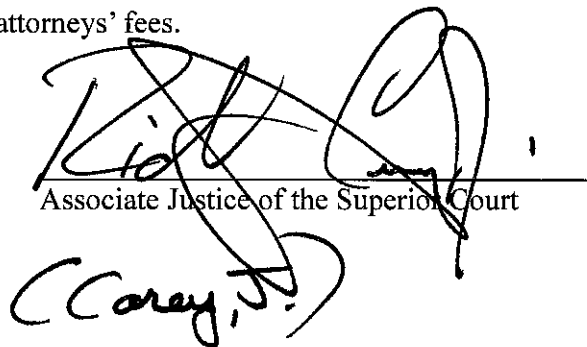
B. Injunction

Pursuant to G.L. c. 214, § 1, Summer Hill Estates Condominium Trust is hereby permanently enjoined from interfering with Plaintiff Margery Jess's right to post, at and near her condominium and without prior permission of the Board, a "Black Lives Matter" sign or other signs that are consistent with Rules and Regulations of the Trust that comply with the Court's Declarations above.

III. Counts IV and V of the Complaint are dismissed.

IV. All parties shall bear their own costs and attorneys' fees.

Date: 1/15/21.

  
Associate Justice of the Superior Court

**Exhibit A to Final Judgment**

**THIRD AMENDMENT OF THE  
SUMMER HILL ESTATES CONDOMINIUM TRUST**

NOW COMES FRANK T. PUDLO, DEAN PADDOCK, STEVE CONNORS, MIKE CANEY and SUZETTE FARNHAM, Trustees of the SUMMER HILL ESTATES CONDOMINIUM TRUST, (hereinafter “the Trust”) under Declaration of Trust Dated November 6, 2006 and Recorded with the Hampshire County Registry of Deeds in Book 8939 Page 143, and pursuant to Section 7.1 of said Trust hereby amends Article X, section 10.1(g) of the Trust to replace the existing provision with the provision included below. The Trustees hereby state that the Unit Owners voted, at a duly scheduled vote of all unit owners, to amend the Trust to replace the prior wording and the following shall hereafter be included in the Trust as follows:

Article X, section 10.1(g), is hereby amended as follow:

To adopt, amend, modify and rescind from time to time and enforce rules and regulations governing the use of the Condominium and the personal conduct of the Unit Owners and their families, tenants and guests thereon. The rules and regulations shall include a rule or rules that allow Unit Owners or their tenants, without prior permission of the Board, to display non-commercial postings (signs) at and near their Units. Such rules may set reasonable standards as to size and location of signs and shall not be more restrictive than the rules as amended in January 2021.

Rule 5 of EXHIBIT A, Summer Hill Estates Condominium Trust Rules and Regulations, is hereby amended as follows:

**Signs, Displays, Fixtures, Etc.** No Unit Owner shall cause or permit anything to be hung or displayed on the outside windows or placed on the outside walls or doors of the Buildings or Units, and no awning, canopy, shutter, satellite dishes, or radio or television antenna (except for those expressly permitted by law) shall be affixed to or placed upon the exterior walls or doors, roof or any part thereof, or exposed on or at any window without the prior written consent of the Board of Trustees. No exterior lighting equipment, fixtures, or facilities, shall be attached to or utilized for any unit without the prior written approval of the Trustees. Notwithstanding the forgoing, all Unit Owners have the right to display a non-commercial posting (sign), including a posting of a political, religious, moral, cultural, or scientific nature or one that otherwise contributes to the free market place of ideas. Said posting shall not exceed twenty (20) inches by thirty (30) inches and may be placed, at the Unit Owner’s discretion, in the garden bed which is adjacent to a Unit Owner’s building, or on a Unit Owner’s front door, or in a Unit Owner’s window. Any commercial posting shall require the Board of Trustees approval.

Paragraph 11 of EXHIBIT A, Summer Hill Estates Condominium Trust Rules and Regulations, is hereby amended as follows:

Nothing shall be altered in, constructed in, or removed from the Common Areas and Facilities except with the prior written approval of the Trustees. No part of the Common Area and Facilities of the Condominium shall be decorated or furnished, except as permitted in paragraph 5, by any Unit Owner in any manner without the prior written approval of the Trustees.

Signed and Sealed this \_\_\_\_\_ day of January, 2021.

SUMMER HILL ESTATES  
CONDOMINIUM TRUST

\_\_\_\_\_  
BY: Frank T. Pudlo

\_\_\_\_\_  
BY: Dean Paddock

\_\_\_\_\_  
BY: Steve Connors

\_\_\_\_\_  
BY: Mike Caney

\_\_\_\_\_  
BY: Suzette Farnham

**COMMONWEALTH OF MASSACHUSETTS**

On this \_\_\_\_\_ day of January, 2021, before me the undersigned Notary Public, personally appeared the above, named Frank T. Pudlo, Dean Paddock, Steve Connors, Mike Caney, and Suzette Farnham, proved to me through satisfactory evidence of identification, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of Summer Hill Estates Condominium Trust.

\_\_\_\_\_  
Notary Public  
My Commission Expires: