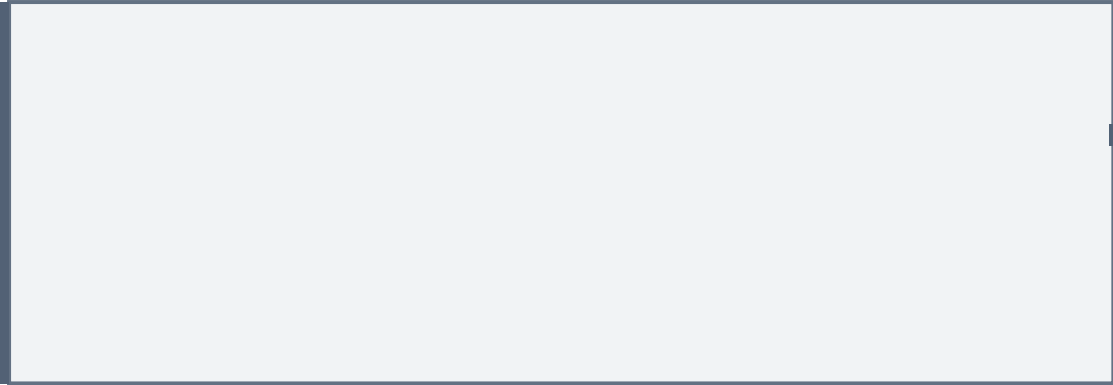


Section 1.26 - Sample Provision Excerpt (Public Preview)

voting Power of the Association. The total number of memberships eligible to vote in an election of the Association as such may exist from time to time. The total number of such memberships is equal to the total number of Lots existing at the time other than Lots held by the Association and those Lots, if any, held by Owners whose voting rights have been...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 1.26 (p. 9): Covenant suspending member voting rights is void under California Civil Code § 5105(g).

Statutory / Legal Reference: Cal. Civ. Code § 5105(g)(1) (Davis-Stirling Act)

Statutory Comparison: Under California Civil Code § 5105(g)(1), an association shall not deny a ballot to a member for any reason other than not being a member at the time when ballots are distributed; suspending voting rights for assessment delinquency or disciplinary infractions is strictly prohibited.

CURRENT WORDING IN DOCUMENT:

voting Power of the Association. The total number of memberships eligible to vote in an election of the Association as such may exist from time to time. The total number of such memberships is equal to the total number of Lots existing at the time other than Lots held by the Association and those Lots, if any, held by Owners whose voting rights have been...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

voting Power of the Association. The total number of memberships eligible to vote in an election of the Association as such may exist from time to time. The total number of such memberships is equal to the total number of Lots existing at the time other than Lots held by the Association and those Lots, if any, held by Owners whose voting rights have been suspended by action of the Board taken in...