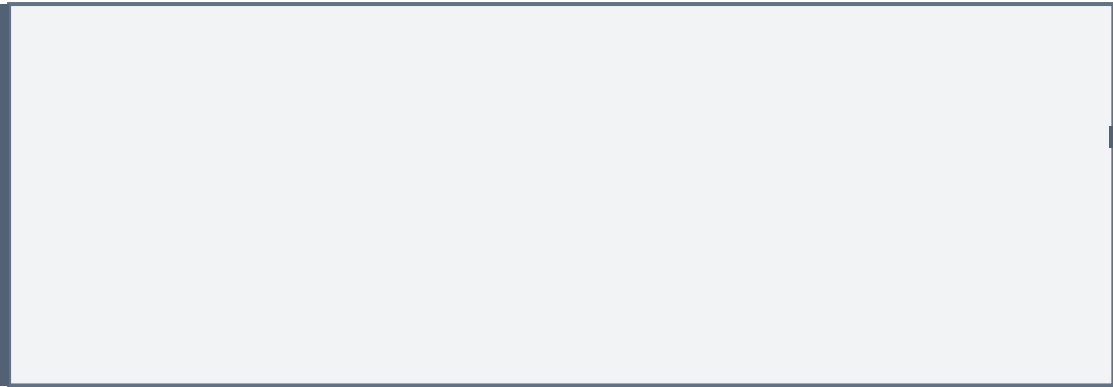


Section 3.4(ii) - Sample Provision Excerpt (Public Preview)

Notwithstanding the above, the voting rights of any member shall automatically be suspended during any period in which there exists any delinquency in the payment of Community Assessments owed with respect to the Lot or Unit of such member.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 3.4(ii) (p. 16): 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:

Notwithstanding the above, the voting rights of any member shall automatically be suspended during any period in which there exists any delinquency in the payment of Community Assessments owed with respect to the Lot or Unit of such member.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Cal. Civ. Code § 5105(g)(1), the Association shall not suspend a member's voting rights or deny a ballot for assessment delinquency or governing document violations.