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action against the Owner on such debt, the right to foreclose such lien in any method provided by law for foreclosure of a mortgage, and the right to sell the Owner's interest by power of sale, which may be enforced by the Association, its attorney or other person authorized to bring such action or make such sale. A sale of an Owner's interest by power of sale shall be conducted in the same manner provided in California Civil Code §§2924, 2924a, 2924b, 2924c, 2924f and 2924g (or any similar statutory provisions that may hereafter exist) for the foreclosure by power of sale of mortgages. Such provisions shall be applied and adapted to the foreclosure of the lien by power of sale to the fullest extent reasonably possible and consistent in view of the differences between the lien and mortgages generally (for example, "trustor" as used in the statute would refer to the delinquent "Owner" and "beneficiary" would refer to the "Association"). The Association shall have the power to bid in its own name on the property sold and to hold, lease, mortgage and convey the same for the benefit of all the Owners. All rights and remedies granted to the Association hereunder shall be cumulative and the exercise of one or more rights or remedies shall not constitute a waiver or election preventing the use of other rights or remedies. The Association shall be entitled to collect from a defaulting Owner all costs and attorneys' fees incurred in connection with pursuing the collection of said assessments and/or the enforcement of said lien.

ISSUE #1

(h) Suspension. During any period in which a Member shall be in default in the payment of any assessment levied by the Association, the voting rights of such Member may be suspended by the Board until such assessment has been paid.

5. INSURANCE.

(a) Required Insurance Coverage. The Association, acting by and through the Board of Directors, shall acquire for the Association the following insurance policies:

MARKUP #1 ->

MARKUP #1 · POTENTIAL STATUTE CONFLICT

BOARD & COUNSEL REVIEW

Sec. ANNEXATION (p. 17): 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:
in default in the payment of any assessment levied by the Association, the voting rights of such Member may be suspended by the Board until such assessment has been paid. 5. - 15 - Required Insurance Coverage. The Association, acting by

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.