

MARKUP #1 ->

shall be entitled to reasonable attorney fees, as well as all costs incurred in the prosecution of defense of such action.

ISSUE #1

~~Section 6. Policies, Procedure, and Rules and Regulations.~~ To promote responsible governance, the Association may, through its Board of Directors, adopt policies, procedures, and rules and regulations to the extent required by law and/or deemed appropriate by the Board of Directors.

The Association has caused this Declaration to be executed this ____ day of _____, 20___. The undersigned certifies that this Declaration has been approved by the affirmative vote or agreement of Owners to whom at least 67% of the votes in the Association are allocated, or in the alternative, by court order issued pursuant to C.R.S. § 38-33.3-217(7).

Association:

Wildwood Townhouses Management Association, Inc.

by:_____

Title

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____, _____, by _____ as _____ of Wildwood Townhouses Management Association, Inc.

Witness my hand and official seal.
My commission expires: _____

[SEAL] _____
Notary Public

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. XV (p. 19): Declaration amendment clause requires an owner vote percentage exceeding the 67% statutory ceiling in C.R.S. § 38-33.3-217(1)(a)(I).

Statutory / Legal Reference: C.R.S. § 38-33.3-217(1)(a)(I)

Statutory Comparison: Under C.R.S. § 38-33.3-217(1)(a)(I), the declaration may be amended only by the affirmative vote or agreement of unit owners of units to which more than 50% of the votes in the association are allocated, or any larger percentage, not to exceed 67%, that the declaration specifies. Any provision in the declaration that purports to specify a percentage larger than 67% is declared void as contrary to public policy, and until amended, such provision is deemed to specify a percentage of 67%.

CURRENT WORDING IN DOCUMENT:

approved by the affirmative vote or agreement of Owners to whom at least sixty-seven percent 67% of the votes in the Association are allocated, or in the alternative, by court order issued pursuant to C.R.S. § 38-33.3-217(7).

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to C.R.S. § 38-33.3-217(1)(a)(I), any requirement in this Declaration for an affirmative vote exceeding sixty-seven percent (67%) of the votes in the Association to amend the Declaration (other than specific boundary/allocated interest modifications governed by § 38-33.3-217(4)) is reduced by operation of law to sixty-seven percent (67%).