

Section XVI - Sample Provision Excerpt (Public Preview)

- LIMITATION ON PERSONAL LIABILITY 13

ii

LHMC Bylaws

Amended Version: October 10, 1991

Revised: June 8, 2010; June 21, 2011

ISSUE #1



MARKUP #1 ->



MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION

BOARD & COUNSEL REVIEW

Sec. XVI (p. 3): Governing documents omit the mandatory Delaware DUCIOA (25 Del. C. § 81-324) 30-day budget summary delivery and 14-to-30-day unit owner budget ratification meeting procedure.

Statutory / Legal Reference: 25 Del. C. § 81-324(a) - (b)

Statutory Comparison: Under 25 Del. C. § 81-324(a) - (b), within 30 days after adoption of any proposed budget or non-emergency special assessment, the executive board must provide a summary to all unit owners and set a date for a meeting of the unit owners not less than 14 nor more than 30 days after delivery of the summary. Unless at that meeting a majority of all unit owners vote to reject the budget or special assessment, it is ratified whether or not a quorum is present.

CURRENT WORDING IN DOCUMENT:

- LIMITATION ON PERSONAL LIABILITY 13 ii LHMC Bylaws
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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to 25 Del. C. § 81-324(a) - (b), within thirty (30) days after adoption of any proposed budget or non-emergency special assessment, the Executive Board shall provide a summary to all Unit Owners and set a date for a Unit Owner meeting not less than fourteen (14) nor more than thirty (30) days after delivery to consider ratification. Unless a majority of all Unit Owners votes to reject the budget or special assessment, it is ratified whether or not a quorum is present.