

Section 10 - Sample Provision Excerpt (Public Preview)

and may subject the Owner, the Parcel, and the Non-Owner Occupant(s) to legal proceedings and/or fine and fees, at the Board's sole discretion, and as set forth in Section D of this Article. Parcels so approved for renting shall be known as Rental Parcels.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION

BOARD & COUNSEL REVIEW

Sec. 10 (p. 4): Fining and suspension provisions omit written notice and an opportunity to be heard prior to imposing sanctions under O.C.G.A. § 14-3-621 & common-law servitude principles.

Statutory / Legal Reference: O.C.G.A. § 14-3-621 & § 14-3-101 et seq. (Georgia Nonprofit Corporation Code - Non-POAA Common-Law HOA; cf. O.C.G.A. § 44-3-222)

Statutory Comparison: Under O.C.G.A. § 44-3-223 and Georgia nonprofit due process standards (O.C.G.A. § 14-3-621), fines and suspensions of common area or voting rights must be expressly authorized by the recorded instrument and accompanied by fair and reasonable prior written notice and an opportunity for the owner to be heard before the sanction takes effect.

CURRENT WORDING IN DOCUMENT:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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