Section VI - Sample Provision Excerpt (Public Preview)

ENFORCEMENT OF ARCHITECTURAL CONTROL STANDARDS

Any construction, alteration, or other work done in violation of the RR covenants, shall be deemed to be nonconforming. Upon written request from the Board, Owners shall, at their own cost and expense, remove such construction, alteration, or other work and shall restore the property to substantially the...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION

BOARD & COUNSEL REVIEW

Sec. VI (p. 18): 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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