

Section 1.5 - Sample Provision Excerpt (Public Preview)

Voting. Members shall be entitled to one (1) equal vote for each Residential Unit owned. When more than one (I) Person holds an ownership interest in any Residential Unit, the vote for such Residential Unit shall be exercised as those Owners determine among themselves.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. 1.5 (p. 2): Potential Issue for Review: Fining or enforcement clause grants authority to levy fines or penalties without spelling out the statutory notice, cure, fine schedule, and hearing procedures under 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) - look for this language in other governing documents (such as a standalone Fining/Enforcement Policy, Rules & Regulations, Bylaws, or amendments) that were not included in this review.

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:

Voting. Members shall be entitled to one (1) equal vote for each Residential Unit owned. When more than one (I) Person holds an ownership interest in any Residential Unit, the vote for such Residential Unit shall be exercised as those Owners determine among themselves.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Look for the required notice, cure, fine schedule, and hearing language in other governing documents not included in this review. If not already set forth in another document, incorporate: SECTION: FINING & SUSPENSION DUE PROCESS (O.C.G.A. § 44-3-223) Prior to imposing any fine or suspending common area use rights for a covenant violation, the Board shall serve the Owner with written notice...