

Section III - Sample Provision Excerpt (Public Preview)

Rights and perquisites of membership. Each member is entitled to the use and enjoyment of the HRHA Property and any Community Facilities in accordance with the Indenture. Such rights may be delegated to and exercised by all members of his family who reside upon the Property, any of his tenants who reside there under a lease for a term of one year or more,...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION

BOARD & COUNSEL REVIEW

Sec. III (p. 4): Governing documents omit the mandatory pre-litigation Grievance Resolution Procedure (written claim notice, 10-day response, face-to-face negotiation meeting, and impasse mediation) required by Ind. Code § 32-25.5-5.

Statutory / Legal Reference: Ind. Code § 32-25.5-5-1 to 32-25.5-5-17

Statutory Comparison: Under Ind. Code § 32-25.5-5, neither the board nor a member may initiate a civil lawsuit regarding a non-exempt HOA dispute unless the claimant has first served a formal written claim notice, allowed 10 days for a response, participated in an in-person negotiation meeting within 10 days thereafter, and offered mediation upon impasse.

CURRENT WORDING IN DOCUMENT:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Ind. Code § 32-25.5-5, prior to initiating any non-exempt civil legal proceeding, the claimant (whether the Board or a Member) shall serve a written claim notice describing the nature of the claim and proposed resolution, allow ten (10) days for a...