MARKED-UP PAGE 1: 1 COMPLIANCE ISSUE (#1) - SEE REDLINE COMMENTS AT RIGHT ->



## Section ARTICLES OF INCORPORATION OF PAPAKEECHIE - Sample Provision Excerpt (Public Preview)

ARTICLES OF INCORPORATION OF PAPAKEECHIE
PROTECTIVE ASSOCIATION
Approved and filed August 13, 1928. Recorded August 16, 1928 at 10:15 AM.
Amended June 19, 1974.

ISSUE #1

MARKUP #1 ->



MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION — BOARD & COUNSEL REVIEW

**Sec. ARTICLES OF INCORPORATION OF PAPAKEECHIE (p. 3): 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:**
ARTICLES OF INCORPORATION OF PAPAKEECHIE PROTECTIVE ASSOCIATION Approved and filed August 13, 1928. Recorded August 16, 1928 at 10:15 AM. Amended June 19, 1974.

**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 written response, participate in an in-person meeting within ten (10) days thereafter, and comply with the statutory mediation procedures if an impasse is declared.**