Section 7. - Sample Provision Excerpt (Public Preview)

The Board of Directors shall transact all business during the year. Business and activities of the Association shall be reported to the membership through newsletters and meetings.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION

BOARD & COUNSEL REVIEW

Sec. 7. (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:
The Board of Directors shall transact all business during the year. Business and activities of the Association shall be reported to the membership through newsletters and meetings.

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...