

Section 3 - Sample Provision Excerpt (Public Preview)

Notice and Non-Payment. The Board of Directors shall fix the amount of the annual assessment against each Lot no later than February 1 of each year. Written notice of the annual assessment shall be sent to every Owner subject to the payment thereof at least 30 days in advance of the due date.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. 3 (p. 3): Potential Issue for Review: Uploaded documents do not include 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 - look for this language in other governing documents, standalone board policies/resolutions, Rules & Regulations, or amendments that were not included in this review (and confirm any applicable statutory threshold).

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:

Notice and Non-Payment. The Board of Directors shall fix the amount of the annual assessment against each Lot no later than February 1 of each year. Written notice of the annual assessment shall be sent to every Owner subject to the payment thereof at least 30 days in advance of the due date.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

First look for this language in other governing documents, standalone policies/resolutions, or amendments not included in this review. If not already addressed in another document (and if applicable to this community), incorporate: Pursuant to Ind.