

ISSUE #1

(a) adopt and publish rules and regulations governing the use of the Common Area, including any improvements and amenities located thereon, and the personal conduct of the Members and their guests thereon, and to establish penalties for the infraction thereof; including the imposition of monetary fines, by majority vote of the Board, after notice and a hearing. Prior to reaching a decision to impose any penalty provided herein for breach of any provisions hereof, of any rules enacted hereunder or any covenants, conditions or restrictions contained in the Declaration, the Board shall send written notice to the Owner specifying the nature of the infraction and shall provide an opportunity to the Owner for a hearing before the Board regarding such infraction and the penalty to be imposed. Said notice shall be given at least fifteen (15) days prior to said hearing. If the Board determines that said infraction has occurred, it may impose a penalty to become effective not less than five (5) days after said hearing. Any such determination of the Board shall be final. Notwithstanding anything to the contrary herein contained, neither the Board nor the Association shall have the power to cause a forfeiture or abridgement of an Owner's right to the full use of its Lot, including access thereto over and across the Common Area;

(b) suspend the voting rights and right to use of any recreational facilities located on any Common Area of a Member during any period in which such Member shall be in default in the payment of any assessment levied by the Association. Such rights may also be suspended, after ~~notice and hearing, for a period not to exceed sixty (60) days for any violation of the Declaration,~~ any architectural guidelines or any other published rules and regulations;

(c) exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these Bylaws, the Articles of Incorporation, or the Declaration;

(d) declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board of Directors;

(e) employ a manager, independent contractor, or such other individuals, entities or employees as they deem necessary and to prescribe their duties;

(f) enforce the provisions of the Declaration, the Articles of Incorporation and these Bylaws by appropriate means, including, without limitation, the expenditure of funds of the Association, the employment of legal counsel, the commencement of legal and/or equitable actions and the settlement of same. Each Member and Owner hereby vests in and irrevocably delegates to the Board or its duly authorized representative, the right and power to so act;

(g) in accordance with the provisions of the Articles of Incorporation and the Declaration, grant and convey easements, licenses for use and rights-of-way, to any third party where necessary in, on, over and through the Common Area for the benefit of the Owners;

(h) to the extent permitted by law, to participate in mergers and consolidations with other nonprofit corporations organized for the same purposes as the Association;

(i) in accordance with the provisions of the Articles of Incorporation and the Declaration, dedicate in fee simple or in any lesser estate or grant easements over any of the Association's real property to any governmental body or agency, public authority, private or public utility

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. VII (p. 10): Voting rights suspension clause lacks Maryland statutory notice, hearing due process, or delinquency safeguards (Md. Code, Real Prop. §§ 11-113, 11B-111.10 (Dispute Settlement Notice & Hearing)).

Statutory / Legal Reference: Md. Code, Real Prop. §§ 11-113, 11B-111.10 (Dispute Settlement Notice & Hearing); Md. Code, Real Prop. Title 11B (Maryland Homeowners Association Act); Md. Code, Corps. & Ass'ns Title 5, Subt. 2

Statutory Comparison: Under Maryland community association and nonprofit corporation statutes (Md. Code, Real Prop. §§ 11-113, 11B-111.10 (Dispute Settlement Notice & Hearing); Md. Code, Corps. & Ass'ns Title 5, Subt. 2), member voting rights are a fundamental corporate governance right and may not be summarily suspended without strict compliance with statutory delinquency thresholds, prior written notice, and an opportunity to be heard.

CURRENT WORDING IN DOCUMENT:
(b) suspend the voting rights and right to use of any recreational facilities located on any Common Area of a Member during any period in: which such Member shall be in default in the payment of any assessment levied by the Association.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Provided that any suspension of voting or membership privileges (to the extent permitted by Maryland law) shall require prior written notice to the Owner, a reasonable opportunity to be heard, and strict compliance with Md. Code, Real Prop. §§ 11-113, 11B-111.10 (Dispute Settlement Notice & Hearing) and Md. Code, Corps. & Ass'ns Title 5, Subt. 2.