

Section 1. - Sample Provision Excerpt (Public Preview)

to suspend the
voting rights and right to use of the recreational
facilities by an owner for any period during which any
11103P1731
wag.Otg
ve5c hchtr

ISSUE #1

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Sgala) the right of the...

MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 1. (p. 5): Voting rights suspension clause lacks Missouri statutory notice, hearing due process, or delinquency safeguards (Mo. Rev. Stat. § 355.311 & § 448.3-102.1(11) (Notice & Opportunity to be Heard)).

Statutory / Legal Reference: Mo. Rev. Stat. § 355.311 (Notice & Opportunity to be Heard); Mo. Rev. Stat. Ch. 355 & Common-Law Covenants; Mo. Rev. Stat. Ch. 355 (Missouri Nonprofit Corporation Law)

Statutory Comparison: Under Missouri community association and nonprofit corporation statutes (Mo. Rev. Stat. § 355.311 & § 448.3-102.1(11) (Notice & Opportunity to be Heard); Mo. Rev. Stat. Ch. 355 (Missouri Nonprofit Corporation Law)), member voting rights are a fundamental corporate governance right and may not be summarily suspended without strict compliance with statutory delinquency thresholds, prior written...

CURRENT WORDING IN DOCUMENT:

to suspend the voting rights and right to use of the recreational facilities by an owner for any period during which any 11103P1731 wag.Otg ye5c hchtr AX ::eICS0*C** assessment against his of her diving Unit remains unpaid; and fer a period not to exceed sixty (60) days for any infraction of jits nublthshed zules and regulations! Sgala) the right of the...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that any suspension of voting or membership privileges (to the extent permitted by Missouri law) shall require prior written notice to the Owner, a reasonable opportunity to be heard, and strict compliance with Mo. Rev. Stat. § 355.311 & § 448.3-102.1(11) (Notice & Opportunity to be Heard) and Mo. Rev. Stat. Ch. 355 (Missouri Nonprofit Corporation Law).