

Section IV - Sample Provision Excerpt (Public Preview)

The right of the Association to suspend the voting rights and right to use of the recreational facilities by a Member for any period during which any assessment against his Lot remains unpaid and for a period not to exceed 60 days for any infraction of its published rules and regulations;

The right of the Association to dedicate or

ISSUE #1

any part...

MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. IV (p. 4): 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:

The right of the Association to suspend the voting rights and right to use of the recreational facilities by a Member for any period during which any assessment against his Lot remains unpaid and for a period not to exceed 60 days for any infraction of its published rules and regulations; The right of the Association to dedicate or transfer ali or any part...

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).