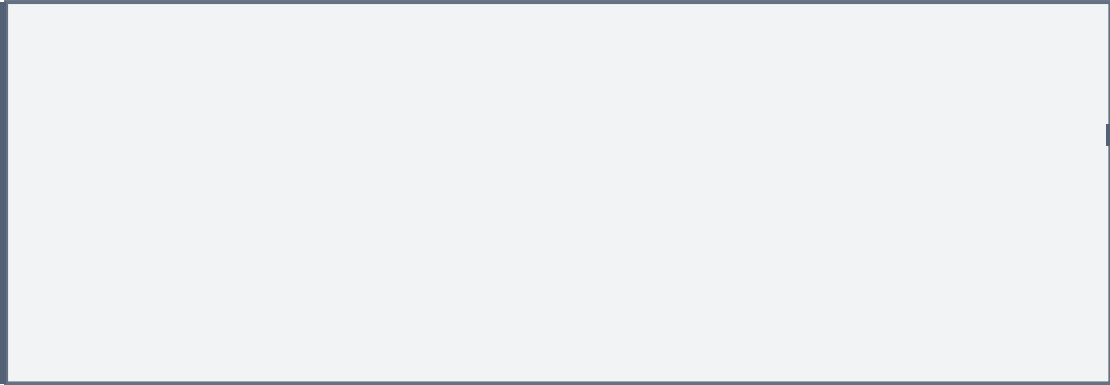




Section 1. - Sample Provision Excerpt (Public Preview)

The right of the Association to suspend the voting rights and right to use of the recreational facilities by a member for a period during which an assessment against his lot remains , unpaid; and for a period not to exceed ninety (90) days for any infraction of its published rules and regulations; (e) The right of the Association to dedicate or transfer all or any part of the Common Area to any public agency, authority, or utility for such purpose and subject to such conditions as may be agreed to by the...

ISSUE #1



MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 1. (p. 9): 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 notice, and an opportunity to be heard.

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 an assessment against his lot remains , unpaid; and for a period not to exceed ninety (90) days for any infraction of its published rules and regulations; (e) The right of the Association to dedicate or transfer all or any part of the Common Area to any public agency, authority, or utility for such purpose and subject to such conditions as may be agreed to by the...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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 an assessment against his lot remains , unpaid; and for a period not to exceed ninety (90) days for any infraction of its published rules and regulations; (e) The right of the Association to dedicate or transfer all or any part of the Common Area to any public agency, authority, or utility for such purpose and subject to such conditions as may be agreed to by the members.