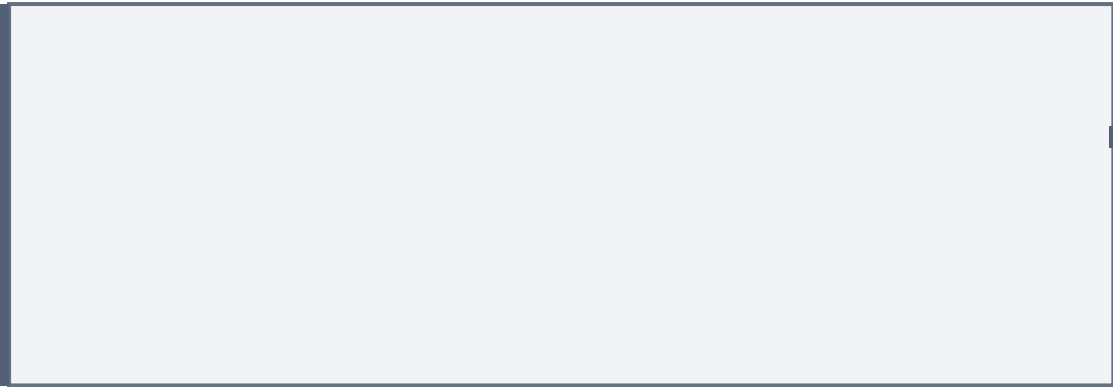




Section VII - Sample Provision Excerpt (Public Preview)

(b) Suspend the voting rights, and the right of use of any recreational facilities located on any Common Area during any period in which the Member is in lefault in the payment of any assessment levied by the Association.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. VII (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 notice, and an opportunity to be heard.

CURRENT WORDING IN DOCUMENT:

(b) Suspend the voting rights, and the right of use of any recreational facilities located on any Common Area during any period in which the Member is in lefault 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 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.