Section 1 - Sample Provision Excerpt (Public Preview)

BYLAWS
OF
LAKE POINTE HOMEOWNERS' ASSOCIATION, INC.
ARTICLE!
INTRODUCTION

ISSUE #1

MARKUP #1 ->

MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Governing documents omit the mandatory Montana 15-day prior written notice and 5-day pre-effective-date hearing opportunity before member discipline, suspension, or fining under Mont. Code Ann. § 35-2-521.

Statutory / Legal Reference: Mont. Code Ann. § 35-2-521 & § 70-23-308

Statutory Comparison: Under Mont. Code Ann. § 35-2-521, a nonprofit HOA may not suspend, expel, or discipline a member except pursuant to a fair and reasonable procedure providing at least 15 days' prior written notice of the sanction and the reasons therefor, and an opportunity for the member to be heard orally or in writing at least 5 days before the effective date.

CURRENT WORDING IN DOCUMENT:
BYLAWS OF LAKE POINTE HOMEOWNERS' ASSOCIATION, INC. ARTICLE! INTRODUCTION

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
No member may be fined or have membership rights suspended except pursuant to a fair and reasonable procedure conducted in good faith that provides at least fifteen (15) days' prior written notice of the proposed sanction and the reasons therefor, and...