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ISSUE #1

Section 3.295 - Sample Provision Excerpt (Public Preview)

Levy reasonable fines not to exceed one hundred fifty dollars ($150.00) for violations of the declaration, bylaws, and rules and regulations of the Association;

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING — BOARD & COUNSEL REVIEW

Sec. 3.295 (p. 1): Clause authorizes fines exceeding North Carolina's statutory $100 per violation / $100 per day cap under N.C. Gen. Stat. § 47C-3-107.1.

Statutory / Legal Reference: N.C. Gen. Stat. § 47C-3-107.1

Statutory Comparison: Under N.C. Gen. Stat. § 47C-3-107.1, a lot or unit owner may not be fined or have planned community/condominium privileges or services suspended unless the owner is given notice of the charge, an opportunity to be heard and to present evidence, and notice of the decision before an adjudicatory panel appointed by the executive board (whose members must contain no officers, directors, or their... Note for review: also look for any subsequent recorded amendment or standalone Fining/Enforcement Policy not included in the uploaded documents that may already supersede or cure this provision.

CURRENT WORDING IN DOCUMENT:
Levy reasonable fines not to exceed one hundred fifty dollars ($150.00) for violations of the declaration, bylaws, and rules and regulations of the Association;

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Pursuant to N.C. Gen. Stat. § 47C-3-107.1, no fine or suspension of community privileges or services shall be imposed until the owner has been given written notice of the alleged violation and an opportunity to be heard and present evidence before the Executive Board or an adjudicatory panel composed of members who are neither officers nor directors of the Association.