

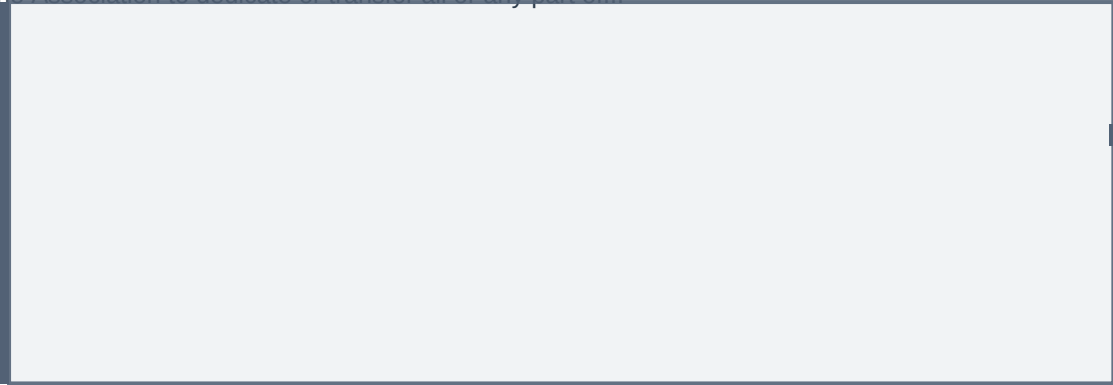
Section 3.3 - Sample Provision Excerpt (Public Preview)

the right of the Association to suspend the voting rights and right to use of the recreational facilities (if any) by an Owner for any period during which any assessment against his Subiot remains unpaid; and for a period not to exceed sixty (60) days for any infraction of its Rules;

b)

the right of the Association to dedicate or transfer all or any part of

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 3.3 (p. 9): Voting rights suspension clause lacks Ohio statutory notice, hearing due process, or delinquency safeguards (Ohio Rev. Code §§ 5312.11(C), 5311.081(B)(12)).

Statutory / Legal Reference: Ohio Rev. Code § 5312.11(C); Ohio Rev. Code Ch. 5312 (Ohio Planned Community Law) & Ohio Admin. Code 1301:5-6; Ohio Rev. Code Ch. 1702 (Nonprofit Corporation Law)

Statutory Comparison: Under Ohio community association and nonprofit corporation statutes (Ohio Rev. Code §§ 5312.11(C), 5311.081(B)(12); Ohio Rev. Code Ch. 1702 (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 (if any) by an Owner for any period during which any assessment against his Subiot remains unpaid; and for a period not to exceed sixty (60) days for any infraction of its Rules; b) the right of the Association to dedicate or transfer all or any part of...

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 (if any) by an Owner for any period during which any assessment against his Subiot remains unpaid; and for a period not to exceed sixty (60) days for any infraction of its Rules; b) the right of the Association to dedicate or transfer all or any part of the Common Areas to any public agency,....