

Section XI - Sample Provision Excerpt (Public Preview)

special assessments (Common Expenses) which are secured by a continuing lien upon the property against which assessment is made. Any assessments which are not paid when due, shall be delinquent. If the assessment is not paid within THIRTY (30) days after the due date, the assessment

ISSUE #1



MARKUP #1 ->



MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. XI (p. 11): Potential Issue for Review: Assessment collection and lien clause does not spell out the statutory pre-lien notice, payment plan, or foreclosure procedural safeguards under Ohio Rev. Code Ch. 5312 (Ohio Planned Community Law) & Ohio Admin. Code 1301:5-6; undefined - look for this language in a standalone Collection Policy, Payment Plan Policy, Bylaws, or other governing documents that were not included in this review.

Statutory / Legal Reference: Ohio Rev. Code Ch. 5312 (Ohio Planned Community Law) & Ohio Admin. Code 1301:5-6; undefined

Statutory Comparison: Under undefined and Ohio Rev. Code Ch. 5312 (Ohio Planned Community Law) & Ohio Admin. Code 1301:5-6, an association cannot proceed directly from a 10-day or 30-day delinquency to lien recording and foreclosure without first serving mandatory statutory pre-lien and pre-foreclosure written notices (and complying with applicable statutory foreclosure thresholds or payment-plan offers).

CURRENT WORDING IN DOCUMENT:

special assessments (Common Expenses) which are secured by a continuing lien upon the property against which assessment is made. Any assessments which are not paid when due, shall be delinquent. If the assessment is not paid within THIRTY (30) days after the due date, the assessment

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Look for the required pre-lien notice, payment plan, and collection safeguard language in other governing documents not included in this review. If not already set forth in another document, incorporate: Update the assessment enforcement provision to require statutory pre-lien and pre-foreclosure written notices under undefined and clarify that the continuing lien encumbers only the real property...