

Section XII - Sample Provision Excerpt (Public Preview)

INDEMNIFICATION OF OFFICERS, DIRECTORS AND COMMITTEE MEMBERS
1. The Corporation shall indemnify and reimburse any person, his heirs and personal representatives against any and all judgments, fines, amounts paid in settlement and reasonable expenses, including attorney fees actually and reasonably incurred in connection with the defense of any claim,...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. XII (p. 7): Potential Issue for Review: Fining provisions omit the mandatory requirement that fines be based on a schedule of fines adopted by board resolution and delivered to each lot/unit prior to enforcement under ORS 94.630(1)(n) and ORS 100.405(4)(k) - look for this language in other governing documents, standalone policies, or amendments that were not included in this review.

Statutory / Legal Reference: ORS 94.630(1)(n)

Statutory Comparison: Under ORS 94.630(1)(n) and ORS 100.405(4)(k), an association may levy reasonable fines only if the fine is based on a schedule of fines adopted by a resolution of the board that is delivered to each lot or unit, and only after giving the offender written notice and an opportunity to be heard.

CURRENT WORDING IN DOCUMENT:

INDEMNIFICATION OF OFFICERS, DIRECTORS AND COMMITTEE MEMBERS 1. The Corporation shall indemnify and reimburse any person, his heirs and personal representatives against any and all judgments, fines, amounts paid in settlement and reasonable expenses, including attorney fees actually and reasonably incurred in connection with the defense of any claim,...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

First look for this language in other governing documents, standalone policies/resolutions, or amendments not included in this review. If not already addressed in another document (and if applicable to this community), incorporate: Pursuant to ORS 94.630(1)(n) and ORS 100.405(4)(k), no fine shall be imposed unless it is based on a schedule of fines adopted by resolution of the Board and delivered...