ISSUE #1

Section 11.1 - Sample Provision Excerpt (Public Preview)

After the transfer of Declarant control, this Declaration may be amended only by the affirmative vote or written consent, or any combination thereof, of eighty percent (80%) of the Members, unless unanimous consent of the Members is required by the Act. Any amendment to be effective must be recorded in the public records of Allegheny County, Pennsylvania.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 11.1 (p. 1): Declaration general amendment threshold of 75% exceeds the 67% maximum threshold permitted for residential communities under 68 Pa.C.S. § 5219(a), (d), (f) (UPCA).

Statutory / Legal Reference: 68 Pa.C.S. § 5219(a), (d), (f) (UPCA)

Statutory Comparison: Under 68 Pa.C.S. § 5219(a), (d), (f) (UPCA), the declaration may be amended only by vote or agreement of unit owners of units to which at least 67% of the votes in the association are allocated (except for unanimous-consent matters under subsection (d)).

CURRENT WORDING IN DOCUMENT:

After the transfer of Declarant control, this Declaration may be amended only by the affirmative vote or written consent, or any combination thereof, of eighty percent (80%) of the Members, unless unanimous consent of the Members is required by the Act. Any amendment to be effective must be recorded in the public records of Allegheny County, Pennsylvania.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to 68 Pa.C.S. § 5219(a), (d), (f) (UPCA), except to the extent expressly permitted for technical corrective amendments supported by an independent written legal opinion under subsection (f) (or where unanimous consent is required under subsection (d)), this Declaration may be amended only by the vote or written agreement of Unit Owners of Units to which at least sixty-seven percent (67%) of the votes in the Association are allocated.