Section 2. - Sample Provision Excerpt (Public Preview)

The Executive Committee is vested with all powers not otherwise reserved by these By-Laws to maintain, operate, manage, and control Association properties, its employees, servants, and agents; to pass By-laws and rules for the management and government of the Association; to fix, enforce, and remit penalties for a breach of the By-Laws or Rules.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 2. (p. 1): [FLAGGED FOR COUNSEL REVIEW - SAFE RESOLUTION GATE] Fining and suspension provisions omit mandatory prior written notice and an opportunity to be heard required by Tenn. Code Ann. § 48-56-302 & § 66-27-402(a)(11).

Statutory / Legal Reference: Tenn. Code Ann. § 48-56-302 & § 66-27-402(a)(11)

Statutory Comparison: Under Tenn. Code Ann. § 48-56-302 & § 66-27-402(a)(11), an association may levy reasonable fines or suspend member rights only after providing prior written notice and a fair opportunity for the owner to be heard before the sanction becomes effective.

CURRENT WORDING IN DOCUMENT:

The Executive Committee is vested with all powers not otherwise reserved by these By-Laws to maintain, operate, manage, and control Association properties, its employees, servants, and agents; to pass By-laws and rules for the management and government of the Association; to fix, enforce, and remit penalties for a breach of the By-Laws or Rules.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

The Executive Committee is vested with all powers not otherwise reserved by these By-Laws to maintain, operate, manage, and control Association properties, its employees, servants, and agents; to pass By-laws and rules for the management and government of the Association; to fix, enforce, and remit penalties for a breach of the By-Laws or Rules.