

Section 1 - Sample Provision Excerpt (Public Preview)

OWNERS' EASEMENT OF ENJOYMENT
very Owner shall have a right and easement of
enjoyment in and to the common Area which shall be appurtenant to and shall pass with the title to every Lot, subject to the
following provisions:

- (a)
The right of the Association, acting by and through its Board of Directors, to levy reasonable admission and
the use...

MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 1 (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:
OWNERS' EASEMENT OF ENJOYMENT very Owner shall have a right and easement of enjoyment in and to the common Area which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:
(a) The right of the Association, acting by and through its Board of Directors, to levy reasonable admission and other fees for the use...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
OWNERS' EASEMENT OF ENJOYMENT very Owner shall have a right and easement of enjoyment in and to the common Area which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:
(a) The right of the Association, acting by and through its Board of Directors, to levy reasonable admission and other fees for the use of any community facilities (excluding...