

Section 21 - Sample Provision Excerpt (Public Preview)

Each Lot owner shall maintain the exterior of all buildings and improvements on his Lot in a good and workmanlike manner and shall present a neat and clean appearance upon the Lot including painting, repairing, replacing and caring for: roofs, gutters, downspouts, exterior building surfaces, trees, shrubs, grass, and other exterior improvements and shall do...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. 21 (p. 3): Potential Issue for Review: Fining or enforcement clause grants authority to levy fines or penalties without spelling out the statutory notice, cure, fine schedule, and hearing procedures under Tenn. Code Ann. § 48-56-302 & § 66-27-402(a)(11) - look for this language in other governing documents (such as a standalone Fining/Enforcement Policy, Rules & Regulations, Bylaws, or amendments) that were not included in this review.

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:
Each Lot owner shall maintain the exterior of all buildings and improvements on his Lot in a good and workmanlike manner and shall present a neat and clean appearance upon the Lot including painting, repairing, replacing and caring for: roofs, gutters, downspouts, exterior building surfaces, trees, shrubs, grass, and other exterior improvements and shall do...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Look for the required notice, cure, fine schedule, and hearing language in other governing documents not included in this review. If not already set forth in another document, incorporate: SECTION: NOTICE AND HEARING BEFORE FINES OR SUSPENSIONS (Tenn. Code Ann.