

Section 6 - Sample Provision Excerpt (Public Preview)

No owner of a lot in said Development shall permit any person, except members of his family or his house guests, or other owners of lots, to use boats or dock placed by him in any of the Springbrook lakes and shall not give permission to swim in said lakes or use any of the lakes or facilities to any person except lot owners or bona fide guests, when...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

**Sec. 6 (p. 7): [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:

No owner of a lot in said Development shall permit any person, except members of his family or his house guests, or other owners of lots, to use boats or dock placed by him in any of the Springbrook lakes and shall not give permission to swim in said lakes or use any of the lakes or facilities to any person except lot owners or bona fide guests, when...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

No owner of a lot in said Development shall permit any person, except members of his family or his house guests, or other owners of lots, to use boats or dock placed by him in any of the Springbrook lakes and shall not give permission to swim in said lakes or use any of the lakes or facilities to any person except lot owners or bona fide guests, when accompanied by the owner of a lot or members...