

Section 2 - Sample Provision Excerpt (Public Preview)

, whether or not such person be personally obligated to pay such assessments, may be suspended by Action of the Directors during the period that the assessments remain unpaid; but, upon payment of such assessments, the Owner's rights and privileges shall be automatically restored.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 2 (p. 2): [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:

, whether or not such person be personally obligated to pay such assessments, may be suspended by Action of the Directors during the period that the assessments remain unpaid; but, upon payment of such assessments, the Owner's rights and privileges shall be automatically restored.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

, whether or not such person be personally obligated to pay such assessments, may be suspended by Action of the Directors during the period that the assessments remain unpaid; but, upon payment of such assessments, the Owner's rights and privileges shall be automatically restored.