

Section (c) - Sample Provision Excerpt (Public Preview)

Cesting of Votes. The votos of the nembers shall bo cast under rules and procodres ss ney be prosoribod in thia Declaration or in tho By-iaus of the Asscclation, ds erondad fros time to time, oi by la. sataludin u retat oo erer rehap spuepan ted by no aapraelon of aard ol Directors pursuant to auttoilty granted in tho dasoclation'a By-Inrs, an...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. (c) (p. 5): 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:
Cesting of Votes. The votos of the nembers shall bo cast under rules and procodres ss ney be prosoribod in thia Declaration or in tho By-iaus of the Asscclation, ds erondad fros time to time, oi by la. sataludin u retat oo erer rehap spuepan ted by no aapraelon of aard ol Directors pursuant to auttoilty granted in tho dasoclation'a By-Inrs, an...

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.