



ISSUE #1

Section 1: [Article III, Section 3.4] Proxies at Member Meetings

Votes may be cast in person or by proxy. Proxies must be filed with the Secretary before the appointed time of each meeting. Any proxy given by a Member shall be effective only for the meeting specified in such proxy and any adjournments thereof.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Article III, Section 3.4 (p. 1): Permitting votes to be cast by proxy at member meetings after termination of declarant control.

Statutory / Legal Reference: A.R.S. § 33-1812(A)

Statutory Comparison: Under A.R.S. § 33-1812(A), notwithstanding any provision in the community documents, after termination of the period of declarant control, votes allocated to a unit or lot may NOT be cast pursuant to a proxy. The association must provide for votes to be cast in person and by absentee ballot.

CURRENT WORDING IN DOCUMENT:

[Article III, Section 3.4] Proxies at Member Meetings - Votes may be cast in person or by proxy. Proxies must be filed with the Secretary before the appointed time of each meeting. Any proxy given by a Member shall be effective only for the meeting specified in such proxy and any adjournments thereof.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Article III, Section 3.4 ([Article III, Section 3.4] Proxies at Member Meetings - Votes may be cast in person or by proxy. Proxies must be filed with the Secretary before the appointed time of each meeting. Any proxy given by a Member shall be effective only for the meeting specified in such proxy and any adjournments thereof.) to conform with A.R.S. § 33-1812(A) and the manual attorney audit recommendations for Mountain Park Ranch Homeowners Association.