

ISSUE #1

Section 1: [Article VIII, Section 8.5] Enforcement of Assessment Lien by Power of Sale

If any Unit Owner fails to pay any assessment within thirty (30) days after its due date, the Board of Directors may direct the Trustees to sell the defaulting Unit at public auction upon giving fifteen (15) days' notice by regular mail to the Unit Owner and publishing notice once in a newspaper of general circulation, and any action to foreclose such lien may be brought at any time within ten (10) years after the assessment became due.

Section 2: [Article III, Section 3.9] Meetings of the Board of Directors and Executive Sessions

The Board of Directors may convene in closed executive session upon the vote of a majority of Directors present to discuss any matter deemed sensitive by the Board, and may adopt binding resolutions and approve vendor contracts while in closed executive session.

Section 3: [Article IX, Section 9.4] Master Insurance Policy Deductible Responsibility

In the event of any insured loss originating from a Unit or its Limited Common Elements, the Owner of such Unit shall be strictly liable for paying the entire deductible under the Association's Master Insurance Policy (up to \$25,000.00), even where the loss did not result from the negligence, misuse, or neglect of the Unit Owner.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Article VIII, Section 8.5 (p. 1): Defective 15-Day Regular Mail Foreclosure Notice and 10-Year Limitation Period Violating 3-Year Statutory Extinction

Statutory / Legal Reference: D.C. Official Code § 42-1903.13(c)(4) & (e) (DC Condominium Act)

Statutory Comparison: Under the DC Condominium Act, D.C. Official Code § 42-1903.13(c)(4), a power-of-sale foreclosure cannot be held unless the association gives at least 31 days' prior written notice by certified mail, return receipt requested, to the unit owner and all lienholders of record, with a copy sent to the Mayor at least 31 days before the sale. Furthermore, under § 42-1903.13(e), a lien for unpaid assessments is extinguished unless enforcement proceedings are instituted within 3 years (not 10 years) after the assessment becomes payable.

CURRENT WORDING IN DOCUMENT:

[Article VIII, Section 8.5] Enforcement of Assessment Lien by Power of Sale - If any Unit Owner fails to pay any assessment within thirty (30) days after its due date, the Board of Directors may direct the Trustees to sell the defaulting Unit at public auction upon giving fifteen (15) days' notice by regular mail to the Unit Owner and publishing notice once in a newspaper of general circulation, and any action to foreclose such lien may be brought at any time within ten (10) years after the assessment became due.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Article VIII, Section 8.5 ([Article VIII, Section 8.5] Enforcement of Assessment Lien by Power of Sale - If any Unit Owner fails to pay any assessment within thirty (30) days after its due date, the Board of Directors may direct the Trustees to sell the defaulting Unit at public auction upon giving fifteen (15) days' notice by regular mail to the Unit Owner and publishing notice once in a newspaper of general circulation, and any action to foreclose such lien may be brought at any time within ten (10) years after the assessment became due.) to conform with D.C. Official Code § 42-1903.13(c)(4) & (e) (DC Condominium Act) and the manual attorney audit recommendations for DC USA Condominium, Inc..