

ISSUE #1

Section 1: [Board Resolution (October 2022)] Resolution Regarding Initiation Fee Collected at Closing

MARKUP #1 ->

RESOLVED, that effective October 2022, the Board of Directors hereby establishes a mandatory Initiation Fee to be collected at the closing of every sale or transfer of title of a Lot within Crabapple Commons from the purchasing Owner, which Initiation Fee shall constitute a specific assessment and continuing lien against the Lot if not paid at closing.



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Board Resolution (October 2022) (p. 1): Financial, Assessment, Resale Fee, Payment Waterfall, Budget Ratification, or Records Access Defect: Clause conflicts with GA statutory caps on resale/transfer/copy fees, payment application priority, budget ratification, mortgagee safe-harbor liability, or financial records inspection.

Statutory / Legal Reference: O.C.G.A. §§ 44-3-232(c), 44-14-15; O.C.G.A. §§ 44-3-220 to 44-3-235 (Georgia Property Owners' Association Act)

Statutory Comparison: Under O.C.G.A. §§ 44-3-232(c), 44-14-15; O.C.G.A. §§ 44-3-220 to 44-3-235 (Georgia Property Owners' Association Act), associations must apply partial payments to assessments before fines/attorney fees where required by statute, adhere to statutory resale certificate fee/delivery caps and copying fee limits, allow owners to photograph/scan financial records and vendor contracts without notarized affidavits, submit annual budgets to owner ratification, and enforce statutory joint-and-several/safe-harbor assessment liability upon foreclosure.

CURRENT WORDING IN DOCUMENT:

[Board Resolution (October 2022)] Resolution Regarding Initiation Fee Collected at Closing - RESOLVED, that effective October 2022, the Board of Directors hereby establishes a mandatory Initiation Fee to be collected at the closing of every sale or transfer of title of a Lot within Crabapple Commons from the purchasing Owner, which Initiation Fee shall constitute a specific assessment and continuing lien against the Lot if not paid at closing.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Board Resolution (October 2022) to conform assessment priority waterfalls, late/interest caps, resale certificate fees, budget ratification, insurance deductible limits, and financial records inspection/copying rights to O.C.G.A. §§ 44-3-232(c), 44-14-15; O.C.G.A. §§ 44-3-220 to 44-3-235 (Georgia Property Owners' Association Act).