

ISSUE #1

MARKUP #1 ->

Section 1: [Article IV, Section 4.8] Lien for Assessments and Judicial Foreclosure Without Minimum Dollar Threshold

All annual, special, and specific assessments, together with late charges, interest at eighteen percent (18%) per annum, fines, and costs of collection (including reasonable attorneys' fees actually incurred), shall be a continuing lien upon the Lot against which each assessment is made. If any assessment or fine remains unpaid for thirty (30) days after its due date, the Association may institute suit to foreclose its lien against the Lot regardless of the dollar amount of the delinquency.

Section 2: [Article VII, Section 7.14 (Amendment on Leasing)] Leasing Cap and Retroactive Application to Existing Owners

To preserve the owner-occupied residential character of Crooked Creek, no more than ten percent (10%) of the total Lots in the Community may be leased at any one time. Upon the effective date of this Amendment, this leasing prohibition shall apply immediately to all Owners in the Community, regardless of whether an Owner voted in favor of this Amendment or acquired title prior to its recording.

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Article IV, Section 4.8 (p. 1): Lien Foreclosure for Delinquencies Below the \$2,000 Statutory Floor and Without 30-Day Certified Mail Notice
Statutory / Legal Reference: O.C.G.A. § 44-3-232(c) (Georgia Property Owners' Association Act)

Statutory Comparison: Under the Georgia Property Owners' Association Act, O.C.G.A. § 44-3-232(c), no foreclosure action may be permitted unless the total amount of the lien is at least \$2,000.00, and the association must provide written notice to the lot owner by certified mail or statutory overnight delivery at least 30 days prior to filing a foreclosure lawsuit.

CURRENT WORDING IN DOCUMENT:

[Article IV, Section 4.8] Lien for Assessments and Judicial Foreclosure Without Minimum Dollar Threshold - All annual, special, and specific assessments, together with late charges, interest at eighteen percent (18%) per annum, fines, and costs of collection (including reasonable attorneys' fees actually incurred), shall be a continuing lien upon the Lot against which each assessment is made.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Article IV, Section 4.8 ([Article IV, Section 4.8] Lien for Assessments and Judicial Foreclosure Without Minimum Dollar Threshold - All annual, special, and specific assessments, together with late charges, interest at eighteen percent (18%) per annum, fines, and costs of collection (including reasonable attorneys' fees actually incurred), shall be a continuing lien upon the Lot against which each assessment is made. If any assessment or fine remains unpaid for thirty (30) days after its due date, the Association may institute suit to foreclose its lien against the Lot regardless of the dollar amount of the delinquency.) to conform with O.C.G.A. § 44-3-232(c) (Georgia Property Owners' Association Act) and the manual attorney audit recommendations for Crooked Creek Homeowners Association, Inc..