

ISSUE #1

MARKUP #1 ->

Section 1: [Masterson Station Neighborhood Association Bylaws, Article III, Section 5] Suspension of Member Voting Rights

The voting rights of any Member shall be automatically suspended during any period in which such Member is delinquent in the payment of any annual or special assessment or is in violation of any provision of the applicable Deed of Restrictions or Association Policies.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Masterson Station Neighborhood Association Bylaws, Article III, Section 5 (p. 1): Clause authorizes imposing fines or penalties without prior written notice, a published schedule, and an opportunity to be heard in violation of KRS § 381.790 & KRS § 381.9167(1)(k).

Statutory / Legal Reference: KRS § 381.790 & KRS § 381.9167(1)(k)

Statutory Comparison: Under KRS § 381.9167(1)(k) and the Kentucky Planned Communities Act (KRS § 381.790), an association may levy reasonable fines for violations of the declaration, bylaws, and rules and regulations of the association only after providing the lot/unit owner with written notice of the violation and a reasonable opportunity to be heard before the executive board.

CURRENT WORDING IN DOCUMENT:

[Masterson Station Neighborhood Association Bylaws, Article III, Section 5] Suspension of Member Voting Rights for Any Covenant Violation Without Hearing - The voting rights of any Member shall be automatically suspended during any period in which such Member is delinquent in the payment of any annual or special assessment or is in violation of any provision of the applicable Deed of Restrictions or Association Policies.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to KRS § 381.790 & KRS § 381.9167(1)(k), no fine or suspension shall be imposed against an Owner unless the Association has first provided written notice specifying the alleged violation and an opportunity to be heard before the Board of Directors in accordance with an adopted schedule of fines.