

Section 1: [Article II, Section 4] Voting Rights of Owners

At all annual and special meetings of the 13th Street Road Association, each natural person whose name appears on a deed to a lot abutting the private way shall be entitled to cast one (1) full vote, such that a parcel owned jointly by two spouses or multiple co-owners shall cast multiple votes, while an owner holding title to three separate buildable lots shall cast only one (1) vote in total.

MARKUP #1 ->

Section 2: [Article IV, Section 3] Emergency and Supplemental Road Expenditures by Commissioner

The Road Commissioner or Board of Directors may contract for supplemental paving, regrading, or capital road improvements exceeding the approved annual budget by up to fifty percent (50%) and levy a binding special assessment against all lot owners upon seven (7) days' written invoice without calling a special meeting of the owners.

Section 3: [Article VI, Section 2] Delinquent Assessments, Compound Penalty Fees, and Notice of Claim

Any owner who fails to pay their road assessment within thirty (30) days of billing shall be assessed a flat penalty of \$250.00 plus compound interest at twenty-four percent (24%) per annum, and the Commissioner may record a Notice of Claim in the York County Registry of Deeds without providing prior written warning to the owner.



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Article II, Section 4 (p. 1): Per-Person Voting Allocation Conflicts with Mandatory One-Vote-Per-Parcel Statutory Rule

Statutory / Legal Reference: 23 M.R.S. § 3101(5)

Statutory Comparison: Under 23 M.R.S. § 3101(5), the owners of each parcel benefited by the private way have one (1) vote per parcel to determine the repair and maintenance of the private way; granting multiple votes to co-owners of a single parcel or restricting an owner of multiple distinct parcels to a single vote violates the statutory voting allocation.

CURRENT WORDING IN DOCUMENT:

[Article II, Section 4] Voting Rights of Owners - At all annual and special meetings of the 13th Street Road Association, each natural person whose name appears on a deed to a lot abutting the private way shall be entitled to cast one (1) full vote, such that a parcel owned jointly by two spouses or multiple co-owners shall cast multiple votes, while an owner holding title to three separate buildable lots shall cast only one (1) vote in total.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Article II, Section 4 ([Article II, Section 4] Voting Rights of Owners - At all annual and special meetings of the 13th Street Road Association, each natural person whose name appears on a deed to a lot abutting the private way shall be entitled to cast one (1) full vote, such that a parcel owned jointly by two spouses or multiple co-owners shall cast multiple votes, while an owner holding title to three separate buildable lots shall cast only one (1) vote in total.) to conform with 23 M.R.S. § 3101(5) and the manual attorney audit recommendations for 13th Street Road Association.