

ISSUE #1

Section 1: [Article V, Section 5.1] Adoption of Budget and Assessments by Executive Board

The Executive Board shall annually adopt a budget for the Condominium and assess each Unit Owner in accordance with their allocated percentage interest. No ratification or vote of the Unit Owners shall be required unless the proposed budget increases regular assessments by more than twenty-five percent (25%) over the prior fiscal year.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Article V, Section 5.1 (p. 1): Depriving Unit Owners of Statutory Budget Ratification Meeting for Budgets Under a 25% Increase

Statutory / Legal Reference: 33 M.R.S. § 1603-103(c) (Maine Condominium Act)

Statutory Comparison: Under the Maine Condominium Act, 33 M.R.S. § 1603-103(c), within 30 days after adoption of any proposed budget for the condominium (regardless of percentage increase), the executive board must provide a summary of the budget to all unit owners and set a date for a meeting of the unit owners to consider ratification not less than 14 nor more than 30 days after mailing.

CURRENT WORDING IN DOCUMENT:

[Article V, Section 5.1] Adoption of Budget and Assessments by Executive Board - The Executive Board shall annually adopt a budget for the Condominium and assess each Unit Owner in accordance with their allocated percentage interest. No ratification or vote of the Unit Owners shall be required unless the proposed budget increases regular assessments by more than twenty-five percent (25%) over the prior fiscal year.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Article V, Section 5.1 ([Article V, Section 5.1] Adoption of Budget and Assessments by Executive Board - The Executive Board shall annually adopt a budget for the Condominium and assess each Unit Owner in accordance with their allocated percentage interest. No ratification or vote of the Unit Owners shall be required unless the proposed budget increases regular assessments by more than twenty-five percent (25%) over the prior fiscal year.) to conform with 33 M.R.S. § 1603-103(c) (Maine Condominium Act) and the manual attorney audit recommendations for Topsail Way Condominium Association.