

SECOND AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR PINE RIDGE AT BAY POINTE

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. N/A (p. 1): Clause denies or restricts member inspection and copying of Association financial statements, budgets, or corporate records in violation of Miss. Code Ann. §§ 79-11-283 to 79-11-287; 30 Miss. Admin. Code Pt. 1601.

Statutory / Legal Reference: Miss. Code Ann. § 79-11-283 to 79-11-287; 30 Miss. Admin. Code Pt. 1601

Statutory Comparison: Under Miss. Code Ann. § 79-11-285, a member is entitled to inspect and copy, at a reasonable time and location, the corporate and financial records of the association upon at least five (5) business days' written notice, and under Miss. Code Ann. § 79-11-285(5), the articles or bylaws of a nonprofit corporation may not abolish or limit a member's statutory right of inspection. Under Miss. Code Ann. § 89-9-19, condominium bylaws must provide for maintenance, inspection, and audit of financial books and records by unit owners at reasonable times.

CURRENT WORDING IN DOCUMENT:

references are to these records); and WHEREAS, on December 14, 1992, Turnberry, Inc. assigned its leasehold interest in the land described in Exhibit "A" to the Declarant, a copy of which assignment is recorded in Book 660 at

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Miss. Code Ann. §§ 79-11-283 to 79-11-287; 30 Miss. Admin. Code Pt. 1601, any Member or the Member's authorized agent or attorney is entitled to inspect and copy the Association's corporate, governance, and financial records during regular business hours at a reasonable location upon at least five (5) business days' prior written demand.

THIS Second amendment to Declaration is made and executed on this the 10th day of November 1997, by the Board of Directors of Pine Ridge Home Owners' Association, Inc., (a Mississippi non-profit corporation) hereinafter referred to as the "Board," and is consented to by the Pearl River Valley Water Supply District, an agency of the State of Mississippi, hereinafter referred to as the "District," and is consented to by ETE Development Corporation, a Mississippi corporation, hereinafter referred to as the "Declarant,"

WHEREAS, the District is the owner of a parcel of land lying and being situated in Section 2, Township 6N, Range 3E, Rankin County, Mississippi, which parcel of land is more particularly described in Exhibit "A" attached hereto; and

WHEREAS, on August 1, 1986, the District leased the land described in Exhibit "A," together with other land to Turnberry, Inc., a copy of which lease is recorded in Book 512 at Page 495 in the office of Chancery Clerk of Rankin County, at Brandon, Mississippi (all subsequent recording

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references are to these records); and

WHEREAS, on December 14, 1992, Turnberry, Inc. assigned its leasehold interest in the land described in Exhibit "A" to the Declarant, a copy of which assignment is recorded in Book 660 at

Page 696; and

WHEREAS, on November 1, 1993, the Declarant, with the consent of the District, made and executed a "Declaration of Covenants, Conditions and Restrictions for Pine Ridge at Bay Pointe" (hereinafter referred to as Covenants), a copy of which Covenants are recorded in Book 684 at Page 500; and