

ISSUE #1

MARKUP #1 ->

Section 1: [Flint Ridge Covenants & Bylaws, Article IV, Section 4.05] Disconnection of Water Service and Deactivation

In the event any Property Owner fails to pay any monthly or annual POA assessment, road fee, or fine within sixty (60) days after the due date, the Association may suspend all Member privileges, deactivate gate access cards, and disconnect water or utility services provided through Association-affiliated systems until all past-due assessments, fines, and reconnection fees are paid in full.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Flint Ridge Covenants & Bylaws, Article IV, Section 4.05 (p. 1):
Covenant authorizes unlawful self-help termination of essential residential utilities, warrantless self-help lot/unit entry or demolition, lockouts, or denial of ingress/egress.

Statutory / Legal Reference: 60 O.S. § 852; 60 O.S. §§ 851 - 858 (Oklahoma Real Estate Development Act); 60 O.S. §§ 501 - 530 (Unit Ownership Estate Act); Restatement (Third) of Property: Servitudes § 4.9 (Oklahoma Prohibition on...

Statutory Comparison: Under Oklahoma law (60 O.S. § 852; 60 O.S. §§ 851 - 858 (Oklahoma Real Estate Development Act); 60 O.S. §§ 501 - 530 (Unit Ownership Estate Act)), an association may not impair an owner's appurtenant right of vehicular and pedestrian ingress and egress to their residence or engage in non-judicial self-help termination of essential residential utilities (water, electricity, gas, sewer).

CURRENT WORDING IN DOCUMENT:

[Flint Ridge Covenants & Bylaws, Article IV, Section 4.05] Disconnection of Water Service and Deactivation of Gate Cards for Delinquent POA Assessments - In the event any Property Owner fails to pay any monthly or annual POA assessment, road fee, or fine within sixty (60) days after the due date, the Association may suspend all Member privileges, deactivate gate access cards, and disconnect water or utility services provided through Association-affiliated systems until all past-due assessments, fines, and reconnection fees are paid in full.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Under no circumstances shall any suspension of privileges impair the right of an Owner or occupant to have vehicular and pedestrian ingress to and egress from their Lot or Unit, nor shall the Association disconnect essential residential utility services, execute non-judicial self-help entry/demolition, or conduct non-judicial lockouts, in accordance with 60 O.S. § 852; 60 O.S. §§ 851 - 858 (Oklahoma Real Estate Development Act); 60 O.S. §§ 501 - 530 (Unit Ownership Estate Act); Restatement (Third) of Property: Servitudes § 4.9 (Oklahoma Prohibition on Self-Help Lockout & Utility Termination).