

ISSUE #1

Section 1: [Article XIV, Section 14.1] Amendment of Declaration

Any amendment to this Declaration affecting the maintenance responsibilities, architectural standards, or governance procedures of the Association shall require the affirmative written consent of one hundred percent (100%) of all Unit Owners and their respective first mortgagees.

MARKUP #1 ->

Section 2: [Article IX, Section 9.3] Inspection of Association Records and Confidentiality

No Unit Owner shall be entitled to inspect or copy the minutes of Executive Board meetings, association membership lists with mailing or email addresses, or management contracts without first obtaining a court order or written authorization from the Executive Board and paying an administrative fee of \$100.00 per request.

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Article XIV, Section 14.1 (p. 1): Unlawful 100% Unanimity Requirement for Non-Fundamental Declaration Amendments

Statutory / Legal Reference: 27A V.S.A. § 2-117(a) & (f)

Statutory Comparison: Under 27A V.S.A. § 2-117(a), except for amendments changing allocated interests, boundaries, or residential use restrictions under § 2-117(d) and (f), the declaration may be amended by a vote of at least 67% of the votes in the association, and any provision requiring a larger percentage for general residential declarations is superseded unless all units are restricted exclusively to nonresidential use.

CURRENT WORDING IN DOCUMENT:

[Article XIV, Section 14.1] Amendment of Declaration - Any amendment to this Declaration affecting the maintenance responsibilities, architectural standards, or governance procedures of the Association shall require the affirmative written consent of one hundred percent (100%) of all Unit Owners and their respective first mortgagees.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Article XIV, Section 14.1 ([Article XIV, Section 14.1] Amendment of Declaration - Any amendment to this Declaration affecting the maintenance responsibilities, architectural standards, or governance procedures of the Association shall require the affirmative written consent of one hundred percent (100%) of all Unit Owners and their respective first mortgagees.) to conform with 27A V.S.A. § 2-117(a) & (f) and the manual attorney audit recommendations for Mt. Mansfield Townhouses Condominium Association.