

ISSUE #1

MARKUP #1 ->

Section 1: [Bylaws Article VIII, Section 8.4 (Resale Executive Summary and Disclosure Packet Fee)] Charge of \$350 for

Within ten (10) days after written request by a Unit Owner in connection with the sale of a Condominium Unit, the Association shall furnish the statutory disclosure materials and Executive Summary upon payment by the Seller of a non-refundable document preparation fee of \$350.00.

Section 2: [Bylaws Article VI, Section 6.2 (Statutory Reserve Account Opt-Out)] Board Waiver of Statutory Reserve Account

The Board of Directors may elect, by a majority vote of the Directors in any fiscal year, to suspend or waive contributions to the statutory reserve account for the repair and replacement of Common Elements whenever the Board determines that operating expenses require the reallocation of funds.



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Bylaws Article VIII, Section 8.4 (Resale Executive Summary and Disclosure Packet Fee) (p. 1): Charging \$350 for condominium resale disclosure materials violates the \$50 statutory cap in Wis. Stat. § 703.20(2)(b)

Statutory / Legal Reference: Wis. Stat. § 703.20(2)(b) & § 703.33(1)-(4) (Wisconsin Condominium Ownership Act - Cap on Disclosure Document Fees)

Statutory Comparison: Under Wis. Stat. § 703.20(2)(b) (enacted by 2017 Wisconsin Act 303), a condominium association may NOT charge more than **\$50.00** for furnishing the required resale disclosure documents under Wis. Stat. § 703.33(1) (and up to \$15.00 for updates), unless the association has previously obtained the affirmative written consent of a majority of unit owners to adopt a specific higher fee after providing required statutory notice.

CURRENT WORDING IN DOCUMENT:

[Bylaws Article VIII, Section 8.4 (Resale Executive Summary and Disclosure Packet Fee)] Charge of \$350 for Condominium Disclosure Materials and Executive Summary - Within ten (10) days after written request by a Unit Owner in connection with the sale of a Condominium Unit, the Association shall furnish the statutory disclosure materials and Executive Summary upon payment by the Seller of a non-refundable document preparation fee of \$350.00.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Bylaws Article VIII, Section 8.4 (Resale Executive Summary and Disclosure Packet Fee) ([Bylaws Article VIII, Section 8.4 (Resale Executive Summary and Disclosure Packet Fee)] Charge of \$350 for Condominium Disclosure Materials and Executive Summary - Within ten (10) days after written request by a Unit Owner in connection with the sale of a Condominium Unit, the Association shall furnish the statutory disclosure materials and Executive Summary upon payment by the Seller of a non-refundable document preparation fee of \$350.00.) to conform with Wis. Stat. § 703.20(2)(b) & § 703.33(1)-(4) (Wisconsin Condominium Ownership Act - Cap on Disclosure Document Fees) and the manual attorney audit recommendations for Abbey Springs, Inc..