

RICHARDS & KIMBLE

A PROFESSIONAL LAW CORPORATION
 2040 E MURRAY HOLLADAY
 RD, STE 102
 SALT LAKE CITY, UTAH 84117
 (801) 274-6800

www.utahhoalawyer.com
 Your Attorneys for a
 Healthier HOA

For a Healthier HOA

Is Your Association in Shape?

Answer These Questions and See!

Key Issues:

- Turnover from Developer
- Governing Documents
- Enforcement
- Fines/Unpaid Assessments
- Renters
- Reserves
- Board Meetings
- Annual Meetings

Turnover from Developer:

- Did you receive all financial information and bank statements?
- Did you receive your Tax ID number?
- Did you receive a file of enforcement actions?
- Did your developer under estimate the assessment amount?
- Any outstanding bills from the developer's building activities?

Your Governing Documents:

- Have your documents been professionally reviewed in the last 10 years?
- What Utah law(s) apply to your association?
- Do your documents contain discriminatory language? If so, what are the consequences?
- Are your documents hard to read and confusing?

Enforcement:

- Do you now want to enforce after a history of non-enforcement?
- Has the defense 'selective enforcement' come up when you have threatened enforcement action?
- Can the Association cure a violation and charge the cost back to the owner?
- Do your documents provide for attorney fees if you prevail in enforcing?

Renters:

- Are you concerned about too many renters?
- Do you know of any remedies to help curtail rentals?
- Do you understand what "single family" means, as likely contained in your governing documents?

Reserves:

- Do you have 'adequate reserves' for long term maintenance items?
- Do you know the difference between a 'capital improvement' and a 'general repair' item?
- When was your last reserve study conducted?

Board Meetings:

- Do you know whether you can use proxies at Board meetings?
- Do you know when you can/cannot convene into executive session?
- Do you know whether owners can participate in Board meetings?
- Are owners permitted to video or audio record Board meetings?

Annual Meetings:

- Do you have an established date for annual meetings?
- Do you know how to properly use 'mail in ballots,' 'proxies,' or 'absentee ballots'?
- Do you know what notice is required for annual meetings?
- Do you have rules of procedure to manage meetings?



Is Your Association Keeping Fit?

Fines/Unpaid Assessments:

- Do you have fining authority in your governing documents?
- Do you know if you can rely on a statute for fining?
- Do you know if your fining procedure complies with the law?
- Do you have a uniform and systematic collection policy?
- Do your documents provide for late fees, interest, and attorney fees in case of a collection matter?