



5:01 PM



Messages (3)

HOA President

Edit

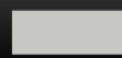
March 11, 2017, 3:30 PM

We have a member who is months late on dues. Can we stop providing his services until he pays?

No, then you are both in breach of contract. You should continue to provide the services and proceed with the designated method of collections.



3:32 PM



Messages (3)

HOA Board Member

Edit

March 11, 2017, 3:30 PM

What is the best way to enforce bylaws and covenants against renters who aren't following them?

Any action should be taken against the owner of the property who can then, in turn, enforce them against the renter or take care of the issues himself.



7:03 PM



Messages (3)

HOA President

Edit

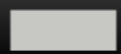
March 11, 2017, 9:30 PM

We want to change our bylaws, but we are unsure of the procedure. What should we do?

The Articles of Incorporation (the charter) or the bylaws themselves should lay out the correct procedure. If they don't, T.C.A. Section 48-60-201 - 206 will likely determine the correct procedure.



5:01 PM



Messages (3)

HOA Board Member

Edit

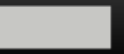
March 11, 2017, 3:30 PM

How should we handle HOA members that constantly want to see our financial records and other documents?

All HOA members are entitled to see the governing documents, minutes, and financial information. If the frequency of requests is an issue, then set up rules and regulations regarding specific times when these documents are available. Make sure those rules are accommodating enough for anyone interested to have access.



5:01 PM



Messages (3)

Homeowner

Edit

March 11, 2017, 11:00 PM

I'm a couple of months late on my dues and the HOA is threatening to put a lien on my house. Can they do that? 😞

Yes. It appears they have given you notice. If you don't make arrangements to cure the debt, then the HOA has the right to place a lien against your house.



5:01 PM



Messages (3)

Homeowner

Edit

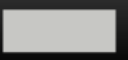
March 11, 2017, 11:30 PM

My HOA says I have to take down my signs supporting candidates in an upcoming election. Isn't this a violation of free speech?

Both the federal and Tennessee constitutions protect against government restrictions on freedom of speech. However, an HOA is a private entity that you voluntarily became a member of. These safeguards do not apply.



5:01 PM



Messages (3)

HOA President

Edit

March 11, 2017, 3:30 PM

Can the city assume responsibility for private streets and detention/retention ponds?

No, the city cannot assume responsibility for something it does not own.

To: wkline@hdclaw.com
From: Concerned HOA member
Subject: Attracting Board Members

Wayne,

No one wants to step up to be on the board. How can we induce or encourage people to take responsibility and serve on the board? What kinds of incentives can we offer? Payments? Reduced dues? Please help.

Sincerely,

Concerned Board Member

To: Concerned HOA member
From: wkline@hdclaw.com
Subject: Re: Attracting Board Members

HOA Member,

Many governing documents contain provisions that prohibit offering compensation to board members. However, there is no law which forbids it outside of such documents. A reduction in HOA fees is inadvisable as it would essentially create two classes of members. Bear in mind that if your bylaws do prohibit paying board members, they can usually be changed by 2/3 of the members or sometimes more depending on the provisions.

Sincerely,

Wayne Kline

To: wkline@hdclaw.com
From: Concerned HOA member
Subject: Honoring old contracts

Dear Wayne,

Our old board left us in a mess with some of the contracts they agreed to. Now that they are all off the board, do we have to continue to honor the illegal/inappropriate contracts they entered into? How do we get out of these?

Sincerely,

Concerned HOA Member

To: Concerned HOA member
From: wkline@hdclaw.com
Subject: Re: Attracting Board Members

Dear Concerned Member,

First, understand that if a contract is actually for something illegal, it will never be enforceable. If you just feel like the former board got you less than ideal terms, then you are still bound by the contract. If you suspect that there was some type of fraud involved in the contract or if the agreement is so disproportionate that it couldn't be considered legitimate, it may not be binding. You should talk to an attorney before simply breaching the contract.

Sincerely,

Wayne Kline

To: wcline@hdclaw.com
From: Concerned HOA member
Subject: HOA engaging in litigation

Dear Wayne,

A developer is putting a new development near our community. It is going to diminish our property values and change our way of living. We were told this would not happen! Is there anything we can do as an HOA to combat this? Can we spend HOA money in trying to stop this?

Sincerely,

Concerned HOA Member

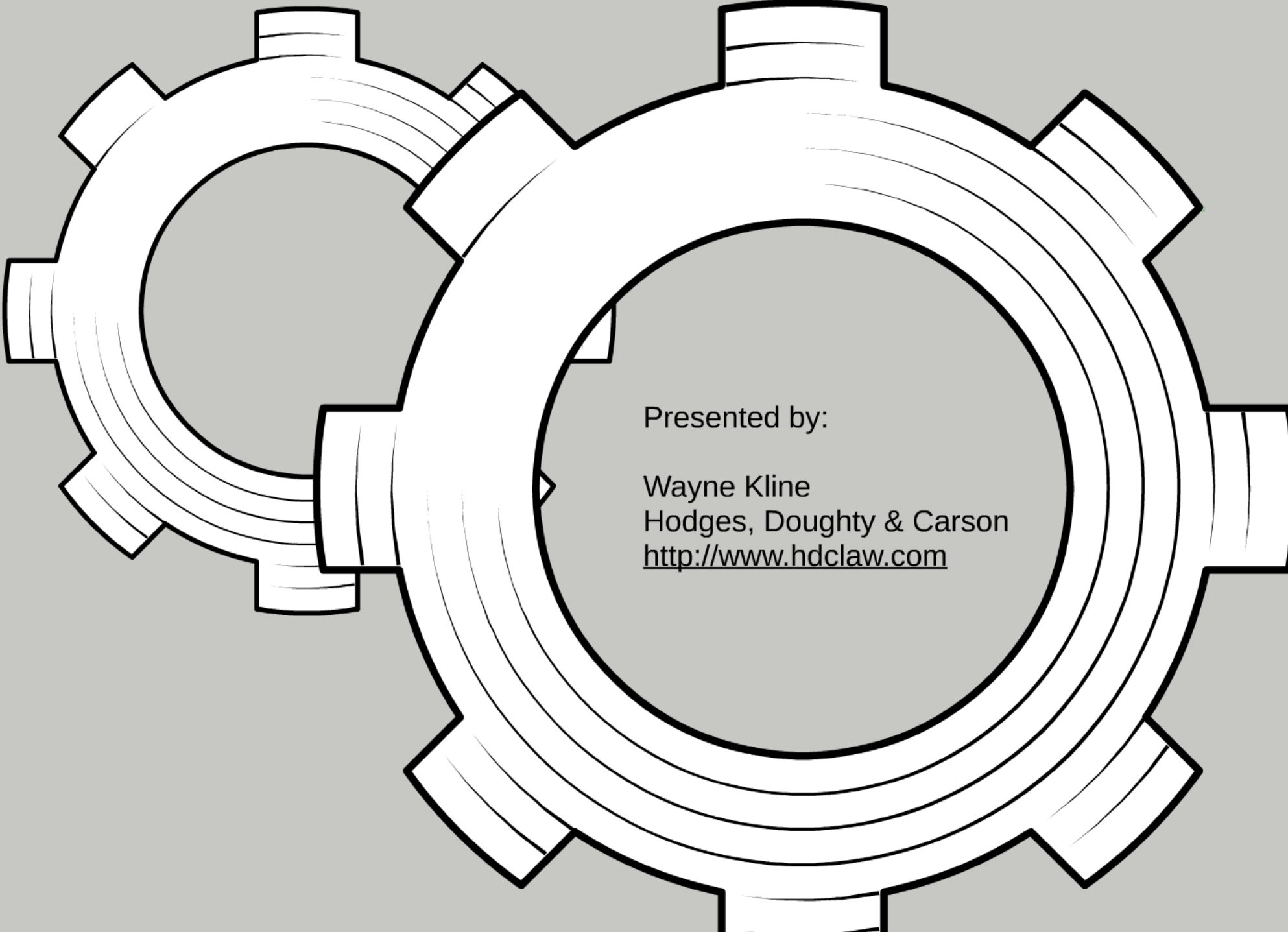
To: Concerned HOA member
From: wcline@hdclaw.com
Subject: Re: HOA engaging in litigation

Dear Concerned Member,

Whether or not you can actually stop it is a very difficult question to answer. If the developer is doing something inappropriate, you may be able to stop the development. Whether or not the HOA can act as an entity for this purpose will depend on the bylaws and charter. Under current corporation law and proposed HOA legislation, this is an appropriate action for an HOA to take.

Sincerely,

Wayne Kline



Presented by:

Wayne Kline
Hodges, Doughty & Carson
<http://www.hdclaw.com>

homeowners or HOA Boards s

Nothing in this presentation should be construed as offering legal advice. The questions are fictional and have been designed to facilitate conversation during a live presentation.

al advice. The questions are
ive presentation.

Homeowners or HOA Boards should contact a knowledgeable attorney in the event of a legal dispute.



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wkline@hdclaw.com