

# Moving Forward with your Community Association

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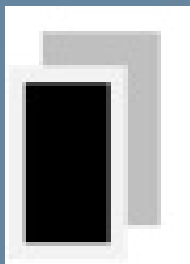
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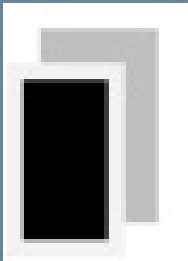
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**Legal Service for Community**



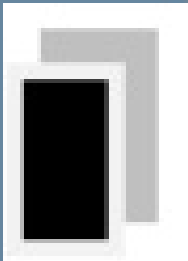
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# Common Areas and Covid: Then and Now

- Being aware of gov't/CDC requirements, suggestions
- Insurance coverages
- Waiver/Indemnification
- Minimum health, safety, and cleaning policies



# The dangers of a one sided story



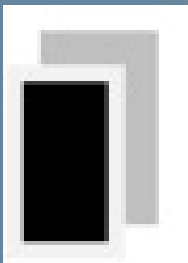


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# Dispute Resolution – Non-judicial remedies

- Enforcement/Resolution begins before closing
- Room for honest disagreement
- Structuring discussion to remove conflict
- Structuring procedures to remove conflict
- Getting ready for difficult conversations
- Informal mediation
  - Going it alone
  - Taking another with you
- What do the covenants/bylaws say?
  - HOA authority (ARC, generally, specifically, fees)
  - Due process (time, en banc; appeals)
- Formal mediation
- Binding arbitration



# Fairness, Legalities of Assessments/Dues Collections

- The account amount; SoL; Bankruptcy; FDCPA
- Consistent application/procedures
- Late fees; interest
- Uniform invoicing and collections; title company
- Lien practice
- Oklahoma Housing Finance Authority dues assistance program



# Assessment Liens

- Uniform application
- NOT MMLs – do not have to foreclose within one year
- Filed with county clerk
- “continuing lien” language
- Title company contact
- No agent signature without a LPOA filed with the lien

# HOA/Condo & Foreclosures

- Properly executed lien: owner-Lot-Unit info, real debt, signature?
- Petition and Summons
- Answer/Cross-claims
- Bankruptcy?
- Will the HOA recover debt/fees?
- Don't expect nothing and don't accept legal advice from non-lawyers

# Dispute Resolution – Judicial Remedies

- Demand letter – always give an opportunity
- Penalties: no vote, no common area
- Monetary Fines/Specific/Individual Assess.
- Small Claims Court
  - Collections, recovery of books and records
  - Amounts under \$10,000.00
  - Attorney’s fees limited
- District Court
  - Collections under \$10,000 (CS court)
  - Collections over \$10,000 (CJ court)
  - Injunctions, damages
  - Declaratory actions
- Attorney’s fees

# Better Communications in Community Associations

- HOA to the title company
- Board use of electronic notice, ballots, proxies, voting, meeting
- “Civility” n., Formal politeness and courtesy in behavior and speech.
- Social media opportunities

# HOA/Condo Resources

## **The Oklahoma Community Association Handbook.**

Matthew Winton has authored Oklahoma's book on HOA/Condo law, now in its 3<sup>rd</sup> Edition. Contact [office@thompsonwinton.com](mailto:office@thompsonwinton.com) to obtain a copy.

## **Free YouTube HOA/Condo training from Matthew Winton.**

HOA/Condo video training and workshops at no cost. Search "Matthew Winton HOA" at [www.youtube.com](http://www.youtube.com)

**Matthew Winton's HOA & Condo Blog.** Articles and information provided on Matthew's blog at <https://okhoa.blogs.com>.

## **Attorney, Board Member, Realtor, and Builder Training.**

Available in-person and via video. Continuing education credits often available to participants. Contact Matthew to schedule an event.