

# Transition Issues for Oklahoma Developers

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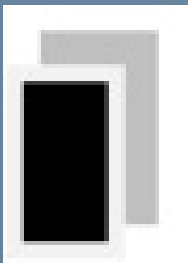
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**Legal Service for Community**

# Development Process

- Parcel selected; zoning/PUD
- HOA/Condo incorporation
- Plat then covenants recorded with County Clerk – constructive notice
- Lots sold to consumers
- Completion of common area
- Transfer of common areas/elements
- Transition of community association
- Continued operation of association

# Transition, generally

- No specific Oklahoma law governs
- Governing document language; imperative protections
- Transition starts immediately
- Common transition issues:
  - Suspicions
  - Demands
  - Confusion
  - Control
- “Best Practices Report” CAIRF.ORG

# Governing Documents

- Evolve from 3:1 voting
- Control amendments
- Split ARC/DRB and HOA control
- Use definitions
  - Class “A” & Class “B”
  - Class “B” Control Period
  - Declarant / Builder
  - Common Area
- File them before 1<sup>st</sup> Lot transfer!

# Laying the Groundwork

- Development information meetings
- Consistent messaging across website, social media, sales team
- Consistent application and interpretation of Gov Docs
- Consider a steering committee
- Tap lot owners for various tasks such as pool chair, grounds chair
- Consider third party management

# The Transfer Meeting

1. Consider the importance of the transition meeting, plan ahead
2. Check Gov Docs for ARC/DRB control, CA transfer, etc.
3. There is no 75% law in OK
4. Written notice of meeting, agenda, proxy included
5. Consider the meeting location
6. Organization of books and records

# The Transition Meeting

- Apart from the providing of information, the only agenda item at the transition meeting is the election of the HOA board.
- There is no “We will elect only when Declarant does...”
- Ghost ship analogy

# Post-Transition Meeting

- Continued opportunity for customer service
- Declarant/team in the best position to assist board or 3<sup>rd</sup> party management
- Completion of common areas
- Maintain relationship conducive to remaining lots sales/building



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## **HOA/Condo Resources**

- [okhoa.blogs.com](http://okhoa.blogs.com)
- You Tube Channel: Search Winton Law HOA (subscribe to receive notifications of new videos)
- [www.wintonlaw.net](http://www.wintonlaw.net)
- Facebook: Winton Law
- 3<sup>rd</sup> Edition Oklahoma Community Association Handbook