

# Legal Issues for Oklahoma Community Associations

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**ENA Neighborhood Summit**

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**Legal Service for Community**

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# Speaker Profile



Matthew L. Winton is a founding partner of the Vaughn, Winton & Clark law firm. Matthew is a member of the American, Texas, and Oklahoma Bar Associations.

**Contact.** Matthew may be contacted at his Oklahoma office at 405.478.4818, or via email at [mlw@vaughnandwinton.com](mailto:mlw@vaughnandwinton.com). He published the Oklahoma Community Association Handbook, Second Edition, and hosts a blog on community association issues at [www.okhoa.blogs.com](http://www.okhoa.blogs.com).

**Statement of Practice.** Matthew represents real estate developers, both newly formed and firmly established condominium and homeowner associations, and real property owners in all matters of community association governance and law. Throughout his practice, Matthew has advised and represented over one hundred community associations and currently acts as general counsel to dozens of community associations.

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# Topics:

1. Amendment of Governing Documents
2. Association Taxation
3. Law Update
4. Conflict Resolution
5. Collecting Assessments
6. Enforcing Covenants
  - Structural Restrictions
  - Use Restrictions



# Amendment of Governing Documents

- Does sufficient support exist?  
Survey.
- Are volunteers willing to work?
- Is amendment limited by percentage of approval? Time?
- 11 O.S. 42-106.1
- Sex offender restrictions and the “daycare quandary”

# Taxation

- IRC 528
- Form 1120H/990EZ
- March 15 filing deadline
- Can choose graduated tax scale or flat 30%
- Excellent immunities for filing under 1120H

# Community Association Law Update

- **FHA Regulations**
  - Condominium projects must reapply for approval
  - Project as a whole to be approved rather than “spot” approval
  - Lenders should give assistance to HOA in completing application

# Conflict Resolution

- Clear, up-front communication
- Room for honest disagreement
- Informal Mediation
- Binding arbitration
- Penalties: no vote, no common area
- Monetary Fines
- Small Claims Court
  - Collections of assessments and fines
  - Amounts under \$6,000.00
- District Court
  - Injunctions, damages
  - Declaratory actions (honest disagreement)

# Collecting Assessments

- Periodic review of amount
- Consistent application of interest
- Uniform invoicing and collections; title company contact
- Systematic preparation and filing of liens
- Small claims actions
- Foreclosure of liens



# Structural Restrictions

- Structural restrictions pertain to types or quality of structures:
  - Square footage of dwelling
  - Type of shingle
- Administered by Board or ARC
- Enforced by fine or injunction



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# Use Restrictions

- Govern the use one may make of their Lot
  - Occupancy restrictions
  - Parking guidelines
  - Decorations
- Administered by Board
- Enforced by fine or injunction



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# Oklahoma Community Association Handbook, 2<sup>nd</sup> Ed.

*The Oklahoma Community Association Handbook, Second Edition* is a unique resource available for those living in, working for, or thinking about Oklahoma community associations. Written by Matthew L. Winton, an attorney who devotes his practice to community association law and issues, the Handbook provides an excellent guide to associations for residents, board members, attorneys, realtors, and others. You may order yours today by calling 405.478.4818 or emailing [mlw@vaughnandwinton.com](mailto:mlw@vaughnandwinton.com). The Second Edition of the Handbook contains over four hundred pages of useful commentary, Oklahoma law, and forms. The soft-back book may be purchased for \$64.95.

## **Handbook Table of Contents**

**CH. 1 – Forms of Community Associations**

**CH.2 – Condominiums**

**CH.3 – Homeowners Associations**

**CH.4 – Declaration of CCRs**

**CH.5 – Associations and Incorporation**

**CH.6 – By-laws of the Community Association**

**CH.7 – Association Boards; Operation & Management**

**CH.8 – Committees within the Association**

**CH.9 – Association Meetings**

**CH.10 – The Architectural Review Committee**

**CH.11. – Reserves and Capital Improvements**

**CH. 12 – Association Taxation**

**CH.13 – Developer Transition**

**CH.14 – Conflict Resolution**

**CH.15 – Special Issues: Leasing; Sex Offenders; Grants**

**CH.16 – Association Insurance**

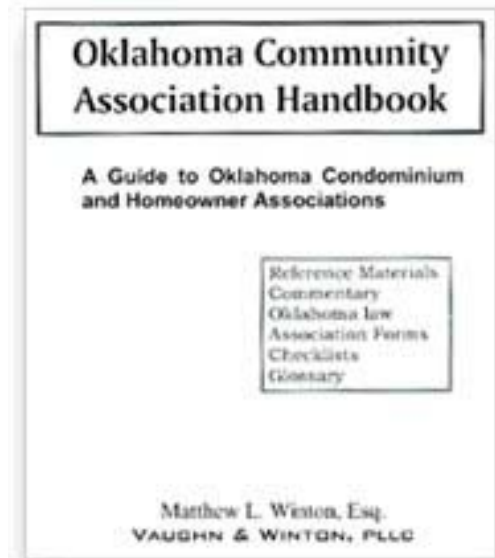
**App.1 – Glossary**

**App.2 – County Clerk Information**

**App.3 – Statutes and Case Law**

**App.4 – Forms**

**App.5 - Checklists**



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