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Community Associations Overview and Problem Solving

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OVERVIEW

Characteristics of a Community Association

Owner:

- Pay Assessments
- Have to comply with restrictions designed to enhanced property values/quality of life
- Belong to a community association
- Shared legal interest with other owners in common areas



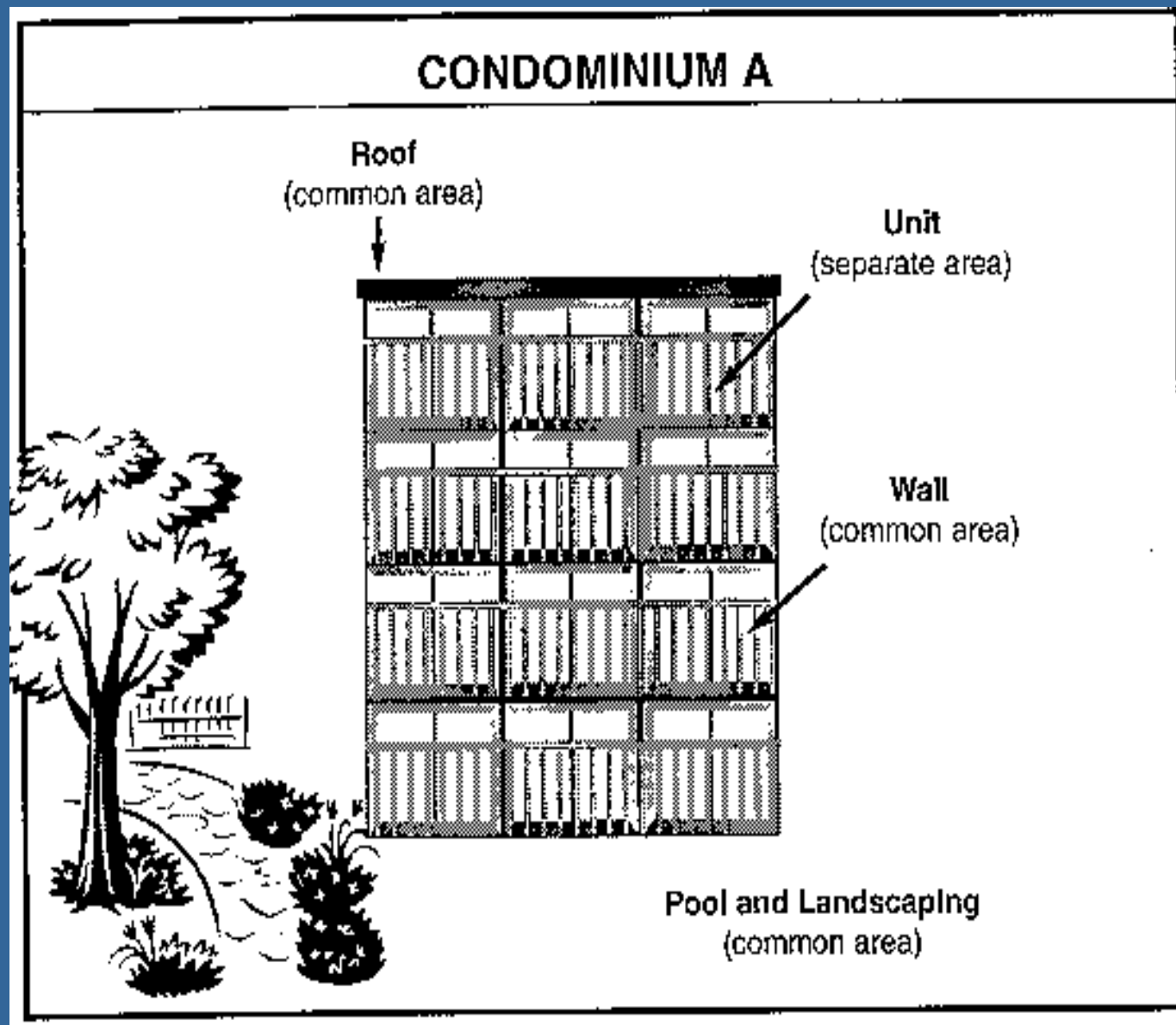
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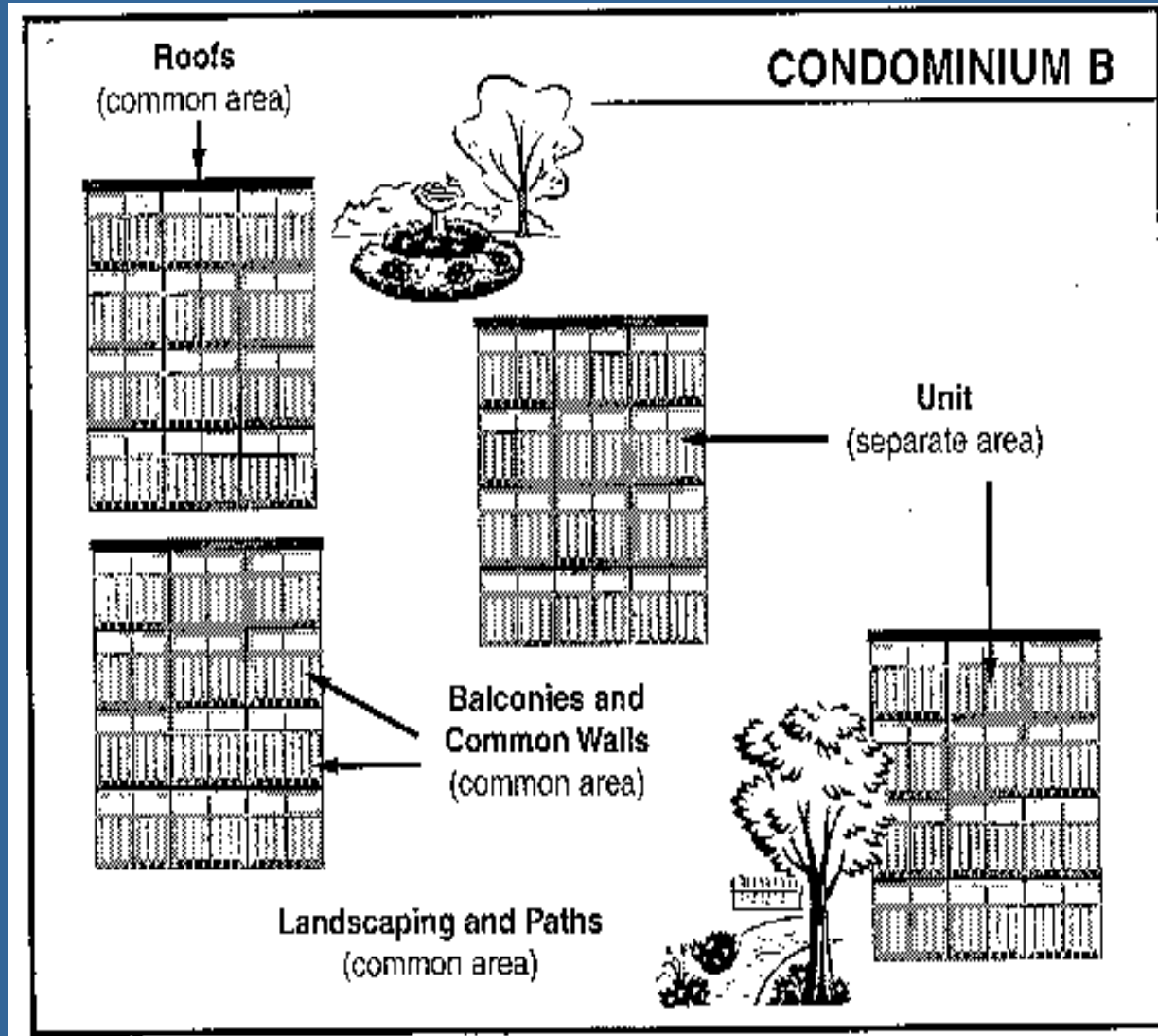
COMMON INTEREST COMMUNITIES

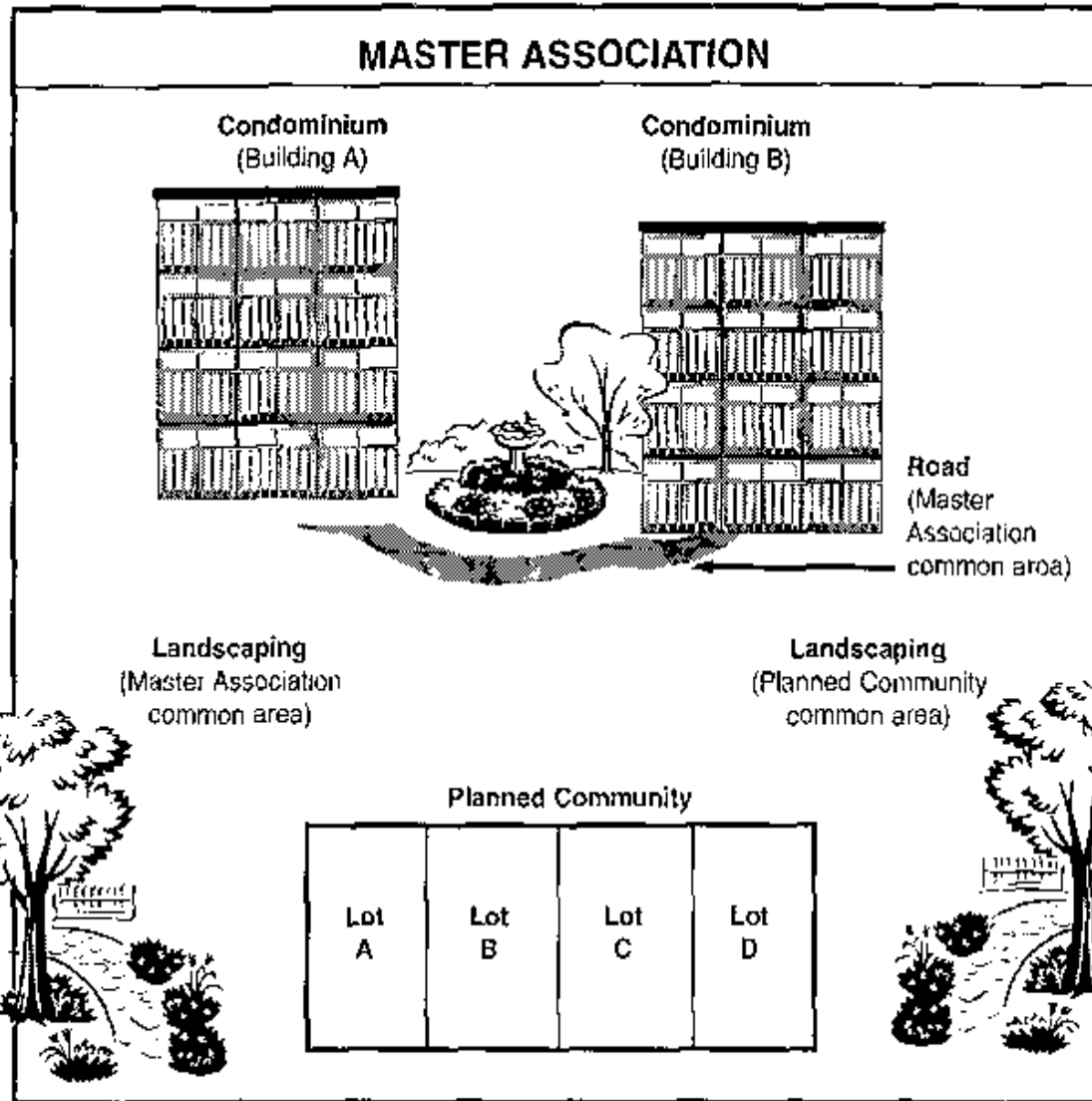
- **Condominium**
- **Cooperative**
- **Planned community**
- **Master association**



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LEGAL FOUNDATION

Governing Documents

Condominiums/Planned & Master Communities:

- Declaration/CCRs
- Plat/Survey Map & Plans
- Articles of Incorporation
- Bylaws
- Book of Resolutions/House Rules



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LEGAL FOUNDATION

Governing Documents

Cooperatives:

- **Proprietary Lease or Occupancy Agreement**
- **Other documents:**
 - **Deed (condominiums/planned communities)**
 - **Public Disclosure Statement/Resale Certificate (condominiums)**
 - **Share or stock certificate (cooperatives)**



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ROLES IN ASSOCIATIONS

- Developer/Declarant
- Owners
- Board Members
- Officers
- Committees



ROLES IN ASSOCIATIONS

Developer/Declarant:

- Creates the community
- Prepares governing documents
- Creates initial budget, keeps books & records
- Appoints initial board that runs the association until transition to the owners



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ROLES IN ASSOCIATIONS

Owners

- Owner Rights:
 1. Electing Board
 2. Amending Governing Documents
 3. Approving certain assessments/increases
- Owner Obligations
 1. Obey the governing documents
 2. Pay assessments



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ROLES IN ASSOCIATIONS

Board Members

- Responsibility:
 1. Manage the Association
 2. May delegate responsibility to others (e.g., committees, managers, professionals, etc.)
- Scope of Authority:
 1. What is board permitted to do?
 2. What is it required to do?
 3. What is it forbidden to do?
- Fiduciary Duty



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ROLES IN ASSOCIATIONS

Board Members

- President
- Vice-President
- Secretary
- Treasurer



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ROLES IN ASSOCIATIONS

Committees

- Standing v. Ad Hoc
- Advisory v. Authority to Act on Behalf of Association
- Membership



Problem Solving

1. Identify the scope of the problem.
2. Determine who has the authority and obligation to act.
3. Consider approaches and resources; formulate and implement the plan.
4. Communicate the plan.
5. Monitor and evaluate the plan.



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IDENTIFY THE SCOPE OF THE PROBLEM

- Roof
- Pipes



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DETERMINE WHO HAS THE AUTHORITY AND OBLIGATION TO ACT

- Pipes
 - Declaration
 - Bylaws
- Roof
 - Declaration
 - Bylaws



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CONSIDER APPROACHES & RESOURCES; FORMULATE & IMPLEMENT THE PLAN

- Roof
- Assessments
 - Who has authority?
 - What are the procedures?



COMMUNICATE THE PLAN

- Roof
 - What? When? How?
- Pipes
 - What? When? How?
- Assessments
 - What? When? How?



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MONITOR & EVALUATE THE PLAN

- Short-term
 - Replace roof
- Long-term
 - Maintenance plan