

5 REASONS TO UPDATE YOUR GOVERNING DOCUMENTS

1. Get Rid of Obsolete Language. Documents prepared by the original developer of a project usually contain many provisions of interest only to the developer; for instance, provisions allowing a sales office on the property and requiring special dispute resolution procedure for complaints against the developer. Once the developer has sold out the property and left, such language is irrelevant.

2. Conform to Current State Law. To be an effective management tool the governing documents must accurately reflect current state law, so that the board and management can be properly informed of their duties and obligations relating to operation of the association. California law on homeowner associations changes with each session of the legislature. Governing documents that have not been amended for a number of years may seriously mislead the board and manager as to their legal obligations relating to the association.

3. Correct Ambiguous or Inconsistent Language. Where it is unclear from the language what is expected of the association or its members, the governing documents are failing to carry out their intended purpose. Such ambiguities and inconsistencies will make enforcement difficult and have the potential to result in extended disputes between the association and its members. Furthermore, such language will often require advice from legal counsel as to how to deal with it.

4. Reflect Modern Developments and Technology. Many things which are rapidly becoming commonplace in today's world are not addressed in older documents. These include such things as home offices, satellite dishes, solar energy systems and electric vehicle charging stations. New governing documents will assist the association in dealing with and regulating the new technology and new ways of doing business.

5. Learn from Experience. As time goes by, most associations will discover matters that are not adequately addressed in the governing documents or which could be better addressed in a different manner. Such things as allocation of maintenance responsibilities, payment of insurance deductibles, lease restrictions, pet restrictions, vehicle and parking restrictions may need to be revised or adjusted to reflect the past experiences of the association.

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