

ECHO
ANNUAL SEMINAR
SAILING INTO SAFE HARBOR

**BOARD MEMBER
LEGAL BASICS**

Presented by
William A. Gillis, Esq.
Lanahan & Reilley LLP

June 18, 2005

ECHO ANNUAL SEMINAR

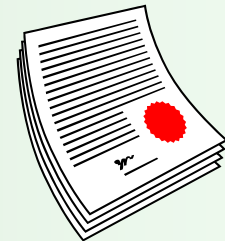
■ LEGAL FRAMEWORK

– LAWS

- STATUTES
- CASE LAW



– GOVERNING DOCUMENTS



ECHO ANNUAL SEMINAR

STATUTES

CALIFORNIA:

- DAVIS-STIRLING
- CORPORATIONS CODE
- VEHICLE CODE, ETC.

FEDERAL

FCC

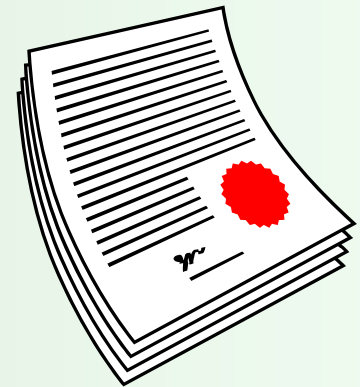
CASE LAW



ECHO ANNUAL SEMINAR

■ GOVERNING DOCUMENTS

- ARTICLES
- BYLAWS
- DECLARATION (CC&RS)
- RULES



ECHO ANNUAL SEMINAR

■ ARTICLES

- BIRTH OF THE ASSOCIATION
- DETERMINES ORGANIZATIONAL STYLE
- LIABILITY SHIELD



ECHO ANNUAL SEMINAR

■ **BYLAWS**

- **OPERATING PROCEDURES**
- **BOARD AUTHORITY**
- **MEETING REQUIREMENTS**



ECHO ANNUAL SEMINAR

■ DECLARATION

(CC&RS)

- RESTRICTIONS
- ASSESSMENTS
- ENFORCEMENT



ECHO ANNUAL SEMINAR

■ RULES

- AUTHORITY
- PROCEDURAL RULES
- MEMBERS' RIGHT TO RESCIND



ECHO ANNUAL SEMINAR

DOES STYLE MATTER?

CONDOMINIUMS

**PLANNED
DEVELOPMENTS**



ECHO ANNUAL SEMINAR

CONDOMINIUMS

ATTACHED UNITS

UNIT AND COMMON AREA

**MEMBERS OWNS A UNIT AND
RIGHT TO COMMON AREA**

**ASSOCIATION OWNS AND/OR
MAINTAINS BUILDINGS AND ALL
LANDSCAPING**



ECHO ANNUAL SEMINAR

PLANNED DEVELOPMENTS

**LOTS AND COMMON AREA
(TOWNHOUSE)**

**MEMBER OWNS A LOT AND THE RIGHT
TO THE COMMON AREA**

OWNER MAINTAINS HOME AND LOT

**ASSOCIATION OWNS AND/OR
MAINTAINS THE COMMON AREA.**

ECHO ANNUAL SEMINAR

■ ASSOCIATION

- **NONPROFIT CORPORATION OR UNINCORPORATED ASSOCIATION CREATED FOR THE PURPOSE OF MANAGING A COMMON INTEREST DEVELOPMENT.**

[CC§1351(a)]

ECHO ANNUAL SEMINAR

- **OPERATING A CID**
 - **MAINTENANCE**
 - **ENFORCEMENT**
 - **FINANCES**
 - **MEETINGS / ELECTIONS**
 - **DISCLOSURES / RECORDS**

ECHO ANNUAL SEMINAR

■ MAINTENANCE

- COMMON AREA
- EXCLUSIVE USE AREA
- SEPARATE INTERESTS



ECHO ANNUAL SEMINAR

■ ENFORCEMENT

– DISPUTE RESOLUTION

- RESTRICTIONS
- ASSESSMENTS

– PROCEDURE

- MEET AND CONFER
- ALTERNATIVE DISPUTE RESOLUTION (ADR)



ECHO ANNUAL SEMINAR

■ FINANCES

- ANNUAL REQUIREMENTS
- STATUTORY LIMITS



ECHO ANNUAL SEMINAR

■ MEETINGS / VOTING

- REGULAR & SPECIAL
- EXECUTIVE SESSIONS
- OPEN MEETING ACT
- VOTING



ECHO ANNUAL SEMINAR

- DISCLOSURES / RECORDS



BOARD MEMBER BASICS

