

Condominium Legal Document Review©

for

[Condominium Name]

A+ Service for our A+ Client:



The Condominium Legal Document Review©

[Condominium Name]

Category	Points	Possible Points
I. Corporate Status/Governance		
A. Articles of Incorporation/Annual Reports		15
B. Association Meetings		5
C. Board Meetings		5
D. Finances		10
<i>Subtotal</i>	<hr/>	<hr/>
	0	35
II. Declaration & Bylaws		
A. Declaration		20
B. Plat		5
C. Bylaws		150
<i>Subtotal</i>	<hr/>	<hr/>
	0	175
III. Rules and Regulations		
A. Committees		15
B. Policies & Codes of Conduct		25
<i>Subtotal</i>	<hr/>	<hr/>
	0	40
Total Score	----->	<hr/>
		250

I. Corporate Status/Governance (20 points) Articles of Incorporation/Annual Reports

A. Articles of Incorporation / Annual Reports

#	Issue	Yes	No	Points	Possible Points
1	Is the Association current on filing all required annual reports?				2
2	Is there a statement in the Articles that it is incorporated under Ch. 181?				1
3	Contain the word "corporation", "incorporated", "company" or "limited" or the abbreviation "corp.", "inc.", "co." or "ltd."				1
4	Are the Articles silent on action by written consent or change the 80% requirement?				1
5	Are the Articles silent on cumulative voting?				1
6	Are the Articles silent on limit proxy voting?				1
				0	7

B. Association Meetings

#	Issue	Yes	No	Points	Possible Points
1	Has the Association held an annual meeting each year of its existence?				2
2	Does the Association take and maintain minutes of all Board and Unit Owner				2
				0	4

C. Board Meetings

#	Issue	Yes	No	Points	Possible Points
1	Does the Association have 3 or more directors?				1
				0	1

D. Finances

#	Issue	Yes	No	Points	Possible Points
1	Does the Association have financial statements for the past 7 years?				1
2	Does the Association have a Disclosure Form that includes the following:				3
3	Has your Executive Summary been updated for the 2018 amendments?				2
				0	6

TOTAL SCORE FOR CORPORATE STATUS / GOVERNANCE

0 18

II. Declaration & Bylaws (120 points)

A. Declaration

#	Issue	Yes	No	Points	Possible Points
1	Is the word "condominium" in the name of the association or follow the name?				1
2	Is there a clear definition of what is the "unit." Does it include drywall, windows?				2
3	Do the percentage interests add up to 100%?				2
4	Does the Declaration have a statement of the purposes for which the building and each of the units are intended and restricted as to use?				1
5	Did the Developer build all of the common elements and amenities referenced in the Declaration?				1
6	Does insurance language require full replacement value of all of the common elements, LCE and units (Not personal property of owners)?				3
				0	10

B. Condominium Plat

#	Issue	Yes	No	Points	Possible Points
1	Does the Condominium Plat contain the following:				1
2	Does the number of units in the Declaration match the Condominium Plat?				1
3	Did the Developer build all of the common elements and amenities shown on the Plat?				1
				0	3

C. Bylaws

i. General Provisions

#	Issue - Do the Bylaws:	Yes	No	Points	Possible Points
1	State when annual meetings are to be held?				1
2	State notice and time for Special Meetings of unit owners?				1

3	State notice and time for Special Board Meetings?				1
4	Allow for Special Assessments?				2
5	Allow the Association to specially assess without first depleting the reserves?				2
				0	7

ii. Insurance

#	Issue	Yes	No	Points	Possible Points
1	Do the Bylaws require the Association to carry D&O Insurance?				2
2	Do the Bylaws require the Association to carry Fidelity (Crime) Insurance?				1
3	Do the Bylaws require the Association to carry Workers Compensation Insurance?				1
				0	4

iii. Restrictions

#	Issue	Yes	No	Points	Possible Points
1	Do the Bylaws limit the use of a unit to residential purposes?				1
2	Have all discriminatory provisions been removed from the Decs and Bylaws?				1
4	Do the Decs or Bylaws contain a rental cap?				2
5	Do the Bylaws require all leases to contain a provision allowing for rent diversion?				1
6	Do the Bylaws or Declaration ban hazardous substances on the property?				2
				0	7

iv. Mortgages

#	Issue	Yes	No	Points	Possible Points
1	Do the Bylaws require an owner to advise the Association of the name and amount of the mortgage?				2
				0	2

v. Members and Voting

#	Issue	Yes	No	Points	Possible Points
1	Do the Bylaws contain a quorum requirement of 1/3 of the owners or less for member meetings?				2
2	Is the standard form proxy for the annual meeting & upcoming year?				1
3	Do the Bylaws permit electronic voting? Electronic proxies?				1
4	Are at least 1/3 of the directors elected each year?				2
				0	6

vi. Board of Directors / Officers

#	Issue	Yes	No	Points	Possible Points
1	Do the Bylaws set forth requirements for qualifications to serve as a director?				1
2	Do the Bylaws prohibit more than one person from a unit from serving on the Board at the same time?				2
3	Do the Bylaws contain a provision regarding the filling of vacancies on the board of directors?				2
4	Do the Bylaws contain a quorum requirement for board meetings?				1
5	Do the Bylaws set forth notice provisions regarding board meetings?				1
6	Has the Board adopted by resolution or do the Bylaws require that some form of parliamentary procedure be followed at all meetings?				1
7	Do the Bylaws specify that the Board can meet via conference call or video				1
				0	9

vii. Finances/Inspections

#	Issue	Yes	No	Points	Possible Points
1	Do the financial statements show year to date versus the last two years and the budget?				1
2	Does the Association have a recorded Statutory Reserve Account Statement?				2
				0	3

viii. Amendment Issues

#	Issue	Yes	No	Points	Possible Points
1	Can developer unilaterally amend the Bylaws or Declarations?				1

2	Does amendment of the Declarations require at least a 2/3's vote of unit owners?				1
3	Is the developer liable and responsive for all assessments?				1
				0	3

ix. Budgets

#	Issue	Yes	No	Points	Possible Points
1	Does the association annually adopt and distribute to all owners an annual budget?				2
2	Does the budget list every anticipated association expenditure?				1
				0	3

x. Arbitration

#	Issue - Do the Bylaws or Declaration:	Yes	No	Points	Possible Points
1	Do the Bylaws or Declarations require binding arbitration?				0
2	Does the Association have to pay all of the arbitrator fees?				2
3	Can you arbitrate foreclosure cases?				1
4	Must all claims against the Association be brought within 1 year?				1
				0	4

xi. Default

#	Issue	Yes	No	Points	Possible Points
1	Do the Bylaws allow for the Association to recover the attorney's fees?			0	2
2	Do the Bylaws or Rules allow a fine to be assessed daily for continuing violations?				2
3	Do the Bylaws or Rules allow for a hearing before an independent Grievance Committee to contest a fine passed by the Board?				2
				0	6

xii. Assessment Collection

#	Issue - Do the Bylaws:	Yes	No	Points	Possible Points
1	Do the Bylaws or Rules set forth a compound interest rate for delinquent accounts?				2
2	Do the Bylaws or Rules set forth a late fee if payments are not made timely?				2
3	Do the Bylaws prohibit unit owners who have a recorded lien from voting?				1
4	Do the Bylaws prevent a delinquent unit owner from utilizing amenities?				1
5	Do the Bylaws prevent a delinquent owner from seeking election on Board?				2
6	Do the Bylaws require any delinquent owner to resign from the Board or as Officer?				2
				0	10

TOTAL SCORE FOR BYLAWS				0	64
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III. Rules and Regulations (20 points)

A. Committees

#	Issue	Yes	No	Points	Possible Points
1	Does the Association have an Insurance Committee?				2
2	Does the Association have a Grievance Committee?				2
				0	4

B. Policies & Codes of Conduct

#	Issue	Yes	No	Points	Possible Points
1	Does the Association have a Code of Conduct that addresses the following issues:				2
2	Does the Association have a Collection Policy?				3
				0	5

TOTAL SCORE FOR RULES AND REGULATIONS				0	9
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