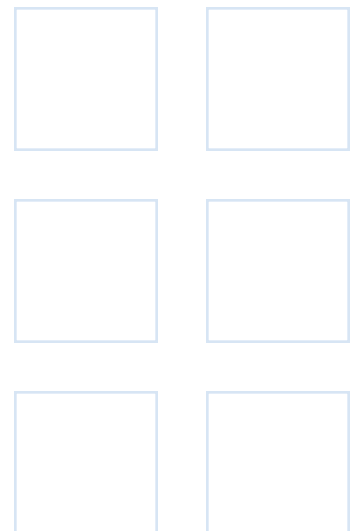




Davis-Stirling.com[®]

Governing Documents

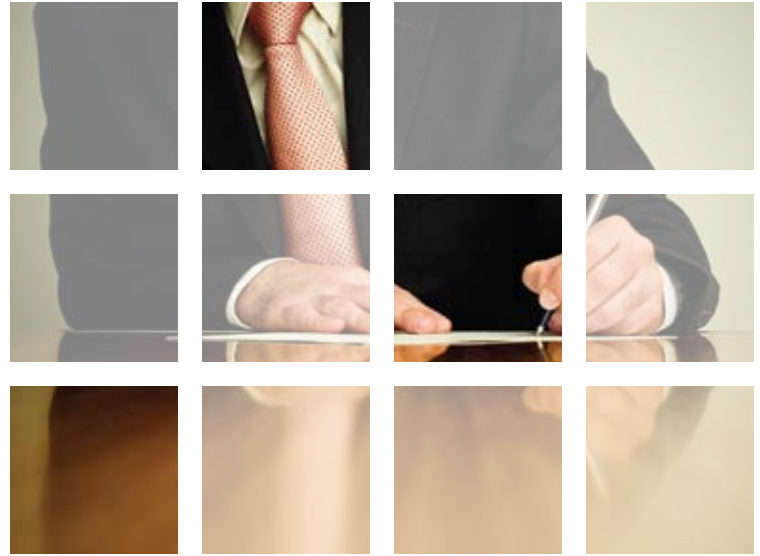
**AMENDMENTS,
RESTATEMENTS,
DRAFTING & ADVICE**



Advertisement by **AdamsKessler PLC**

CC&Rs

In an effort to keep pace with a growing body of HOA law as well as practical issues involving maintenance and operations, associations periodically amend their CC&Rs. Complete restatements (replacing an old set with a new set) generally occur every 10-20 years.



Our CC&R RESTATEMENTS include the following:

- elimination of declarant provisions;
- elimination of obsolete and unenforceable provisions;
- updated insurance provisions;
- water damage and mold provisions;
- prohibitions against aggressive dogs;
- rental restrictions and occupancy standards;
- clearly defined maintenance responsibilities;
- updated financial policies and procedures; and
- new assessment collection procedures.

CC&R Amendments

If your association does not need a complete restatement, we can draft amendments to cover specific issues.



Fixed Fee. We will restate your CC&Rs and bylaws for a fixed fee that includes a complete rewrite of your documents, a meeting with your membership to explain the changes and answer questions, preparation of the ballot and voting instructions, and recording of the restated CC&Rs.



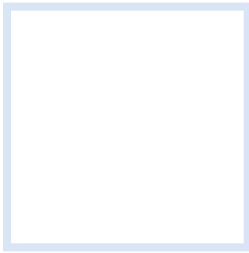
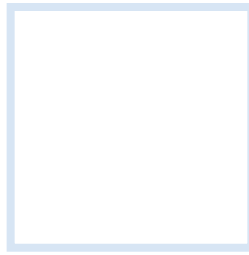
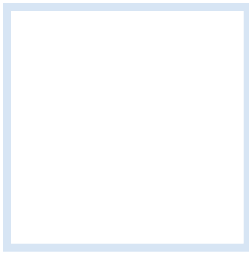
Bylaws Included. At no additional expense, we include a complete restatement of your bylaws to provide a matched set of documents, thereby eliminating any conflicts between the CC&Rs and bylaws. The bylaw restatement is described on the next page.



Court Approval. The Davis-Stirling Act recognizes the difficulty in obtaining membership approval. It allows associations to go into court and seek judicial approval if more than 50% of the membership approved an amendment or restatement. If needed, we can prepare the petition and present the matter to the court for approval. This service is not included in the restatement fee and is priced separately.



Bylaws



Election Amendments

For associations that do not need a complete bylaw restatement, we offer a package of election-related amendments at an affordable fixed fee.

Our BYLAW RESTATEMENTS provide associations with tools for smoother day-to-day operations. Bylaw restatements are included with the CC&Rs at no additional expense. Depending on the needs and desires of your association, our restated bylaws may:

- eliminate cumulative voting to make elections more closely conform to public election models;
- eliminate quorum requirements for the election of directors to eliminate wasted time and money sending out pleas for member participation and holding multiple meetings;
- eliminate or redefine the role of nominating committees to avoid conflicts with statutory self-nomination requirements;
- add 2-year staggered terms to create continuity and stability on the board;
- add director qualifications requiring that each candidate for the board be an owner in good standing, not in litigation with the association, etc; and
- add due process procedures for rules violation hearings.

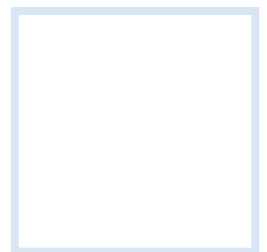


Election Rules



Our election rules integrate provisions from your existing CC&Rs and bylaws, while incorporating new statutory requirements. We provide them at a very affordable fixed fee. Our election rules include the following:

- nomination procedures;
- candidate qualifications;
- methods for selecting inspectors of elections;
- rules regarding access to association media during campaigns;
- rules regarding access to common area meeting space during campaigns;
- secret balloting procedures;
- tie vote procedures;
- a sample ballot; and
- a sample self-nomination form.



Rules & Regulations



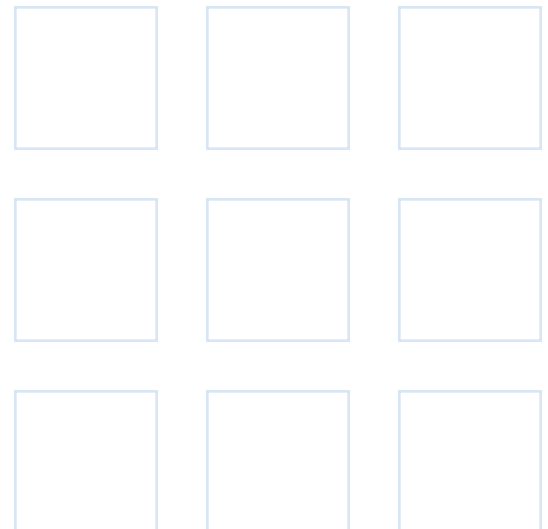
We can draft rules and regulations for your association, or revise existing rules to:

- (i) remove illegal, discriminatory and unenforceable provisions;
- (ii) add provisions for smoother operation of the association;
- (iii) update penalty provisions for continuing violations and provide for suspension of privileges;
- (iv) add due process procedures; and
- (v) add formatting for ease of rule enforcement procedures.

Articles of Incorporation

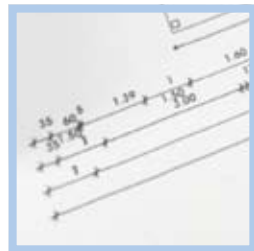
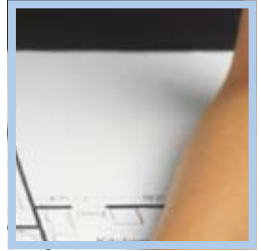
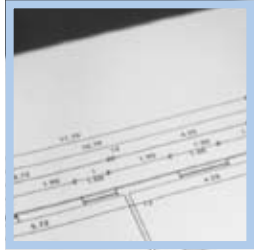
To better protect against liability, unincorporated associations can become non-profit, mutual-benefit corporations. We provide Articles of Incorporation that:

- (i) identify the corporation as an association formed to manage a common interest development under the Davis-Stirling Common Interest Development Act;
- (ii) state the business office of the association; and
- (iii) state the name and address of the association's managing agent, if any.



Architectural

Standards



We can draft architectural standards, remodeling agreements, redecorating agreements, and contractor rules for your association.

Depending on your association's needs, our documents include policies and procedures for:

- plan submittals
- appealing committee decisions
- security deposits
- building permits
- demolition
- damage to the common areas
- trash and debris disposal
- diligent construction
- contractor licensing and insurance
- acoustical standards
- plumbing standards
- electrical and structural standards
- inspection and enforcement

The Adams Kessler Difference



Documents prepared by Adams Kessler are distinctive. Our documents are known for their clarity, their use of plain English, and their practical approach to problems. Following are some of the benefits of Adams Kessler documents:

- detailed table of contents together with paragraph headings throughout for ease of finding provisions;
- elimination of repetition and internal conflicts;
- compliance with applicable statutes; and
- practical operational provisions.

With offices in Los Angeles, San Francisco, Sacramento and San Diego, we provide document services to associations throughout California.

For questions or a **quote** on any of the services we provide, please contact us at info@davis-stirling.com

