



## **Procedures When Amending Association Documents**


### **By Associated Property Management**

Out of necessity, due to the current financial mess, more and more associations are realizing that their documents are inadequate and that they require changes in order to combat successfully the new challenges facing community associations today.

When an association is interested in amending its governing documents (Declaration, Bylaws and Articles of Incorporation), the Board of Directors should contact its attorney to discuss same. Only an experienced attorney who specializes in Community Association law should draft any proposed amendments for your association. The reason you want an experienced attorney to draft your amendments is due to the fact that someday they may have to defend or litigate these amendments. Once the proposed amendments are drafted, approved by the Board of Directors they should be mailed or delivered to each member of the Association for review and a vote.

Some associations are allowed to take a written vote in lieu of a meeting and others require members to cast their vote in person and/or by proxy at a duly called meeting. Your association attorney will be able to review your association's governing documents to determine your association's specific requirements. Those requirements should be located within the governing document itself, which should be consistent with the provisions of Chapter 718, 719 or 720 Florida Statutes, whichever applies to your association (Condominium, Cooperative or Homeowners).

If the governing documents fail to provide a method of amendment, they may be amended upon approval of the amendment by the owners of not less than two-thirds of the voting interests at a duly called meeting. The full text of the specific provisions to be amended must be included with new words underlined and words to be deleted shown by strikethrough text (strike). If the change is too extensive and would hinder, rather than assist, the understanding of the proposed amendment it is not necessary to use underlining and strikethroughs as indicators of words added or deleted, but, instead, a notation can be inserted immediately preceding the proposed amendment in essentially the following language: "Substantial rewording of Section... See Section... for present text."

Once the membership has approved an amendment, the Board of Directors signs a Resolution adopting the amendment and has the Resolution, along with the amendment recorded in the Official Records of the county where the property lies.  Associated Property Management

Amendments to the governing documents become effective upon recording in the public records. Next time your community association is contemplating amending your documents, review this procedure to help the process along.

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