

June 28, 2010

Carriage Crossing HOA
c/o Star Property Mgmt.
P.O. Box 772
Warrington, PA 18976

Re: Opinion Regarding Amending Rules and Regulations of the Association

Dear Bruce:

Pursuant to your request, you, on behalf of the Board, requested a legal opinion as to the process and requirements for revising the Rules and Regulations for the Association. After review of your email, the Declaration, Bylaws and the current Rules and Regulations, my opinion is as follows:

On page 8 of the Bylaws, Article VII grants the Executive Board certain powers. Section 1(A) states:

“(the Board shall have power to) establish uniform Rules and Regulations governing the use of the Common Elements and lots, and personal conduct of the Members and their guests thereon, and to establish penalties for the infraction thereof.”

Additionally, on page 3 of the Declaration under definitions, Rules and Regulations are defined as follows:

“Rules and Regulations means such rules and regulations as are promulgated by the Executive Board from time to time, with respect to various details of the use of all or any portion of the Property, either supplementing or elaborating upon the provisions in the Declaration or the Bylaws.”

Carriage Crossing HOA
Page Two
June 29, 2010

Also, on page 13 of the Declaration, under Article VII, Section 7.2, the language again presumes that the Board adopts the Rules and Regulations:

“The violation of any Rules and Regulations adopted by the Executive Board.....”

Through these three provisions in the governing documents, it is clear that the Board has the authority to promulgate the Rules and Regulations, and therefore has the authority to revise them as they deem necessary without consent or vote from the membership.

Your request also stated the method of how the board, by process, can amend the Rules and Regulations. Page 10 of the Bylaws under Article VII, Subsection 2 (H) states that:

“(it is the duty of the Executive Board to) adopt and follow procedures for adoption and publication of Executive Board resolutions and Rules and Regulations”

Therefore, the Board must adopt a procedure for how it wishes to promulgate and revise the Rules and Regulations. Since this request has been submitted, I assume that to date, no formal procedure has been adopted.

If that is the case, I would suggest that the Board deal with any revisions to the Rules and Regulations at its regular meeting, by vote, as it does for other miscellaneous matters. You may additionally wish to formally adopt a procedure for dealing with such matters, such as formally placing it on the agenda for the next Board Meeting, and requiring an affirmative vote of the majority of the Board (as you may already be doing now, but just formally clarifying that this is how you wish to deal with these matters in the future).

If you would like to discuss this matter in greater detail, kindly contact my office.

Very truly yours,



RONALD C. ISGATE