

HB1043_L.012

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Local Government & Housing.

HB25-1043 be amended as follows:

- 1 Amend reengrossed bill, page 3, line 11, before "(3)" insert "(1)(f)(III.5)
2 and".
- 3 Page 3, line 13, strike "(3) NOTWITHSTANDING" and substitute "(1) (f) In
4 determining reasonable attorney fees pursuant to this subsection (1)
5 relating to an association's foreclosure of a lien against a unit owner for
6 unpaid assessments, the court shall give consideration to all relevant
7 factors, including:
8 (III.5) WHETHER THE ASSOCIATION INCURRED INFLATED OR
9 DUPLICATIVE ATTORNEY FEES DUE TO A STAY IN COURT PROCEEDINGS
10 PURSUANT TO SUBSECTION (3) OF THIS SECTION FOR THE ASSOCIATION TO
11 COME INTO STRICT COMPLIANCE WITH APPLICABLE LIEN OR FORECLOSURE
12 PROVISIONS OF THIS TITLE 38;
13 (3) NOTWITHSTANDING".
- 14 Page 3, lines 17 and 18, strike "THIS SECTION AND".
- 15 Page 3, line 19, strike "38 OR OTHER APPLICABLE LAW, THE" and substitute
16 "38 AND ANY APPLICABLE LIEN OR FORECLOSURE PROVISIONS OF THE
17 ASSOCIATION'S".
- 18 Page 3, line 20, after the period add "IN ADDITION, IF A COURT
19 DETERMINES THAT A COMMON INTEREST COMMUNITY IS NOT IN STRICT
20 COMPLIANCE WITH THE LIEN OR FORECLOSURE PROVISIONS OF THIS TITLE
21 38, THE COURT MAY STAY THE PROCEEDINGS TO GRANT THE ASSOCIATION
22 A REASONABLE PERIOD OF TIME TO COME INTO STRICT COMPLIANCE WITH
23 THE LAW. DURING THE STAY IN PROCEEDINGS, THE ASSOCIATION SHALL
24 NOT ASSESS OR ACCRUE LATE FEES, INTEREST, OR OTHER DELINQUENCY
25 CHARGES AGAINST THE UNIT OWNER."

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