

119 (7) The provisions of this section apply regardless of when the association's first  
120 governing document was recorded.

121 (8) (a) Subject to Subsection (8)(d), if an association fails to comply with a provision of  
122 Subsections (1) through (4) and fails to remedy the noncompliance during the 90-day period  
123 described in Subsection (8)(d), a lot owner may file an action in court for:

124 (i) injunctive relief requiring the association to comply with the provisions of  
125 Subsections (1) through (4);

126 (ii) \$500 or actual damages, whichever is greater; or

127 (iii) any other relief provided by law.

128 (b) In an action described in Subsection (8)(a), the court may award costs and  
129 reasonable attorney fees to the prevailing party.

130 (c) Upon motion from the lot owner, notice to the association, and a hearing in which  
131 the court finds a likelihood that the association has failed to comply with a provision of  
132 Subsections (1) through (4), the court may order the association to immediately comply with  
133 the provisions of Subsections (1) through (4).

134 (d) At least 90 days before the day on which a lot owner files an action described in  
135 Subsection (8)(a), the lot owner shall deliver a written notice to the association that states:

136 (i) the lot owner's name, address, telephone number, and email address;

137 (ii) each requirement of Subsections (1) through (4) with which the association has  
138 failed to comply;

139 (iii) a demand that the association comply with each requirement with which the  
140 association has failed to comply; and

141 (iv) a date by which the association shall remedy the association's noncompliance that  
142 is at least 90 days after the day on which the lot owner delivers the notice to the association.

143 Section 3. Section **57-8a-228** is enacted to read:

144 **57-8a-228. Liability of declarant -- Period of administrative control.**

145 (1) An association may not, after the period of administrative control, bring a legal  
146 action against a declarant, a board of directors, or an employee, an independent contractor, or  
147 the agent of the declarant or the previous board of directors, ~~H~~→ [the] ←~~H~~ related to the period of  
148 administrative control unless:

149 (a) the legal action is approved in advance at a meeting where owners of at least 51%