

Part 5 Association Board

57-8a-501 Board acts for association.

Except as limited in a declaration, the association bylaws, or other provisions of this chapter, a board acts in all instances on behalf of the association.

Enacted by Chapter 152, 2013 General Session

57-8a-502 Period of administrative control.

- (1) Unless otherwise provided for in a declaration, a period of administrative control terminates on the first to occur of the following:
 - (a) 60 days after 75% of the lots that may be created are conveyed to lot owners other than a declarant;
 - (b) seven years after all declarants have ceased to offer lots for sale in the ordinary course of business; or
 - (c) the day the declarant, after giving written notice to the lot owners, records an instrument voluntarily surrendering all rights to control activities of the association.
- (2)
 - (a) A declarant may voluntarily surrender the right to appoint and remove a member of the board before the period of administrative control terminates under Subsection (1).
 - (b) Subject to Subsection (2)(a), the declarant may require, for the duration of the period of administrative control, that actions of the association or board, as specified in a recorded instrument executed by the declarant, be approved by the declarant before they become effective.
 - (c) During a period of administrative control, except as provided in Subsection (2)(a), a declarant may appoint the declarant's officers, employees, or agents as members of the board.
- (3)
 - (a) Upon termination of the period of administrative control, the lot owners shall elect a board consisting of an odd number of at least three members, a majority of whom shall be lot owners.
 - (b) Unless the declaration provides for the election of officers by the lot owners, the board shall elect officers of the association.
 - (c) The board members and officers shall take office upon election or appointment.

Amended by Chapter 210, 2016 General Session