

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%