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Common Terms and Abbreviations For Community Associations

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Common Terms

Action: Lawsuit; the legal demand for one's right asserted in a court.

Answer: The pleading in which the defendant states his or her position concerning the plaintiff's allegations and sets forth the grounds of his or her defense.

Architectural Control: A power of the association to restrict the types of structures, alterations, or improvements permitted on property in the development and to require the prior approval of the board of directors before they are made.

Articles of Incorporation: Documents filed with the Secretary of State creating an association. Typical articles specify the purposes and authority of the association, what officers it has, and similar terms.

Assessments: An amount of money levied by an association on its members for the maintenance and upkeep of the association and its property. Also commonly known as "association dues." Assessments can also include any interest or late fees due on unpaid assessments as well as penalties or fines for violations of association rules or covenants.

Attorney's Opinion Letter: A letter drafted by an attorney in response to a client's request in which the attorney provides a legal opinion.

Board of Directors: The governing body for a corporation.

Bylaws: The operating rules of a corporation (i.e., association) which regulates such matters as the election of directors, quorums and proxies, the conduct of meetings, and other things related to the operation of the association. Bylaws are often subject to modification by the board of directors or by a vote of the membership of the association.

CCIOA: Colorado Common Interest Ownership Act; C.R.S. 38-33.3-101, et. seq.

CC&R's: Covenants, conditions, and restrictions as set forth in the association's governing documents. Also referred to as the "Declaration."

Common Area: The portion of a project which is owned in common by the owners of individual units/lots in the project (e.g., condominiums). The common area may also be owned by the homeowners association to which all of the owners belong (e.g., townhomes and single family).

Common Element: In a condominium, a common element is all portions of the condominium other than the units. In a planned community, a common element is any real estate within the community owned or leased by the association and is not a unit. See also Common Area.

Common Interest Community: This refers to a condominium or planned unit development in which there are individual owners of units or lots who also own some portion of the project in common, usually referred to as the common area or common elements.

Complaint: The first pleading by the plaintiff in a civil action setting forth his or her claims.

Condemnation: The process of taking private property for public use through the power of eminent domain. Property owners must be given just compensation for the property.

Condominium: A real estate ownership arrangement whereby each owner has sole title to the interior of his or her individual unit while all owners together share common title to the common areas or common elements.

Condominium Association: A property owners association governing one or more condominiums but no other kinds of subdivision.

Contempt Citation: A process where the court orders a party to appear before it to explain why the party refused to comply with the court's previous order.

Counterclaim: A claim asserted by a defendant against the plaintiff in the course of a suit instituted by the plaintiff - in essence, a counter-lawsuit within a lawsuit.

Covenant: A promise in writing to do something or to refrain from doing something. The association's governing documents govern the rights and responsibilities of individual owners within a common interest community.

Covenant Running with the Land: A written recorded promise stating on its face it is appurtenant to a particular parcel of real property. The covenant is said to run with the land because it remains with the property whenever the property is conveyed from one owner to the next.

Civil Law: That body of law dealing with the enforcement of civil rights as distinguished from criminal law

Compensatory damages: Damages such as will fully compensate the injured party for his loss.

Declarant: The entity or person who causes a declaration to be recorded, usually the property subdivider or developer.

Declaration: A document filed in the real property records of the county in which the community is located, which creates the common ownership of common areas and defines the covenants, conditions, use restrictions, access agreements, insurance requirements, the rights of members, and the powers and authority of the association, the board of directors, and the architectural control committee. The declaration also describes the processes for amending the association document and assessing and collecting fees. All owners of units within a community association are subject to the provisions of the declaration by virtue of their ownership of a unit within the property. No specific act of assent or acceptance is required and therefore no owner can avoid being subject to the provisions of the declaration.

Deductible: The portion of any insurance claim that must be paid by the insured before the insurance begins to pay per the policy. Deductibles are typical in all types of property and casualty insurance, but the amounts vary.

Default: A failure to do what should be done, i.e., when a defendant doesn't plead within the time allowed or fails to appear for trial.

Default judgment: A judgment against a defendant who does not respond to the lawsuit in time can be filed by the plaintiff. This judgment has the same effect as a judgment after a trial.

Defendant: The person(s) against whom an action is brought by plaintiff; the party who is sued.

Deposition: Testimony of a witness other than that given in open court, recorded and sworn to for use at trial.

Dues: See assessments.

Duty: That obligation to act or refrain from acting on which one legally owes to another.

Easement: A right giving its owner the use of the property of another or the right to limit another's use of his own property.

Equity: The money value of property or an interest in property in excess of claims or liens against it.

Exhibit: A paper or article submitted in a court or produced during a trial or hearing and formally made a part of the record.

Fine: A forfeiture or sum of money imposed as a punishment for an offense. In addition to monetary fines, penalties may include the suspension of voting rights or the denial of membership privileges including use of the common area.

Foreclosure: The legal process of selling the property of a debtor in order to satisfy a debt from the proceeds of the same. There are various types of foreclosure proceedings, but all involve the action of a court to authorize and conduct the sale by the county sheriff or other court-appointed official. Common interest owner associations may have the right to foreclose upon a unit in the property to recover unpaid assessments.

Garnishment: A proceeding whereby a debtor's money or property held by another party is applied to the payment of the debt.

Jurisdiction: The authority by which the courts and judicial officers act.

Garnishee: A party upon whom a judgment creditor has served a Writ of Garnishment because the garnishee holds assets. Typically garnishees are employers or banks.

Homeowners Association: An association of owners who must comply with the requirements set forth in the Declaration, including the need to pay assessments if the association is one which requires mandatory assessments.

Injunction: A prohibitive remedy issued by a court forbidding or restraining a party from doing some act or requiring them to do some act.

Interrogatories: Written questions posed by one party and served on another who must answer them in writing under oath – a form of discovery to enable the party posing the questions to prepare for trial.

Judgment: The official decision setting forth the rights and obligations of the parties to an action who have litigated and submitted their dispute for determination. Following a jury trial, it is the official record of the jury's verdict.

License: The permission by competent authority to do an act which, without such permission, would be illegal, trespassing, or a tort. Also, a permit granted by an appropriate governmental body to a person, firm, or corporation to pursue some occupation or to carry on some business subject to regulation.

Lien: A claim upon the property of a debtor as security for a debt. A lien is a legal right of a creditor to force the sale of property of a debtor to satisfy a debt. Most governing documents provide that the association automatically has a lien against any unit for the value of any unpaid assessments. To actually collect the money, the association must foreclose the lien through the courts, and recover the unpaid assessments from the proceeds of the sale of the property.

Limited Common Area: A part of the common area which is reserved for the exclusive use of an individual unit owner. Exterior decks are the most common example. Though reserved for the use of a specific unit, they are nonetheless part of the common area and may be maintained by the association.

Limited Common Elements: See Limited Common Area

Lis Pendens: A notice of pending suit involving property, which discloses that there is a dispute as to ownership.

Lot: A single parcel of real estate described on a PUD.

Master Association: A property owners association with overall supervisory responsibility for two or more association subdivisions.

Map: A written representation in the declaration showing in three dimensions the boundaries of the units within a common interest community. A map must be filed in the county in which the community is located. A plat and a map may be combined into one document. See also Plat.

Officer: A member of the Board of Directors that holds a position requiring additional responsibilities (e.g., president, secretary or treasurer).

Plaintiff: A person who brings a civil action; the party who complains or sues.

Planned Unit Development (PUD): A development plan complying with local ordinances permitting waiver of normal zoning requirements. Proposed PUDs generally are reviewed by local zoning authorities.

Plat: A land survey in two dimensions giving the legal descriptions of pieces of property by lot, street, and block numbers. Once a plat is set, legal descriptions are defined by referring to the given map in a lot and block description.

Pleading: The process by which opposing parties alternately present their contentions in writing, each responding to the immediately preceding pleading of the other party, thereby narrowing the controversy until a single point of dispute (called the issue) emerges (e.g., complaint, answer, counterclaim, reponse, or reply).

Property Owners Association (POA): An organization established by the declaration of one or more covenanted subdivisions to regulate and provide services for those subdivisions.

Pro Se: Representing yourself in a suit.

Proxy: The authority to cast a vote for another who is not present, usually at a meeting. The right to cast votes by proxy is not automatic, but must be authorized by the governing documents of an association or by the board of directors operating under authority given by the declaration or by statute. Many declarations contemplate the use of proxies, either explicitly or implicitly.

Quorum: The number of persons who must be present in order to hold an official meeting and conduct business. In the case of an association, it is the number of units that must be represented, either in person or by proxy (if proxies are allowed) for an official meeting to be held. Quorum requirements are generally specified in the by-laws.

Restrictive Covenant: A recorded covenant or promise affecting real property, such as a covenant not to sell liquor.

Satisfaction of Judgment: A document filed with the court indicating a judgment has been paid.

Special Assessment: An assessment levied to finance a single project or undertaking. Distinguished from a regular assessment which is levied monthly or yearly to pay for regular operations of the association. Though levied only once, special assessments may nevertheless be paid in regular installments over a period of time.

Statute of Limitations: The time in which a lawsuit must be filed to be valid.

Stipulation: An agreement between opposing attorneys on any matter relating to the proceedings or trial, i.e., to extend the time of answer, to adjourn the trial date, to admit certain facts at the trial, to settle the matter, etc.

Subdivision: An identifiable piece of real property; a single estate which has been wholly divided into two or more units as part of a common plan. Subdivisions may be ruled by covenants or may be non-covenanted and may be divided by both horizontal and vertical planes (into air space blocks or into lots).

Summons: A document notifying the person named in the summons an action has been started against him or her in court and he or she is required to appear on the day named or file an answer to the complaint before a given date.

Time sharing: A generic term that includes various plans whereby different owners have exclusive use of units or parcels of real estate during different portions of the year.

Transcript: The record of proceedings in a trial or hearing.

Trial: Presentation of an action before a court under rules of evidence.

Uniform Common Interest Ownership Act: A statute which applies to common interest communities, including condominiums and a few other subdivisions and cooperatives. Colorado has adopted its own version called the Colorado Common Interest Ownership Act (CCIOA).

Unincorporated Association: A homeowners association which has been organized as an association, but has not been incorporated.

Unit: A single condominium; also used to describe any dwelling in a project, whether it is a condominium or not.

Voluntary Association: A homeowner association where the owners voluntarily pay assessments despite the fact that assessments are not required under the declaration.

With Prejudice: Applied to orders of judgment dismissing a case, meaning that the plaintiff is forever barred from bringing a lawsuit on the same claim or cause.

Without Prejudice: A claim or cause dismissed "without prejudice" may be the subject of a new lawsuit at a later date.

Abbreviations

ACC:	Architectural Control Committee
ADA:	Americans with Disabilities Act
AF:	Attorneys Fees
AG:	Attorney General
AMC:	Accredited Management Company
AMS:	Association Management Specialists
ANT:	Antenna
APL:	Association Professional Liability (insurance)
APP:	Application or Appeal
ARC:	Architectural Review Committee
ARCH:	Architectural
ARTICLES:	Articles of Incorporation
ASSN:	Association
ASSOC:	Association or Associate
ASSESS:	Assessment
ATTY:	Attorney
BD:	Board
BLDR:	Builder
BOD:	Board of Directors
BUS:	Business
CA:	Community Association or Common Area
CAI:	Community Associations Institute
CAI-SC:	Community Associations Institute - Southern Colorado Chapter
CAI-RMC:	Community Associations Institute-Rocky Mountain Chapter
CALR:	Community Association Law Reporter
CC:	Contempt Citation
CCAL:	College of Community Association Lawyers
CCIOA:	Colorado Common Interest Ownership Act
CC&R:	Covenants, Conditions, and Restrictions
CCRD:	Colorado Civil Rights Division
CE:	Common Element
CGL:	Commercial General Liability
CIC:	Common Interest Community
CID:	Common Interest Development
CMCA:	Certified Manager of Community Associations
COA:	Condominium Ownership Act
COLL:	Collection
COMM:	Committee or Commercial
CON:	Contract
CONDO:	Condominium
CONST:	Construction
CO-OP:	Cooperative
COV ENF:	Covenant Enforcement
CPA:	Certified Public Accountant
CRS:	Colorado Revised Statutes
CT:	Court
D&O:	Directors and Officers
DJ:	Default Judgment
DEC:	Declaration or Declarant
DEF:	Defendant or Defect
DEL:	Delinquency
DEV:	Developer or Development
DIR:	Director
DISC:	Discrimination

DL:	Demand Letter
DOCS:	Documents
DRC:	Design Review Committee
DUP:	Duplex
DWOP:	Dismissed Without Prejudice
DWP:	Dismissed With Prejudice
EC:	Executive Committee
E&O:	Errors and Omissions
ENF:	Enforcement
FC:	Foreclosure
FCC:	Federal Communications Commission
FDCPA:	Fair Debt Collection Practices Act
FHA:	Fair Housing Act
FHAA:	Fair Housing Amendments Act
FHLMC:	Federal Home Mortgage Corporation, also known as "Freddie Mac"
FID:	Fidelity or Fiduciary
FNMA:	Federal National Mortgage Association, also known as "Fannie Mae."
GARN:	Garnishment
GB:	General Business
GCE:	General Common Element
HO:	Homeowner
HOA:	Homeowners Association
HOPA:	Housing for Older Persons Act of 1995
HRG:	Hearing
HUD:	Department of Housing and Urban Development
INS:	Insurance
INT:	Interrogatories
JDMT:	Judgment
LAC:	Legislative Action Committee (CAI)
LAC:	Loss Assessment Coverage (for insurance)
LCA:	Limited Common Area
LCE:	Limited Common Element
LIC:	License
LIT:	Litigation
LLC:	Limited Liability Company
LTR:	Letter
MA:	Master Association
MGMT:	Management
MGR:	Manager
MIN:	Minutes
MOT:	Motion
MTG:	Meeting
NBC-CAM:	National Board of Certification - Community Association Managers
OP LTR:	Opinion Letter
O&E:	Ownership and Encumbrance
ODP:	Official Development Plan
OTARD:	Over the Air Reception Device
PCAM:	Professional Community Association Manager
PD:	Planned development
PH:	Patio Homes
P&I:	Principal and Interest
PMT:	Payment
POA:	Property Owners' Association
PROC:	Procedure or Process
PUD:	Planned Unit Development
RE:	Real Estate

RES:	Resolution or Reserves
REV:	Review
R&R:	Rules and Regulations
ROGS:	Interrogatories
RRO:	Robert's Rules of Order
RS:	Reserve Specialist
RV:	Recreation Vehicle
SA:	Special Assessment
SAT:	Satellite
S&C:	Summons and Complaint
SD:	Subdivision
SF:	Single Family
SOJ:	Satisfaction of Judgment
SOL:	Statute of Limitations
SOP:	Service of process
SOS:	Secretary of State
STIP:	Stipulation
TA:	Townhome Association
TH:	Townhouse
UCC:	Uniform Commercial Code
VA:	Voluntary Association
VAR:	Variance
VEH:	Vehicle