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ATTORNEYS AT LAW

Associations often wonder whether a husband and wife may both serve on the board of directors of the association even though the husband and wife own only one lot or unit. The same question arises when there are multiple owners of a lot or unit, regardless of the relationship between the owners. The answer to whether multiple owners of one lot or unit may serve on the board of directors is found in the association's governing documents.

If the governing documents provide that directors must be members of the association, and if the governing documents define "members" of the association to be all owners of lots or units, then all owners are eligible to serve on the board of directors. If there are multiple owners of the lot or unit, then all owners of the lot or unit would be eligible to serve on the board of directors. This would be true even though the owners of one lot or unit would only be able to cast one vote in the election of the directors.

On the other hand, if the governing documents require the owners of a lot or unit to designate a "voting owner" or "record member," and if the governing documents state that only a "voting owner" or "record member" may serve on the board of directors, only the owner of the lot or unit so designated may serve on the board of directors. In addition, the governing documents may plainly state that no more than one owner from each lot or unit may serve as a director at any one time. If this is an issue of concern to the association and not addressed in its governing documents, the association may consider amending its governing documents to make it clear that only one owner of a lot may serve on the board at any one time.

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