

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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**SENATE BILL 666*
Second Edition Engrossed 4/19/05**

Short Title: Planned Community Act Amendment. (Public)

Sponsors: Senator Hartsell.

Referred to: Judiciary II.

March 17, 2005

A BILL TO BE ENTITLED

1
2 AN ACT TO ALLOW ATTORNEYS' FEES TO BE AWARDED TO THE
3 PREVAILING PARTY IN AN ACTION TO ENFORCE PROVISIONS OF THE
4 ARTICLES OF INCORPORATION, DECLARATION, BYLAWS, OR RULES OF
5 A PLANNED COMMUNITY CREATED PRIOR TO JANUARY 1, 1999, IF
6 RECOVERY OF ATTORNEYS' FEES IS ALLOWED IN THE DECLARATION,
7 AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 47F-1-102(c) reads as rewritten:

10 "(c) Notwithstanding the provisions of subsection (a) of this section,
11 G.S. 47F-3-102(1) through (6) and (11) through (17) (Powers of owners' association),
12 G.S. 47F-3-107(a), (b), and (c) (Upkeep of planned community; responsibility and
13 assessments for damages), G.S. 47F-3-115 (Assessments for common expenses), and
14 G.S. 47F-3-116 (Lien for assessments), apply to all planned communities created in this
15 State before January 1, 1999, unless the articles of incorporation or the declaration
16 expressly provides to the ~~contrary~~-contrary, and G.S. 47F-3-120 (Declaration limits on
17 attorneys' fees) applies to all planned communities created in this State before January
18 1, 1999. These sections apply only with respect to events and circumstances occurring
19 on or after January 1, 1999, and do not invalidate existing provisions of the declaration,
20 bylaws, or plats and plans of those planned communities. G.S. 47F-1-103 (Definitions)
21 also applies to all planned communities created in this State before January 1, 1999, to
22 the extent necessary in construing any of the preceding sections."

23 **SECTION 2.** This act is effective when it becomes law and applies to
24 actions commenced on or after that date.