

BASIC COMMUNITY ASSOCIATION LEGAL DOCUMENTS

For most Common Interest Communities, the basic legal documents and the hierarchy of such documents are, as follows:

Please remember to read the individual documents for your community as they may define the hierarchy differently. Each Association is unique and must be treated accordingly.

1. Constitution of the United States & State of Nevada Constitution
2. Common Law, United States Federal and State of Nevada Laws. The Association's documents should not conflict with the laws of the land. Common, Corporate, Civil and Federal laws take precedence over the documents when there is a conflict. Individual community rules and regulations, however, may be more restrictive, i.e., cars cannot be parked on the private streets. Common laws are those which derive their authority solely from usages and customs of immemorial antiquity. It is understood and contrasted with statutory or criminal law and relates more to special or local rules and customs. Common Laws, however, cannot be inconsistent with Nevada or U.S. laws.
3. Subdivision Plat – Describes the location and nature of the common property and the individual lots.
4. Property Deeds - Comprise the individual lot deeds and the deeds to common property which give a legal description of the property.
5. The Declaration of Covenants, Conditions and Restrictions (CC&R's). The declaration is the collection of covenants issued on all property within the development and provides:
 - a. For automatic association membership of all owners and the basis for voting rights;
 - b. The obligation of each owner to share in funding the costs of association operations;
 - c. Certain restrictions (architectural control and other rules) on the use of property and the Association's enforcement power;
 - d. Sets forth the power and authority of the Association to own and maintain the common property and to make and enforce rules;
 - e. A contract which binds the owners of the individual property owners together.
 - f. Lender protections and provisions are found in this document as this is recorded against each lot in the CIC.
6. Annexation Agreements – Brings new parcels and/or lots into the community. Important document to ensure all properties and parcels are part of the CIC before litigation when their defense is that they are not part of the CIC.
7. Public Offering Statements – A document that the Developer gives to each first purchaser in the development disclosing those things that may influence the purchasing decision. Earthquake fault zones, flood planes, air traffic patterns, etc.
8. Articles of Incorporation – Creates the Association as a legal entity under Nevada State Corporate statutes and defines the broad powers and responsibilities of the Association and its members.
9. Bylaws – Normally implements, in specific detail, the provisions of the Articles of Incorporation regarding the Association operations, including the meetings and election processes, powers and duties, board meetings, committees, insurance requirements, rule making and enforcement process.
10. Rules and Regulations – Sets forth the operational powers or provisions and the use restrictions adopted by Association board. *Cannot conflict with the other governing documents.* Should further define provisions which may be unclear. (See NRS 116.31065 for Rules and what they must do or not do, etc.).