



MPHOA Policy: Charitable Contributions

July 26th, 2010

Associations are sometimes solicited by well-meaning individuals or organizations to contribute charitably for the advantage of causes that they sponsor or promote.

The Articles of Incorporation of Mountain Park Home Owners Association require of its Board of Directors to provide, inter alia, for the maintenance, preservation and operation of the Common Properties, to the exclusive benefit of the Members of Mountain Park community.

Neither the Articles of Incorporation nor the Bylaws indicate the possibility for any other destination, for the properties and funds of the Association, than the maintenance, preservation and operation of the Common Properties.

Even if the entity soliciting a charitable contribution were a Member of the Association, the purpose of the contribution cannot be, by definition, for the advantage of all or most of the Members of the Association, as otherwise it could be a cause for action by the Board and not to be relinquished to third parties, however well-meaning they be. Conversely, a devolution of funds of the Association that would not benefit all or the greatest majority of Members would be in contradiction with the scope and duties of the Association.

Moreover, causes of a charitable nature may not be shared in principle by all Members, whose beliefs and preferences would be challenged by such contributions, were they made.

The Board may therefore not contribute in any way or form any donations or liberalities of assets or funds of the Association to any charitable causes or entities.

The Board can only recommend to the Members of Mountain Park such generous behavior, as may be opportune and advisable, exclusively on a personal basis.