

Section 16. - Sample Provision Excerpt (Public Preview)

and all claims, liabilities, losses, damages, suits, judgments, fines, costs, fees, and expenses (collectively, "Claims"), arising out of or resulting from any death of or injury to persons and any loss or damage to property (except the Adjoining Lot Owner's property located in the Easement in violation hereof), or arising from any other cause whatsoever,...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 16. (p. 23): Enforcement/fining provision omits mandatory Texas Property Code § 209.006 certified mail notice, 30-day Board hearing request window, or HB 614 recorded fine schedule requirements.

Statutory / Legal Reference: Tex. Prop. Code § 209.006, § 209.0061 & § 209.007

Statutory Comparison: Under Tex. Prop. Code § 209.006 and § 209.007, an association may not levy a fine or suspend an owner's right to use a common area unless it first gives written notice by certified mail describing the violation, providing a reasonable period to cure (if curable and not a repeat violation within 6 months), and stating that the owner may request a hearing before the Board on or before the 30th day...

CURRENT WORDING IN DOCUMENT:

and all claims, liabilities, losses, damages, suits, judgments, fines, costs, fees, and expenses (collectively, "Claims"), arising out of or resulting from any death of or injury to persons and any loss or damage to property (except the Adjoining Lot Owner's property located in the Easement in violation hereof), or arising from any other cause whatsoever,...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

and all claims, liabilities, losses, damages, suits, judgments, fines, costs, fees, and expenses (collectively, "Claims"), arising out of or resulting from any death of or injury to persons and any loss or damage to property (except the Adjoining Lot Owner's property located in the Easement in violation hereof), or arising from any other cause whatsoever, in connection with any operations...