

Section Clause #1 - Sample Provision Excerpt (Public Preview)

I145-2014125024-
STATE OF TEXAS
COUNTY OF MONTGOMERY
RESTRICTIONS AND COVENANTS
ARROWHEAD LAKES SUBDIVISION
AMENDED OCTOBER 11, 2014

ISSUE #1 Montgomery County Development Corporation as the previous owner in fee simple of that certain subdivision known as Arrowhead Lakes Subdivision in Montgomery County, Texas has by document luly recorded in the Deed...

MARKUP #1 ->



MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. Clause #1 (p. 1): Potential Issue for Review: Governing document bundle authorizes fines but lacks or fails to reference the mandatory recorded Enforcement Policy & Schedule of Fines required by Tex. Prop. Code § 209.0061 (HB 614) - look for this language in other governing documents, standalone policies, or amendments that were not included in this review.

Statutory / Legal Reference: Tex. Prop. Code § 209.0061 (HB 614)

Statutory Comparison: Effective January 1, 2024, HB 614 enacted Tex. Prop. Code § 209.0061, requiring every subdivision HOA with fining authority to adopt, record, and post/distribute an enforcement policy that enumerates each general category of restrictive covenants for which the association may assess a fine and a specific schedule of fines for each category.

CURRENT WORDING IN DOCUMENT:

I145-2014125024- STATE OF TEXAS COUNTY OF MONTGOMERY RESTRICTIONS AND COVENANTS ARROWHEAD LAKES SUBDIVISION AMENDED OCTOBER 11, 2014
Whereas, Montgomery County Development Corporation as the previous owner in fee simple of that certain subdivision known as Arrowhead Lakes Subdivision in Montgomery County, Texas has by document luly recorded in the Deed...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

First look for this language in other governing documents, standalone policies/resolutions, or amendments not included in this review. If not already addressed in another document (and if applicable to this community), incorporate: Adopt, record in the county real property records, and post on the Association website a compliant Fining & Enforcement Policy containing the schedule of fines by...