

Section IV - Sample Provision Excerpt (Public Preview)

Flag Poles

A maximum of two (2) flagpoles per model home site, per builder will be allowed to display a U.S. flag, a Texas flag, or builder flag.

The flagpole should be one-piece construction of brushed anodized aluminum not to exceed thirty-five

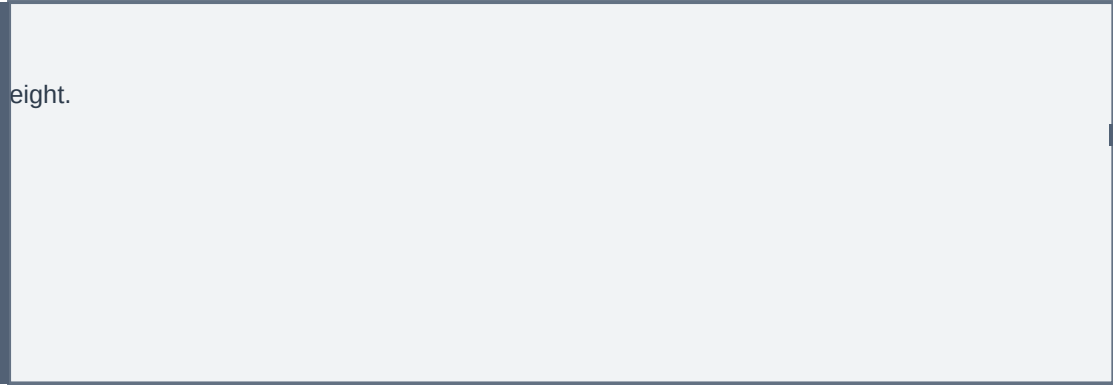
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CM

ISSUE #1

CM

feet (35') in height.



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. IV (p. 27): Flag or flagpole restriction conflicts with statutory protections for U.S., Texas, and Armed Forces flags and 20-foot flagpoles under Tex. Prop. Code § 202.012.

Statutory / Legal Reference: Tex. Prop. Code § 202.012

Statutory Comparison: Under Tex. Prop. Code § 202.012, a property owners' association may not enforce or adopt a provision that prohibits the outdoor display of the flag of the United States of America, the flag of the State of Texas, or an official or replica flag of any branch of the U.S.

CURRENT WORDING IN DOCUMENT:

Flag Poles A maximum of two (2) flagpoles per model home site, per builder will be allowed to display a U.S. flag, a Texas flag, or builder flag. The flagpole should be one-piece construction of brushed anodized aluminum not to exceed thirty-five O CM O CM feet (35') in height.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

MODEL HOMES/MODEL HOME PARK A. Model Home Layout 1. Modifications Realizing that model homes will function as sales offices, modifications to the finished product that would actually be sold is expected. However, Builders are expected to emulate as closely as possible the end product that a consumer can expect to receive. Before sale by the builder, all modifications must be removed and the unit...