## Section 9.5.3.2 - Sample Provision Excerpt (Public Preview)

withatanding the foxegoing, before the first annual meeting of the Declarant may, with the written consent of any Institutional Lender of any Unit which would be without the consent of any Owner) amend this Declaration, Map, Bylaws, and any other Exhibits attached hereto, which amendments nay includo by waya of example, but not be limited to, those...

ISSUE #1

MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

**Sec. 9.5.3.2 (p. 20): Declaration amendment provision requires 90% approval, which is overridden and capped at 67% of total allocated votes by Tex. Prop. Code § 209.0041(h-1).**

**Statutory / Legal Reference: Tex. Prop. Code § 209.0041(h)-(h-1)**

Statutory Comparison: Under Tex. Prop. Code § 209.0041(h) and (h-1), a residential subdivision declaration may be amended only by a vote of 67 percent of the total votes allocated to property owners in the property owners' association; if the declaration contains a lower percentage, that lower percentage controls, and if the declaration specifies a percentage higher than 67%, the statutory 67% ceiling overrides the...

CURRENT WORDING IN DOCUMENT:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

**withatanding the foxegoing, before the first annual meeting of the Declarant may, with the written consent of any Institutional Lender of any Unit which would be without the consent of any Owner) amend this Declaration, Map, Bylaws, and any other Exhibits attached hereto, which amendments nay includo by waya of example, but not be limited to, those made pursuant to Sections 1.**