

Section 1 - Sample Provision Excerpt (Public Preview)

Denton County
Juli Luke
County Clerk
Instrument Number: 162334
ERecordings-RP
MISCELLANEOUS

ISSUE #1 Recorded On: November 28, 2022 10:49 AM

Number of Pages: 33
" Examined and Charged as Follows: "
Total Recording: \$154.00
***** THIS PAGE IS PART OF THE INSTRUMENT *****
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Record and Return To:
Corporation Service Company
File Information:
Document...

MARKUP #1 ->



MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): 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).

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:

Denton County Juli Luke County Clerk Instrument Number: 162334 ERecordings-RP MISCELLANEOUS Recorded On: November 28, 2022 10:49 AM Number of Pages: 33 " Examined and Charged as Follows: " Total Recording: \$154.00 ***** THIS PAGE IS PART OF THE INSTRUMENT ***** ny provision herein which restricts the Sale, Rental or use of the described REAL PROPERT ecause of color or race is invalid and unenforceable under federal lav Record and Return To: Corporation Service Company File Information: Document...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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 covenant category pursuant to Tex. Prop. Code § 209.0061 (HB 614).