Section 1 - Sample Provision Excerpt (Public Preview)

STATE OF TEXAS
COUNTY OF TRAVIS
§
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§
SECOND AMENDMENT TO AMENDED AND RESTATED DECLARATION OF
RESTRICTIVE COVENANTS
[Circle C: Tract 110]
This SECOND AMENDMENT TO AMENDED AND RESTATED DECLARATION OF RESTRICTIVE COVENANTS [Circle C: Tract 110] (this "Amendment") is made by CIRCLE C LAND, L.P., a Texas limited partnership ("Declarant"), and CIRCLE C HOMEOWNERS ASSOCIATION, INC., a Texas non-profit corporation (the "CCHOA"), and is as follows.

ISSUE #1

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:
STATE OF TEXAS COUNTY OF TRAVIS § § § SECOND AMENDMENT TO AMENDED AND RESTATED DECLARATION OF RESTRICTIVE COVENANTS [Circle C: Tract 110] This SECOND AMENDMENT TO AMENDED AND RESTATED DECLARATION OF RESTRICTIVE COVENANTS [Circle C: Tract 110] (this "Amendment") is made by CIRCLE C LAND, L.P., a Texas limited partnership ("Declarant"), and CIRCLE C HOMEOWNERS ASSOCIATION, INC., a Texas non-profit corporation (the "CCHOA"), and is as follows.

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).