

Section II - Sample Provision Excerpt (Public Preview)

"ARC" and "Architectural Review Committee" means the Architectural Review Committee of the 3. "Association" means SPARTA'S CIRCLE C RANCH HOMEOWNERS' ASSOCIATION, a Texas nonprofit property owners' association, its successors, assigns, and replacements as provided in this Declaration,

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. II (p. 2): Enforcement/fining provision omits mandatory Texas Property Code § 209.006 certified mail notice, 30-day Board hearing request window, or HB 614 recorded fine schedule requirements.

Statutory / Legal Reference: Tex. Prop. Code § 209.006, § 209.0061 & § 209.007
Statutory Comparison: Under Tex. Prop. Code § 209.006 and § 209.007, an association may not levy a fine or suspend an owner's right to use a common area unless it first gives written notice by certified mail describing the violation, providing a reasonable period to cure (if curable and not a repeat violation within 6 months), and stating that the owner may request a hearing before the Board on or before the 30th day after the notice was mailed.

CURRENT WORDING IN DOCUMENT:
"ARC" and "Architectural Review Committee" means the Architectural Review Committee of the 3. "Association" means SPARTA'S CIRCLE C RANCH HOMEOWNERS' ASSOCIATION, a Texas nonprofit property owners' association, its successors, assigns, and replacements as provided in this Declaration,

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
DEFINITIONS The following words when used in this Declaration or any Supplemental Declaration (unless the context shall prohibit) will have the following meanings. 1. "Applicable Law" means the statutes and public laws and ordinances in effect at the time a provision of the Governing Documents is applied, and pertaining to the subject matter of the Governing Document provision. Statutes and ordinances specifically referenced in the Governing Documents are "Applicable Law" on the date of the Governing Document, and are not intended to apply to the Subdivision if they cease to be applicable by operation of law, or...