



Section Clause #1 - Sample Provision Excerpt (Public Preview)

(a) Any Association not paid in full by March 1 st will have voting rights suspended until the balance is paid in full.
(b) A ten percent penalty will be assessed on March 1st, plus an addit!.Qnal one percent penalty will be assessed per month thereafter until paid in full .

ISSUE #1



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Clause #1 (p. 1): Covenant suspending owner voting rights for delinquency or covenant violations is void under the Texas Property Code.

Statutory / Legal Reference: Tex. Prop. Code § 209.0059(a) & § 209.00592

Statutory Comparison: Under Texas Property Code § 209.0059(a), a provision in a dedicatory instrument that would disqualify a property owner from voting in a property owners' association election of board members or on any matter concerning the rights or responsibilities of the owner is void.

CURRENT WORDING IN DOCUMENT:

(a) Any Association not paid in full by March 1 st will have voting rights suspended until the balance is paid in full.
(b) A ten percent penalty will be assessed on March 1st, plus an addit!.Qnal one percent penalty will be assessed per month thereafter until paid in full .

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Tex. Prop. Code § 209.0059(a), no Owner may be disqualified from voting in an Association election or on any matter concerning the rights or responsibilities of the Owner for nonpayment of assessments or covenant violations.