

Section 1 - Sample Provision Excerpt (Public Preview)

Denton County
Juli Luke
County Clerk
Instrument Number: 141635
ERecordings-RPR
CORRECTION

ISSUE #1

Recorded On: November 16, 2017 01:08 PM

Number of Pages: 3

"Examined and Charged as Follows: "

Total Recording: \$34.00

***** THIS PAGE IS PART OF THE INSTRUMENT*****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

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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: 141635 ERecordings-RPR CORRECTION Recorded On: November 16, 2017 01:08 PM Number of Pages: 3 "Examined and Charged as Follows: " Total Recording: \$34.00 ***** THIS PAGE IS PART OF THE INSTRUMENT***** Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law. Record and Return To: eRx File Information: Document Number: Receipt...

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).