

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

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AFTER RECORDING RETURN TO:

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DECLARATION OF COVENANTS, CONDITIONS

AND RESTRICTIONS FOR

CYPRESS CREEK

ICOLLIN COUNTY, TEXAS

Declarant:

LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., a...

MARKUP #1 ->



MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. Clause #1 (p. 1): Potential Issue for Review: 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) - look for this language in other governing documents, standalone policies, or amendments that were not included in this review.

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:

2022 -2022000165793 11/16/2022 10:23 AM Page 1 of 81 AFTER RECORDING RETURN TO: KRISTI E. STOTTS, ESO. WINSTEAD PC 101 CONGRESS AVE, SUTTE 2100 AUSTIN, TEXAS 78701 EMAIL: KSTOTTS@WINSTEAD.COM DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CYPRESS CREEK ICOLLIN COUNTY, TEXAS Declarant: LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., a...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

First look for this language in other governing documents, standalone policies/resolutions, or amendments not included in this review. If not already addressed in another document (and if applicable to this community), incorporate: 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...