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

op702142
Bk
OR
Vol
Pg
EASTDALE ACRES

ISSUE #1

OWNERS ASSOCIATION
DEED RESTRICTIONS
and
COVENANTS
AMENDED
MO7H2142
Bk
OR
Vol
Pg
EASTDALE ACRES, A SUBDIVISION OF CHEROKEE COUNTY, TEXAS -
AMENDED AND SUPERSEDED
DEED RESTRICTIONS AND COVENANTS
MAY 15, 2021
WHEREAS, there presently exist Restrictions and Covenants for Eastdale Acres
and
WHEREAS, said original...

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:

op702142 Bk OR Vol Pg EASTDALE ACRES PROPERTY OWNERS ASSOCIATION DEED RESTRICTIONS and COVENANTS AMENDED MO7H2142 Bk OR Vol Pg EASTDALE ACRES, A SUBDIVISION OF CHEROKEE COUNTY, TEXAS - AMENDED AND SUPERSEDED DEED RESTRICTIONS AND COVENANTS MAY 15, 2021 WHEREAS, there presently exist Restrictions and Covenants for Eastdale Acres and WHEREAS, said original...

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...