

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

1483952 Page 1 of 30 09/19/2022 10:42 AM Karen McQueen, Brazos County Clerk Vot 18231 Pg 90
THE STATE OF TEXAS
COUNTY OF BRAZOS
)
)
FIRST AMENDED DEED RESTRICTIONS

ISSUE #1

EMERALD FOREST, PHASE II, COLLEGE STATION, TEXAS
Whereas, the subdivision known as Emerald Forest, Phase II, a subdivision of the City of
College Station, Brazos County, Texas ("Subdivision"), described by plat recorded in Volume
453, Page 905, of the Deed Records of Brazos County, Texas, is subject to the reservations,
restrictions, agreements,...

MARKUP #1 ->



MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION

BOARD & COUNSEL REVIEW

Sec. Clause #1 (p. 1): Governing documents omit the mandatory recorded Alternative Payment Plan Policy (minimum 3-month to 18-month term) required for Texas associations with more than 14 lots under Tex. Prop. Code § 209.0062.

Statutory / Legal Reference: Tex. Prop. Code § 209.0062

Statutory Comparison: Under Tex. Prop. Code § 209.0062, a property owners' association composed of more than 14 lots must adopt and record reasonable guidelines to establish an alternative payment schedule by which an owner may make partial payments for delinquent regular or special assessments without accruing additional monetary penalties (with a minimum payment plan term of 3 months).

CURRENT WORDING IN DOCUMENT:

1483952 Page 1 of 30 09/19/2022 10:42 AM Karen McQueen, Brazos County Clerk Vot 18231 Pg 90 THE STATE OF TEXAS COUNTY OF BRAZOS)) FIRST AMENDED DEED RESTRICTIONS FOR EMERALD FOREST, PHASE II, COLLEGE STATION, TEXAS
Whereas, the subdivision known as Emerald Forest, Phase II, a subdivision of the City of College Station, Brazos County, Texas ("Subdivision"), described by plat recorded in Volume 453, Page 905, of the Deed Records of Brazos County, Texas, is subject to the reservations, restrictions, agreements,...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Adopt and record in the county real property records a statutory Alternative Payment Plan Policy providing a minimum three (3) month payment schedule in accordance with Tex. Prop. Code § 209.0062.