Section COVENANT ENFORCEMENT AND FINE POLICY - Sample Provision Excerpt (Public Preview)

All voting rights of an Owner shall be suspended during any period in which such owner is delinquent in the payment o assessment duly estab}.ished pursuant to this Article or is otherwise in default -hereunder or under the By-Laws or Rules and Regulations of the Association and such suspension shall apply to the proxy authority of the Voting...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. COVENANT ENFORCEMENT AND FINE POLICY (p. 3): Enforcement/fining provision omits mandatory Texas Property Code § 209.006 certified mail notice, 30-day Board hearing request window, or HB 614 recorded fine schedule requirements.

Statutory / Legal Reference: Tex. Prop. Code § 209.006, § 209.0061 & § 209.007

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:

All voting rights of an Owner shall be suspended during any period in which such owner is delinquent in the payment of any assessment duly estab}.ished pursuant to this Article or is otherwise in default -hereunder or under the By-Laws or Rules and Regulations of the Association and such suspension shall apply to the proxy authority of the Voting...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

All voting rights of an Owner shall be suspended during any period in which such owner is delinquent in the payment of any assessment duly estab}.ished pursuant to this Article or is otherwise in default -hereunder or under the By-Laws or Rules and Regulations of the Association and such suspension shall apply to the proxy authority of the Voting Representative, if any. · [STATUTORY VOTING RIGHTS...