Section i - Sample Provision Excerpt (Public Preview)

f, and only if, he shall have fully paid all assessments made or levied against him and the Lot or Lots owned by him and has discharged other obligations to the Association as may be required of Members hereunder. The Board shall have the sole responsibility and authority for determining the good standing status of any member at any time.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE — BOARD & COUNSEL REVIEW

Sec. i (p. 4): Covenant suspending owner voting rights for delinquency or covenant violations is void under the Texas Property Code.

Statutory / Legal Reference: Tex. Prop. Code § 209.0059(a) & § 209.00592

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:

f, and only if, he shall have fully paid all assessments made or levied against him and the Lot or Lots owned by him and has discharged other obligations to the Association as may be required of Members hereunder. The Board shall have the sole responsibility and authority for determining the good standing status of any member at any time.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Tex. Prop. Code § 209.0059(a), no Owner may be disqualified from voting in an Association election or on any matter concerning the rights or responsibilities of the Owner for nonpayment of assessments or covenant violations.