MARKED-UP PAGE 1: 1 COMPLIANCE ISSUE (#1) - SEE REDLINE COMMENTS AT RIGHT ->

Section 3.3.1 - Sample Provision Excerpt (Public Preview)

Automatic Suspension. All voting rights appurtenant to a Lot are automatically suspended during any period of time any Assessments are delinquent as described in Article III, Section 3 of the Declaration and extending through the fifth banking business day after payment in full is received and deposited by...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · POTENTIAL STATUTE CONFLICT

BOARD & COUNSEL REVIEW

Sec. 3.3.1 (p. 6): 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:

Automatic Suspension. All voting rights appurtenant to a Lot are automatically suspended during any period of time any Assessments are delinquent as described in Article III, Section 3 of the Declaration and extending through the fifth banking business day after payment in full is received and deposited by...

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.