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

amount of fines charged (if any) will be provided by mail to the owner's address of record.
In the Event any Assessment or Dues Payment Becomes 60 days Delinquent:
The Association will send a final notice via certified mail to the owner's address of record to give them one last opportunity to pay the balance in full or enter into an approved Payment Plan...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING — BOARD & COUNSEL REVIEW

Sec. Clause #1 (p. 1): Clause authorizes nonjudicial power-of-sale foreclosure without first obtaining a mandatory Tex. R. Civ. P. 736 court order under Tex. Prop. Code § 209.0092.

Statutory / Legal Reference: Tex. Prop. Code § 209.009 & 209.0092

Statutory Comparison: Under Tex. Prop. Code § 209.009, a property owners' association may not foreclose a property owners' association assessment lien if the debt securing the lien consists solely of: (1) fines assessed by the association, (2) attorney's fees incurred by the association solely associated with fines assessed by the association, or (3) copy/recount charges under § 209.005(i) or § 209.0057(b-4).

CURRENT WORDING IN DOCUMENT:
amount of fines charged (if any) will be provided by mail to the owner's address of record. In the Event any Assessment or Dues Payment Becomes 60 days Delinquent: The Association will send a final notice via certified mail to the owner's address of record to give them one last opportunity to pay the balance in full or enter into an approved Payment Plan...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Pursuant to Tex. Prop. Code § 209.009, the Association shall not foreclose an assessment lien if the debt securing the lien consists solely of fines, attorney's fees solely associated with fines, or records/recount fees. Pursuant to Tex. Prop.