

Section BROWN & - Sample Provision Excerpt (Public Preview)

the rights of the Association to suspend the voting rights and right to use the recreational facilities, if any, by an Owner for any period, not to exceed sixty (60) days, during which any assessment against that Owner's Lot remains unpaid; and (c)

the right of the Association to dedicate or transfer all, or any part, of the Common Area and Facilities to any public agency, authority, or utility for such purpose, and

such conditions as may be agreed to by the Members.

ISSUE #1

MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. BROWN & (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:

the rights of the Association to suspend the voting rights and right to use the recreational facilities, if any, by an Owner for any period, not to exceed sixty (60) days, during which any assessment against that Owner's Lot remains unpaid; and (c) the right of the Association to dedicate or transfer all, or any part, of the Common Area and Facilities to any public agency, authority, or utility for such purpose, and subject to such conditions as may be agreed to by the Members.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW): Pursuant to Tex. Prop.