Section ACKNOWLEDGES THAT DECLARANT, THE CONDOMINIUM ASSOCIATION, AND - Sample Provision Excerpt (F

fines, for suspending voting rights or rights of use in and to the Common Elements, or for instituting an action to recove sums due, for damages, and/or for injunctive relief, such actions to be maintainable by the Condominium Association, or, in a proper case, by an aggrieved Owner.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · GOVERNANCE & VOTING CONTROL RISK

BOARD & COUNSEL REVIEW

Sec. ACKNOWLEDGES THAT DECLARANT, THE CONDOMINIUM ASSOCIATION, AND (p. 5): Declaration amendment provision requires 75% owner approval, exceeding the standard 67% statutory baseline in Tex. Prop. Code § 82.067.

Statutory / Legal Reference: Tex. Prop. Code § 82.067

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:

fines, for suspending voting rights or rights of use in and to the Common Elements, or for instituting an action to recover sums due, for damages, and/or for injunctive relief, such actions to be maintainable by the Condominium Association, or, in a proper case, by an aggrieved Owner.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

fines, for suspending voting rights or rights of use in and to the Common Elements, or for instituting an action to recover sums due, for damages, and/or for injunctive relief, such actions to be maintainable by the Condominium Association, or, in a proper case, by an aggrieved Owner. [STATUTORY VOTING RIGHTS PROTECTION]: 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.