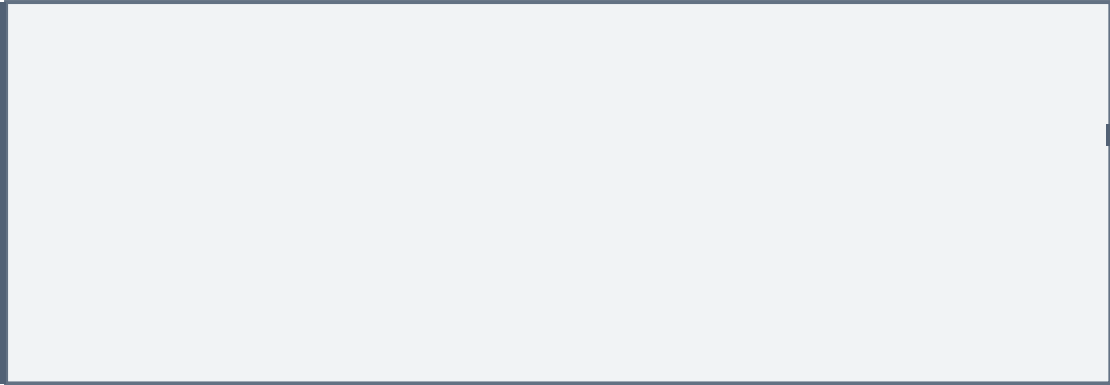




Section 5.11. - Sample Provision Excerpt (Public Preview)

Claims for (a) decisions by the board of the Named Entity or any committee thereof to impose assessments upon residents, unit owners or members of the Named Entity; or
(b) decisions of the board of the Named Entity in approving or rejecting the request to make physical changes to tangible property, but in no event decisions relating to the execution or...

ISSUE #1



MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 5.11. (p. 10): Enforcement/fining provision omits mandatory Texas Property Code § 209.006 certified mail notice, 30-day Board hearing request window, or HB 614 recorded fine schedule requirements.

Statutory / Legal Reference: Tex. Prop. Code § 209.006, § 209.0061 & § 209.007
Statutory Comparison: Under Texas Business Organizations Code § 7.001(c) and Tex. Prop. Code § 82.103(a), governing documents cannot eliminate or limit the liability of a director or officer for a breach of the duty of loyalty, an act or omission not in good faith or involving intentional misconduct, or a transaction from which the person derived an improper personal benefit.

CURRENT WORDING IN DOCUMENT:
Claims for (a) decisions by the board of the Named Entity or any committee thereof to impose assessments upon residents, unit owners or members of the Named Entity; or
(b) decisions of the board of the Named Entity in approving or rejecting the request to make physical changes to tangible property, but in no event decisions relating to the execution or...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Claims for (a) decisions by the board of the Named Entity or any committee thereof to impose assessments upon residents, unit owners or members of the Named Entity; or
(b) decisions of the board of the Named Entity in approving or rejecting the request to make physical changes to tangible property, but in no event decisions relating to the execution or quality of such physical changes; b.