

Section 1 - Sample Provision Excerpt (Public Preview)

Bk
06012244 DPR
2911 783
AFTER RECORDING RETURN TO:
ROBERT D. BURTON, ESQ.
ARMBRUST & BROWN, L.L.P.
100 CONGRESS AVE., SUITE 1300
AUSTIN, TEXAS 78701
HIGHPOINTE
RESIDENTIAL
FIRST AMENDMENT TO FIRST AMENDED AND
RESTATED MASTER DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
Hays County, Texas
Declarant: Pulte
Cross Reference to First Amended and Restated Master Declaration of Covenants, Conditions and
Restrictions, recorded in Vol.

MARKUP #1 ->



MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Governing documents do not reference the mandatory county-recorded Management Certificate and electronic filing with the Texas Real Estate Commission (TREC) required under Tex. Prop. Code § 82.116 (SB 1588).

Statutory / Legal Reference: Tex. Prop. Code § 82.116 (SB 1588)

Statutory Comparison: Under Tex. Prop. Code § 82.116 (SB 1588) as amended by SB 1588, an association must record an updated Management Certificate in the county real property records and electronically file the certificate with the Texas Real Estate Commission (TREC at hoa.texas.gov) within 7 days of recording. Failure to maintain a compliant recorded and TREC-filed Management Certificate suspends the association's ability to recover attorney's fees, collection costs, or interest on delinquent assessments during the period of non-compliance.

CURRENT WORDING IN DOCUMENT:

Bk 06012244 DPR 2911 783 AFTER RECORDING RETURN TO: ROBERT D. BURTON, ESQ. ARMBRUST & BROWN, L.L.P. 100 CONGRESS AVE., SUITE 1300 AUSTIN, TEXAS 78701 HIGHPOINTE RESIDENTIAL FIRST AMENDMENT TO FIRST AMENDED AND RESTATED MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS Hays County, Texas Declarant: Pulte Cross Reference to First Amended and Restated Master Declaration of Covenants, Conditions and Restrictions, recorded in Vol.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

The Board shall record an updated Management Certificate in the county real property records and electronically file the Management Certificate with the Texas Real Estate Commission (TREC) within seven (7) days of recording in accordance with Tex. Prop. Code § 82.116 (SB 1588).