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

CERTIFICATE FOR
RECORDATION OF DEDICATORY INSTRUMENT OF
HSR HOMEOWNERS' ASSOCIATION, INC.
A/K/A HIDDEN SPRINGS RANCH
§
STATE OF TEXAS

ISSUE #1

MEN BY THESE PRESENTS:
COUNTY OF PARKER
WHEREAS, Section 202.006 of the Texas Property Code requires that "A property owners' association shall file its dedicatory instruments in the real property records of each...

MARKUP #1 ->

MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. Clause #1 (p. 1): Potential Issue for Review: Governing document bundle authorizes fines but lacks or fails to reference the mandatory recorded Enforcement Policy & Schedule of Fines required by Tex. Prop. Code § 209.0061 (HB 614) - look for this language in other governing documents, standalone policies, or amendments that were not included in this review.

Statutory / Legal Reference: Tex. Prop. Code § 209.0061 (HB 614)

Statutory Comparison: Effective January 1, 2024, HB 614 enacted Tex. Prop. Code § 209.0061, requiring every subdivision HOA with fining authority to adopt, record, and post/distribute an enforcement policy that enumerates each general category of restrictive covenants for which the association may assess a fine and a specific schedule of fines for each category.

CURRENT WORDING IN DOCUMENT:

CERTIFICATE FOR RECORDATION OF DEDICATORY INSTRUMENT OF HSR HOMEOWNERS' ASSOCIATION, INC. A/K/A HIDDEN SPRINGS RANCH § STATE OF TEXAS KNOW ALL MEN BY THESE PRESENTS: COUNTY OF PARKER WHEREAS, Section 202.006 of the Texas Property Code requires that "A property owners' association shall file its dedicatory instruments in the real property records of each...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

First look for this language in other governing documents, standalone policies/resolutions, or amendments not included in this review. If not already addressed in another document (and if applicable to this community), incorporate: Adopt, record in the county real property records, and post on the Association website a compliant Fining & Enforcement Policy containing the schedule of fines by...