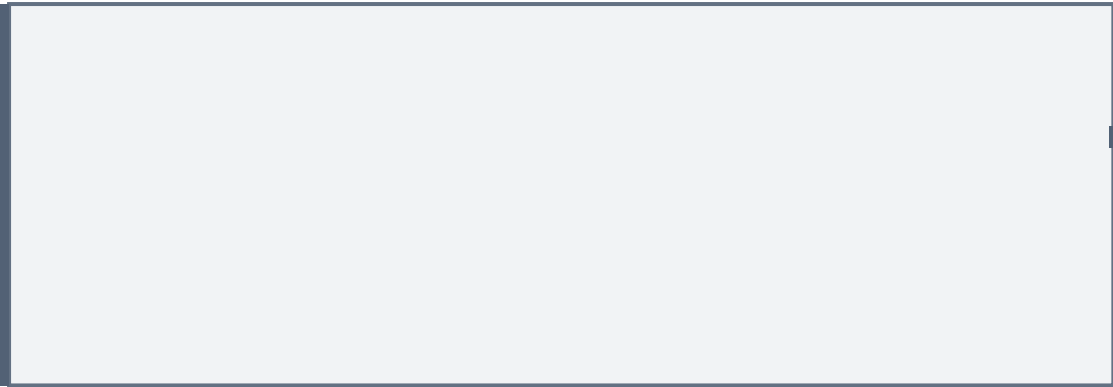


Section 4 - Sample Provision Excerpt (Public Preview)

foreclosure; and (ix) the maximum Working Capital/Reserve Fee at time of filing of this certificate is \$2500. 8. Resale Certificates. Resale Certificates may be requested by submitting an online request at www.essexhoa.com or from the Association's website, or by contacting resalecert@essexhoa.com. [SIGNATURE PAGE FOLLOWS THIS PAGE]

ISSUE #1



MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 4 (p. 3): Resale certificate fee provision exceeds the SB 1588 statutory cap of \$375 for a resale certificate (or \$75 for an updated resale certificate) under Tex. Prop. Code § 207.003(c).

Statutory / Legal Reference: Tex. Prop. Code § 207.003(a), 207.003(c) & 207.004 (SB 1588)

Statutory Comparison: Under Tex. Prop. Code § 207.003(a) and (c) (as amended by SB 1588, effective September 1, 2021), a property owners' association must deliver a resale certificate not later than the 10th business day after receiving a written request, and may charge a reasonable and necessary fee not to exceed \$375 for assembling, copying, and delivering the resale certificate and not to exceed \$75 for preparing...

CURRENT WORDING IN DOCUMENT:
foreclosure; and (ix) the maximum Working Capital/Reserve Fee at time of filing of this certificate is \$2500. 8. Resale Certificates. Resale Certificates may be requested by submitting an online request at www.essexhoa.com or from the Association's website, or by contacting resalecert@essexhoa.com. [SIGNATURE PAGE FOLLOWS THIS PAGE]

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
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