

Section 21 - Sample Provision Excerpt (Public Preview)

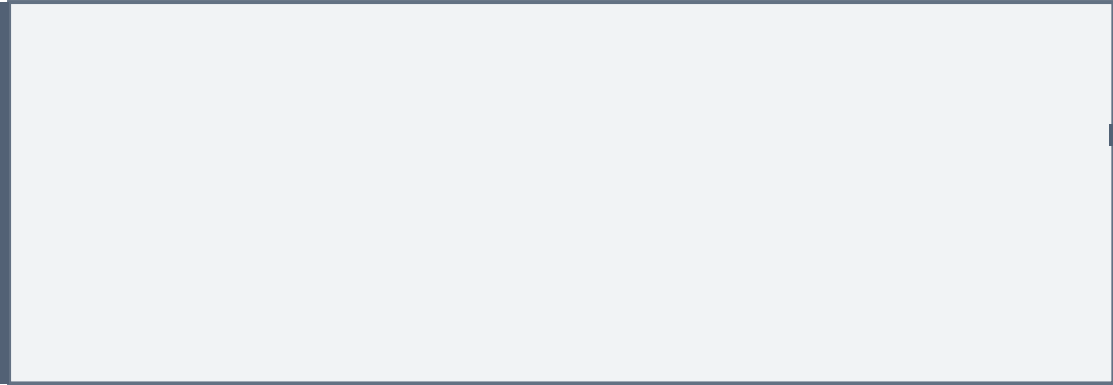
Violations of these Rules and interference with the enforcement of these Rules may result in (a) temporary revocation of Member privileges, (b) suspension of Member privileges, (c) fines, assessments and other penalties, and/or (d) legal action against the violator.

Rules and policies are subject to change without prior notice.

Doc# 200506022742

EXHIBIT E

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

**Sec. 21 (p. 6): 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 Tex. Prop. Code § 209.006 and § 209.007, an association may not levy a fine or suspend an owner's right to use a common area unless it first gives written notice by certified mail describing the violation, providing a reasonable period to cure (if curable and not a repeat violation within 6 months), and stating that the owner may request a hearing before the Board on or before the 30th day...

**CURRENT WORDING IN DOCUMENT:**

Violations of these Rules and interference with the enforcement of these Rules may result in (a) temporary revocation of Member privileges, (b) suspension of Member privileges, (c) fines, assessments and other penalties, and/or (d) legal action against the violator. Rules and policies are subject to change without prior notice. Doc# 200506022742 EXHIBIT E

**SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):**

**Before the Association levies a fine, suspends an Owner's right to use a common area, or files suit other than to collect regular or special assessments or foreclose a lien, the Association shall give written notice to the Owner by certified mail in compliance with Tex. Prop. Code § 209.006.**