

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

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: 8830

THE BIATE OF TEXAS :

ISSUE #1 BRAZORIA :

5ec.1
WHPREAS, KELSO DEVELOPMENI CO., a lezas corporation naintalning ita
principal offi e in the Clty of Angleton, Brazorla County, Texas ("Ovnor"),
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of land altuated in Brazorla County, Texas, described...

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:

* * D.E.:li.: vor 972 racE.816 : 8830 THE BIATE OF TEXAS : COUNTY OF BRAZORIA : 5ec.1 WHPREAS, KELSO DEVELOPMENI CO., a lezas corporation naintalning ita principal office in the City of Angleton, Brazorla County, Texas ("Ovnor"), lo the orner in fee simple of all those certain lota, tracto, and parcelo of land altuated in Brazorla County, Texas, described...

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...