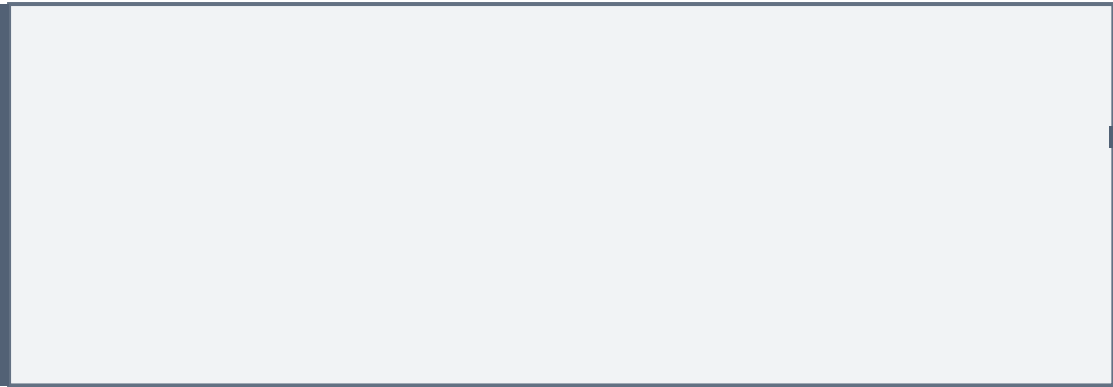


Section 7.2.2 - Sample Provision Excerpt (Public Preview)

Expenses, including reserves. The initial Base Assessment for each Lot is hereby established for the year 2020 and shall be Eight Hundred and Fifty Dollars (\$850.00) per Lot. The amount of the Base Assessment and any applicable Special Assessment shall be disclosed to Owners at the time of purchase through a Resale Certificate obtained pursuant to Section 7.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 7.2.2 (p. 22): 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:

Expenses, including reserves. The initial Base Assessment for each Lot is hereby established for the year 2020 and shall be Eight Hundred and Fifty Dollars (\$850.00) per Lot. The amount of the Base Assessment and any applicable Special Assessment shall be disclosed to Owners at the time of purchase through a Resale Certificate obtained pursuant to Section 7.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Tex. Prop. Code § 207.003(a) and (c) (as amended by SB 1588), the Association or its managing agent shall deliver a completed Resale Certificate within ten (10) business days after receipt of a written request, and the fee charged shall not exceed \$375.00 for a Resale Certificate or \$75.00 for an updated Resale Certificate.