Section General - Sample Provision Excerpt (Public Preview)

2023 - 2023000144739 12/20/2023 01:12 PM Page 1 of 62 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR MARILEE This Declaration of Covenants, Conditions and Restrictions for Marilee is made on the date hereinafter set forth by M/I Homes of DFW, LLC, as the "Declarant" Property. The development and improvement of the Property may be accomplished by successors and assigns of Declarant as future owners or developers of the Property and Declarant is not in any manner agreeing to or obligating itself to...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. General (p. 1): 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 after the notice was mailed.

CURRENT WORDING IN DOCUMENT:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

2023 - 2023000144739 12/20/2023 01:12 PM Page 1 of 62 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR MARILEE This Declaration of Covenants, Conditions and Restrictions for Marilee is made on the date hereinafter set forth by M/I Homes of DFW, LLC, as the "Declarant" Property. The development and improvement of the Property may be accomplished by successors and assigns of Declarant as future owners or developers of the Property and Declarant is not in any manner agreeing to or obligating itself to undertake development activ [SAMPLE DISCUSSION WORDING - FOR TEXAS HOA COUNSEL REVIEW]: Before the...