

Section SALVADOR FIERRO - Sample Provision Excerpt (Public Preview)

WHEREAS, the Declaration establishes mandatory assessments and restrictive covenants for the maintenance, repair. upkeep, and alteration of Common Properties in the Maine Creek Meadows addition, and for the common benefit of Members (Owners) of the Association; and WHEREAS, the Declaration, Bylaws.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. SALVADOR FIERRO (p. 4): 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:

WHEREAS, the Declaration establishes mandatory assessments and restrictive covenants for the maintenance, repair. upkeep, and alteration of Common Properties in the Maine Creek Meadows addition, and for the common benefit of Members (Owners) of the Association; and WHEREAS, the Declaration, Bylaws.

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.