

Section XI - Sample Provision Excerpt (Public Preview)

Association annual assessments which are secured by a continuing lien upon the property against which the assessment is made. Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, the

ISSUE #1



MARKUP #1 ->



MARKUP #1 · STATUTORY PRE-LIEN & COLLECTION DEFECT

BOARD & COUNSEL REVIEW

Sec. XI (p. 17): Assessment collection clause authorizes lien foreclosure immediately after 10 - 30 days of delinquency (or asserts a lien on tangible personal property) without incorporating the mandatory pre-lien notice, payment-plan disclosures, and pre-foreclosure waiting periods required by undefined.

Statutory / Legal Reference: Tex. Prop. Code Ch. 209 (Texas Residential Property Owners Protection Act) & 22 TAC § 535.401 (TREC Management Certificate Rules); undefined

Statutory Comparison: Under undefined and Tex. Prop. Code Ch. 209 (Texas Residential Property Owners Protection Act) & 22 TAC § 535.401 (TREC Management Certificate Rules), an association cannot proceed directly from a 10-day or 30-day delinquency to lien recording and foreclosure without first serving mandatory statutory pre-lien and pre-foreclosure written notices (and complying with applicable statutory foreclosure...

CURRENT WORDING IN DOCUMENT:

Association annual assessments which are secured by a continuing lien upon the property against which the assessment is made. Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, the

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Update the assessment enforcement provision to require statutory pre-lien and pre-foreclosure written notices under undefined and clarify that the continuing lien encumbers only the real property Lot/Unit.