

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

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, . P.O.B;;,x 13697
Secretary of State
~ A"s<m, T= "" , -T&n
:200800-460:26
ISSUE #1
RP3 \$36.00
Office of the Secretary of State
CERTIFICATE OF FILING
OF
NEWFIELD PARK TOWNHOME ASSOCIATION, INC.
File Number: 800889026
The undersigned, as Secretary of State of Texas, hereby certifies that a Certificate of Formation for...

MARKUP #1 ->



MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION

BOARD & COUNSEL REVIEW

Sec. Clause #1 (p. 1): 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).

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:

Phil Wilson * Corporations Section , . P.O.B;;,x 13697 Secretary of State ~ A"s<m, T= "" , -T&n :200800-460:26 01/29/2008 RP3 \$36.00 Office of the Secretary of State CERTIFICATE OF FILING OF NEWFIELD PARK TOWNHOME ASSOCIATION, INC. File Number: 800889026 The undersigned, as Secretary of State of Texas, hereby certifies that a Certificate of Formation for...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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 covenant category pursuant to Tex. Prop. Code § 209.0061 (HB 614).