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

RESTRICT Total Pages: 23
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR
NEWSOM RANCH ESTATES
PREAMBLE
This Declaration of Covenants, Conditions, and Restrictions is made

ISSUE #1

26, 2020 ("Effective Date"), by Chad Bushaw ("Declarant"), whose mailing address is 301 Measures Road, Weatherford.

MARKUP #1 ->

MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. Clause #1 (p. 1): Potential Issue for Review: 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) - look for this language in other governing documents, standalone policies, or amendments that were not included in this review.

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:

RESTRICT Total Pages: 23 DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR NEWSOM RANCH ESTATES PREAMBLE This Declaration of Covenants, Conditions, and Restrictions is made effective May 26, 2020 ("Effective Date"), by Chad Bushaw ("Declarant"), whose mailing address is 301 Measures Road, Weatherford.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

First look for this language in other governing documents, standalone policies/resolutions, or amendments not included in this review. If not already addressed in another document (and if applicable to this community), incorporate: 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...