MARKED-UP PAGE 1: 1 COMPLIANCE ISSUE (#1) - SEE REDLINE COMMENTS AT RIGHT ->

Section 1.6. - Sample Provision Excerpt (Public Preview)

fines are paid up, who is not in violation of the Declaration, and whose voting rights are not suspended for violation of the rules and regulations promulgated by the Board of Directors, unless such suspension is prohibited by law.
(351045/00117/01412309.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · POTENTIAL STATUTE CONFLICT

BOARD & COUNSEL REVIEW

Sec. 1.6. (p. 8): Covenant suspending owner voting rights for delinquency or covenant violations is void under the Texas Property Code.

Statutory / Legal Reference: Tex. Prop. Code § 209.0059(a) & § 209.00592

Statutory Comparison: Under Texas Property Code § 209.0059(a), a provision in a dedicatory instrument that would disqualify a property owner from voting in a property owners' association election of board members or on any matter concerning the rights or responsibilities of the owner is void.

CURRENT WORDING IN DOCUMENT:
fines are paid up, who is not in violation of the Declaration, and whose voting rights are not suspended for violation of the rules and regulations promulgated by the Board of Directors, unless such suspension is prohibited by law. (351045/00117/01412309.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Pursuant to Tex. Prop. Code § 209.0059(a), no Owner may be disqualified from voting in an Association election or on any matter concerning the rights or responsibilities of the Owner for nonpayment of assessments or covenant violations.