



Section 3.7 - Sample Provision Excerpt (Public Preview)

(e) The right of Declarant or the Association to suspend the voting rights of any Owner and to suspend the ight of any individual to use or enjoy any of the Common Area for any period during which any assessment (including without limitation "fines") against a Lot resided upon by such individual remain.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · POTENTIAL STATUTE CONFLICT

BOARD & COUNSEL REVIEW

Sec. 3.7 (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:

(e) The right of Declarant or the Association to suspend the voting rights of any Owner and to suspend the ight of any individual to use or enjoy any of the Common Area for any period during which any assessment (including without limitation "fines") against a Lot resided upon by such individual remain.

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.