Section 1 - Sample Provision Excerpt (Public Preview)

Rolando B. Pablos
Corporations Section
P.O.Box 13697
Austin, Texas 78711-3697
Secretary of State
Office of the Secretary of State

ISSUE #1

E OF FILING

OF
Parks Edge Residential Community, Inc.
File Number: 802972739
The undersigned, as Secretary of State of Texas, hereby certifies that a Certificate of Formation for the above named Domestic For-Profit...

MARKUP #1 ->

MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION

BOARD & COUNSEL REVIEW

Sec. 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:
Rolando B. Pablos Corporations Section P.O.Box 13697 Austin, Texas 78711-3697 Secretary of State Office of the Secretary of State CERTIFICATE OF FILING OF Parks Edge Residential Community, Inc. File Number: 802972739 The undersigned, as Secretary of State of Texas, hereby certifies that a Certificate of Formation for the above named Domestic For-Profit...

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).