



Section M - Sample Provision Excerpt (Public Preview)

T. Suspend the voting rights and right to use the recreational facilities of any Member during any period in which such Member is in default as allowed by the Texas Property Code; U. Exercise on behalf of the Association all powers, duties, and authority vested in or delegated to the Association and not specifically reserved to the membership by the...

ISSUE #1



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

**Sec. M (p. 9): 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:

T. Suspend the voting rights and right to use the recreational facilities of any Member during any period in which such Member is in default as allowed by the Texas Property Code; U. Exercise on behalf of the Association all powers, duties, and authority vested in or delegated to the Association and not specifically reserved to the membership by the...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

**T. Suspend the voting rights and right to use the recreational facilities of any Member during any period in which such Member is in default as allowed by the Texas Property Code; U. Exercise on behalf of the Association all powers, duties, and authority vested in or delegated to the Association and not specifically reserved to the membership by the Declaration, Certificate of Formation, or by...**