

Section ANDRA JEAN WALTEI - Sample Provision Excerpt (Public Preview)

Notice of Fine. Except as provided herein, before levying a fine, the Association shall give the Owner a written notice of fine (the "Notice of Fine") at the Owner's last known address as shown in the Association records in compliance with the most current version of Section 209.006 of the Texas Property and any applicable provisions of the Association's...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. ANDRA JEAN WALTEI (p. 4): Enforcement/fining provision omits mandatory Texas Property Code § 209.006 certified mail notice, 30-day Board hearing request window, or HB 614 recorded fine schedule requirements.

Statutory / Legal Reference: Tex. Prop. Code § 209.006, § 209.0061 & § 209.007
Statutory Comparison: Under Tex. Prop. Code § 209.009, a property owners' association may not foreclose a property owners' association assessment lien if the debt securing the lien consists solely of: (1) fines assessed by the association, (2) attorney's fees incurred by the association solely associated with fines assessed by the association, or (3) copy/recount charges under § 209.005(i) or § 209.0057(b-4).

CURRENT WORDING IN DOCUMENT:

Notice of Fine. Except as provided herein, before levying a fine, the Association shall give the Owner a written notice of fine (the "Notice of Fine") at the Owner's last known address as shown in the Association records in compliance with the most current version of Section 209.006 of the Texas Property and any applicable provisions of the Association's...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Notice of Fine. Except as provided herein, before levying a fine, the Association shall give the Owner a written notice of fine (the "Notice of Fine") at the Owner's last known address as shown in the Association records in compliance with the most current version of Section 209.006 of the Texas Property and any applicable provisions of the Association's Governing Documents.