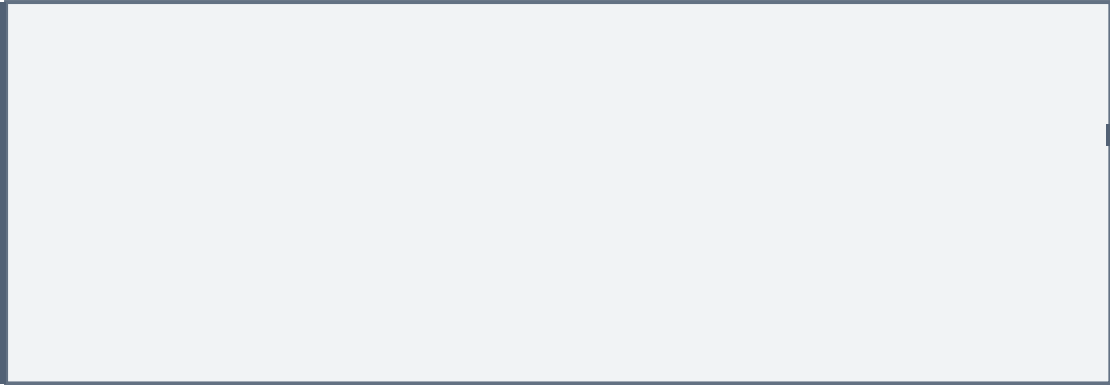




Section 3.01 - Sample Provision Excerpt (Public Preview)

temporarily suspend the voting rights of any Member who is not in good standing until such unpaid amounts are paid in full.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 3.01 (p. 16): Governance clause suspends owner voting rights or imposes non-statutory disqualifications on running for the Board of Directors, which are void under Tex. Prop. Code § 209.0059 and § 209.00591.

Statutory / Legal Reference: Tex. Prop. Code § 209.0059, § 209.00591 & § 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:
temporarily suspend the voting rights of any Member who is not in good standing until such unpaid amounts are paid in full.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
temporarily suspend the voting rights of any Member who is not in good standing until such unpaid amounts are paid in full. [STATUTORY VOTING RIGHTS PROTECTION]: 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.