

Section LAND AMERICA AMERICAN TITLE - Sample Provision Excerpt (Public Preview)

Action Taken Without a Meeting. The directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the directors. Any actions so approved shall have the same effect as though taken at a meeting of the directors. For purposes of this section, written consent may be delivered by a director via email from an email address identified as such director's email address in the records of the Association.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. LAND AMERICA AMERICAN TITLE (p. 24): Declaration amendment provision requires 100% approval, which is overridden and capped at 67% of total allocated votes by Tex. Prop. Code § 209.0041(h-1).

Statutory / Legal Reference: Tex. Prop. Code § 209.0041(h)-(h-1)

Statutory Comparison: Under Tex. Prop. Code §§ 209.005, 82.1141 & 1 TAC § 70.3 (Open Records Cost Schedule) and Tex. Prop. Code Ch. 209 (Texas Residential Property Owners Protection Act) & 22 TAC § 535.401 (TREC Management Certificate Rules), all meetings of the Board of Directors at which a quorum gathers to conduct association business must be open to all members with advance notice posted or delivered to owners, and owners must be afforded a reasonable opportunity to speak on agenda items.

CURRENT WORDING IN DOCUMENT:

Action Taken Without a Meeting. The directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the directors. Any actions so approved shall have the same effect as though taken at a meeting of the directors. For purposes of this section, written consent may be delivered by a director via email from an email address identified as such director's email address in the records of the Association.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Require all regular and special Board meetings to be open to all members with advance notice and agenda posting in accordance with Tex. Prop. Code §§ 209.005, 82.1141 & 1 TAC § 70.3 (Open Records Cost Schedule), and restrict action without a meeting to narrow emergency circumstances permitted by Tex. Prop. Code Ch. 209 (Texas Residential Property Owners Protection Act) & 22 TAC § 535.401 (TREC Management Certificate Rules).