



Section 2.05 - Sample Provision Excerpt (Public Preview)

addition to any other remedy set forth in these Bylaws, the voting rights of such Member shall be suspended until such time that the Member shall have paid its proportionate share of all Assessments in full. The suspension of a Member's voting rights under this paragraph shall occur notwithstanding the fact that the Member may, in good faith, be contesting the payment of the delinquent Assessments.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 2.05 (p. 2): 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:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

addition to any other remedy set forth in these Bylaws, the voting rights of such Member shall be suspended until such time that the Member shall have paid its proportionate share of all Assessments in full. The suspension of a Member's voting rights under this paragraph shall occur notwithstanding the fact that the Member may, in good faith, be contesting the payment of the delinquent Assessments. [STATUTORY VOTING RIGHTS PROTECTION]: Pursuant to Tex. Prop.