

Section 2.3 - Sample Provision Excerpt (Public Preview)

Member in Good Standing. a. A Member shall be considered to_be,a "Member in Good Standing" and eligible to vote if such Member:

- (1) has, within ten (10) days prior to the taking of any vote by the Association, fully paid all Assessments or other charges levied by the Association, as such Assessments or charges are provided for in Article III;
- (ii) has not failed to remedy or remove any Violation within the period of time prescribed therefor in a Notice of Violation sent to the Member; and

ISSUE #1 does not have a...

MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 2.3 (p. 12): 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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(ii) has not failed to remedy or remove any Violation within the period of time prescribed therefor in a Notice of Violation sent to the Member; and
(iii) does not have a...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Member in Good Standing. a. A Member shall be considered to_be,a "Member in Good Standing" and eligible to vote if such Member:
(1) has, within ten (10) days prior to the taking of any vote by the Association, fully paid all Assessments or other charges levied by the Association, as such Assessments or charges are provided for in Article III;
(ii) has not failed to remedy or remove any Violation within the period of time prescribed therefor in a Notice of Violation sent to the Member; and
(iii) does not have a lien filed by the Associ [STATUTORY VOTING RIGHTS PROTECTION]: Pursuant to Tex. Prop.