MARKED-UP PAGE 1: 1 COMPLIANCE ISSUE (#1) - SEE REDLINE COMMENTS AT RIGHT ->

Section (b) - Sample Provision Excerpt (Public Preview)

Suspension of Voting and Usage Rights. The right of the Association to suspend the voting rights of any Owner and to suspend the right of any Owner or the Owner's Permittees to the use of the Common Areas if any assessment against that Owner or Owner's Lot is not paid within thirty (30) days after its due date or if there exists any uncured non-monetary infraction of the Project Documents, subject to compliance with any applicable notice and hearing requirements contained in the Bylaws;

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE — BOARD & COUNSEL REVIEW

Sec. (b) (p. 16): 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:

Suspension of Voting and Usage Rights. The right of the Association to suspend the voting rights of any Owner and to suspend the right of any Owner or the Owner's Permittees to the use of the Common Areas if any assessment against that Owner or Owner's Lot is not paid within thirty (30) days after its due date or if there exists any uncured non-monetary infraction of the Project Documents, subject to compliance with any applicable notice and hearing requirements contained in the Bylaws;

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Tex. Prop.