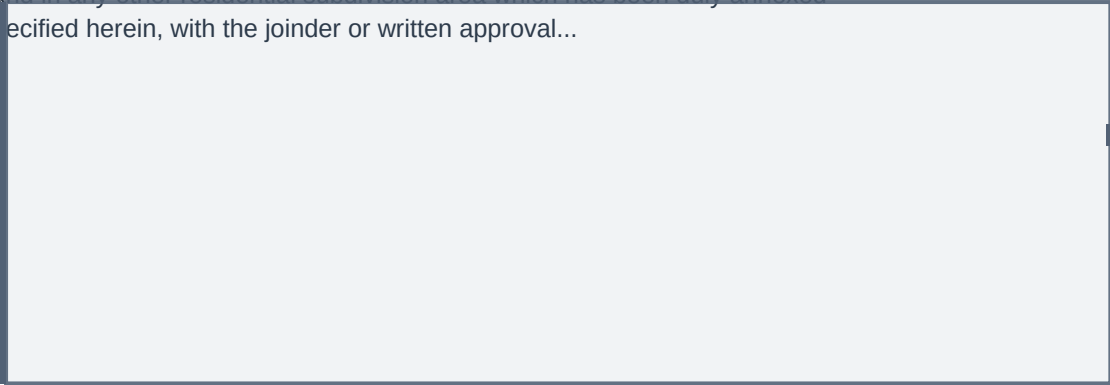


Section 24. - Sample Provision Excerpt (Public Preview)

AMENDMENT OF RESTRICTIONS

These restrictions may be amended at any time prior to the termination hereof by recorded instrument in the Official Public Records of Real Property of Bexar County, Texas, an instrument signed by the then owners and lien-holders of at least seventy-five percent (75%) of the collective number of restricted lots situated in the aforementioned subdivision and in any other residential subdivision area which has been duly annexed

ISSUE #1 specified herein, with the joinder or written approval...



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 24. (p. 20): Declaration amendment provision requires 75% 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 § 209.0041(h) and (h-1), a residential subdivision declaration may be amended only by a vote of 67 percent of the total votes allocated to property owners in the property owners' association; if the declaration contains a lower percentage, that lower percentage controls, and if the declaration specifies a percentage higher than 67%, the statutory 67% ceiling overrides the higher threshold.

CURRENT WORDING IN DOCUMENT:

AMENDMENT OF RESTRICTIONS These restrictions may be amended at any time prior to the termination hereof by recorded instrument in the Official Public Records of Real Property of Bexar County, Texas, an instrument signed by the then owners and lien-holders of at least seventy-five percent (75%) of the collective number of restricted lots situated in the aforementioned subdivision and in any other residential subdivision area which has been duly annexed thereto as specified herein, with the joinder or written approval...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

AMENDMENT OF RESTRICTIONS These restrictions may be amended at any time prior to the termination hereof by recorded instrument in the Official Public Records of Real Property of Bexar County, Texas, an instrument signed by the then owners and lien-holders of at least seventy-five percent (75%) of the collective number of restricted lots situated in the aforementioned subdivision and in any other residential subdivision area which has been duly annexed thereto as specified herein, with the joinder or written approval by the first mortgage [SAMPLE DISCUSSION WORDING - FOR TEXAS HOA COUNSEL REVIEW]: Pursuant to Tex.