

Section Clause #1 - Sample Provision Excerpt (Public Preview)

SECOND SUPPLEMENTAL AND RESTATED RESTRICTIONS AND COVENANTS
TO THE EXISTING
COVENANTS FOR SADDLE CLUB SOUTH
TO ESTABLISH THE
SADDLE CLUB SOUTH HOMEOWNERS ASSOCIATION
MIDLAND, TEXAS

ISSUE #1 noticed meeting of the Members of the SADDLE CLUB
property as described in Volume 503 at Page 464 of the Deed Records of Midland County,...

MARKUP #1 ->



MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. Clause #1 (p. 1): Potential Issue for Review: Governing document bundle authorizes fines but lacks or fails to reference the mandatory recorded Enforcement Policy & Schedule of Fines required by Tex. Prop. Code § 209.0061 (HB 614) - look for this language in other governing documents, standalone policies, or amendments that were not included in this review.

Statutory / Legal Reference: Tex. Prop. Code § 209.0061 (HB 614)

Statutory Comparison: Effective January 1, 2024, HB 614 enacted Tex. Prop. Code § 209.0061, requiring every subdivision HOA with fining authority to adopt, record, and post/distribute an enforcement policy that enumerates each general category of restrictive covenants for which the association may assess a fine and a specific schedule of fines for each category.

CURRENT WORDING IN DOCUMENT:

SECOND SUPPLEMENTAL AND RESTATED RESTRICTIONS AND COVENANTS TO THE EXISTING COVENANTS FOR SADDLE CLUB SOUTH TO ESTABLISH THE SADDLE CLUB SOUTH HOMEOWNERS ASSOCIATION MIDLAND, TEXAS At a properly noticed meeting of the Members of the SADDLE CLUB property as described in Volume 503 at Page 464 of the Deed Records of Midland County,...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

First look for this language in other governing documents, standalone policies/resolutions, or amendments not included in this review. If not already addressed in another document (and if applicable to this community), incorporate: Adopt, record in the county real property records, and post on the Association website a compliant Fining & Enforcement Policy containing the schedule of fines by...