



Section II - Sample Provision Excerpt (Public Preview)

before the Members unless their voting rights have been suspended. Multiple. Ovners: When more than one Person in ownership fniterest in a Lot, ail such Persons shall be Members, but in no event shall they be entitled to more than one (1) vote with respect to that particular lot.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. II (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:

before the Members unless their voting rights have been suspended. Multiple. Ovners: When more than one Person holds an ownership fniterest in a Lot, ail such Persons shall be Members, but in no event shall they be entitled to more than one (1) vote with respect to that particular lot.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

before the Members unless their voting rights have been suspended. Multiple. Ovners: When more than one Person holds an ownership fniterest in a Lot, ail such Persons shall be Members, but in no event shall they be entitled to more than one (1) vote with respect to that particular lot. [STATUTORY VOTING RIGHTS PROTECTION]: Pursuant to Tex. Prop. Code § 209.0059(a), no Owner may be disqualified from voting in an Association election or on any matter concerning the rights or responsibilities of the Owner for nonpayment of assessments or covenant violations.