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

20200910001525160 09/10/2020 10:50:28 AM NO 1/27
NOTICE OF FILING FOR
SHADOWBEND HOMEOWNERS ASSOCIATION, INC.
STATE OF TEXAS
COUNTY OF COLLIN
Notice is hereby given to all persons with any interest in or claim to any parts of the
property within the jurisdiction of Shadowbend Homeowners Association, Inc. that said property
is subject to the Certificate of Formation of Shadowbend Homeowners Association, Inc.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION
BOARD & COUNSEL REVIEW

Sec. Clause #1 (p. 1): 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).

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:
20200910001525160 09/10/2020 10:50:28 AM NO 1/27 NOTICE OF FILING FOR SHADOWBEND HOMEOWNERS ASSOCIATION, INC. STATE OF TEXAS COUNTY OF COLLIN Notice is hereby given to all persons with any interest in or claim to any parts of the property within the jurisdiction of Shadowbend Homeowners Association, Inc. that said property is subject to the Certificate of Formation of Shadowbend Homeowners Association, Inc.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
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 covenant category pursuant to Tex. Prop. Code § 209.0061 (HB 614).