

Section c - Sample Provision Excerpt (Public Preview)

Class "B" Member earlier determines, the Association shall call a special meeting at which all current directors shall resign and at which the Class "A" Members shall elect (2) directors shall be appointees of the-Class "B" Member.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · DOCUMENTS CONTRADICT

BOARD & COUNSEL REVIEW

Sec. c (p. 9): Hierarchy conflict (DECLARATION trumps BYLAWS):
DECLARATION mandates that Directors serve 1-year terms, whereas BYLAWS specifies 2-year terms.

Statutory / Legal Reference: [Tex. Prop. Code Ch. 209 \(Texas Residential Property Owners Protection Act\)](#) & [22 TAC § 535.401 \(TREC Management Certificate Rules\)](#) & [Restatement \(Third\) of Property \(Servitudes\) § 6.7 \(Governing Document Hierarchy\)](#)

Statutory Comparison: Under the governing document hierarchy, the Director term length established in the superior DECLARATION (1 year[s]) controls over conflicting provisions in the subordinate BYLAWS (2 year[s]).

CURRENT WORDING IN DOCUMENT:

Class "B" Member earlier determines, the Association shall call a special meeting at which all current directors shall resign and at which the Class "A" Members shall elect (2) directors shall be appointees of the-Class "B" Member.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Association Bylaws Section c to specify 1-year Director terms in conformity with the controlling DECLARATION.