

Section 5. - Sample Provision Excerpt (Public Preview)

that the voting rights of any member have been suspended in accordance with the Bylaws. Whenever there is more than one record Owner of a Lot, any or all of the record Owners may attend and collectively vote one (1) vote, at any meeting of the Members. In no event shall more than one vote be cast with respect to any Lot. Cumulative voting is not permitted.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 5. (p. 3): Provision authorizes holding regular Board of Directors meetings "without notice" or taking Board action by written consent outside a noticed open meeting, conflicting with Tex. Prop. Code §§ 209.005, 82.1141 & 1 TAC § 70.3 (Open Records Cost Schedule).

Statutory / Legal Reference: Tex. Prop. Code Ch. 209 (Texas Residential Property Owners Protection Act) & 22 TAC § 535.401 (TREC Management Certificate Rules); Tex. Prop. Code § 209.005 & 1 TAC § 70.3 (Open Records Cost Schedule)

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:

that the voting rights of any member have been suspended in accordance with the Bylaws. Whenever there is more than one record Owner of a Lot, any or all of the record Owners may attend and collectively vote one (1) vote, at any meeting of the Members. In no event shall more than one vote be cast with respect to any Lot. Cumulative voting is not permitted.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

that the voting rights of any member have been suspended in accordance with the Bylaws. Whenever there is more than one record Owner of a Lot, any or all of the record Owners may attend and collectively vote one (1) vote, at any meeting of the Members. In no event shall more than one vote be cast with respect to any Lot. Cumulative voting is not permitted. [STATUTORY VOTING RIGHTS PROTECTION]: Pursuant to Tex. Prop.