



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 1 (p. 14): 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:

Powers. The Executive Committee shall have power to:

- (a) Suspend the voting rights of a Member during any period in which such Member shall be in default in the payment of any dues of the Club; and
- (b) Exercise, for the Club, all powers, duties and authority vested in or delegated to this Club and not reserved to the membership by other provisions of these Bylaws or the Articles of Incorporation.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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.

ARTICLE IX

POWERS AND DUTIES OF THE EXECUTIVE COMMITTEE

ISSUE #1

Section 1: Powers. The Executive Committee shall have power to:

(a) Suspend the voting rights of a Member during any period in which such Member shall be in default in the payment of any dues of the Club; and

(b) Exercise, for the Club, all powers, duties and authority vested in or delegated to this Club and not reserved to the membership by other provisions of these Bylaws or the Articles of Incorporation.

Section 2: Duties. It shall be the duty of the Executive Committee to:

(a) Cause to be kept a record of all its acts and corporate affairs;

(b) Supervise all officers, agents and employees of this Club, and to see that their duties are properly performed;

ARTICLE X

INDEMNIFICATION

Section 1: Right to Indemnification.

Each person who was or is made a party to or is threatened to be made a party to, or is otherwise involved in any action, suit or proceeding, whether civil, criminal, arbitratve, administrative