



Section 1 - Sample Provision Excerpt (Public Preview)

RP-2022-601351

12/27/2022 ER

\$198.00

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

FOR

SUNDANCE COVE

ISSUE #1

This Declaration of Covenants, Conditions and Restrictions for Sundance Cove is made on the date hereinafter set forth by Declarant (as hereinafter defined). Declarant is the owner of the Property (as hereinafter defined).

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Enforcement/fining provision omits mandatory Texas Property Code § 209.006 certified mail notice, 30-day Board hearing request window, or HB 614 recorded fine schedule requirements.

Statutory / Legal Reference: Tex. Prop. Code § 209.006, § 209.0061 & § 209.007

Statutory Comparison: Under Tex. Prop. Code § 209.006 and § 209.007, an association may not levy a fine or suspend an owner's right to use a common area unless it first gives written notice by certified mail describing the violation, providing a reasonable period to cure (if curable and not a repeat violation within 6 months), and stating that the owner may request a hearing before the Board on or before the 30th day...

CURRENT WORDING IN DOCUMENT:

RP-2022-601351 12/27/2022 ER \$198.00 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SUNDANCE COVE This Declaration of Covenants, Conditions and Restrictions for Sundance Cove is made on the date hereinafter set forth by Declarant (as hereinafter defined). Declarant is the owner of the Property (as hereinafter defined).

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Before the Association levies a fine, suspends an Owner's right to use a common area, or files suit other than to collect regular or special assessments or foreclose a lien, the Association shall give written notice to the Owner by certified mail in compliance with Tex. Prop. Code § 209.006.