Section 2. - Sample Provision Excerpt (Public Preview)

suspend the voting rights of any Member and to suspend the right of any Member and Resident to use or enjoy any of Common Properties for any period during which any Assessment (including

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 2. (p. 15): Governance clause suspends owner voting rights or imposes non-statutory disqualifications on running for the Board of Directors, which are void under Tex. Prop. Code § 209.0059 and § 209.00591.

Statutory / Legal Reference: Tex. Prop. Code § 209.0059, § 209.00591 & § 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:

suspend the voting rights of any Member and to suspend the right of any Member and Resident to use or enjoy any of the Common Properties for any period during which any Assessment (including

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

suspend the voting rights of any Member and to suspend the right of any Member and Resident to use or enjoy any of the Common Properties for any period during which any Assessment (including [STATUTORY VOTING RIGHTS PROTECTION]: Pursuant to Tex. Prop.