Section 1 - Sample Provision Excerpt (Public Preview)

Denton County
Juli Luke
County Clerk
Instrument Number: 130963
ERecordings-RP
AMENDMENT

ISSUE #1

: December 03, 2024 12:22 PM
Number of Pages: 12
"Examined and Charged as Follows: "
Total Recording: $69.00
********** THIS PAGE IS PART OF THE INSTRUMENT **********
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ecause of color or race is invalid and unenforceable under federal law
Record and Return To:
Simplifile
File Information:
Document Number:
Receipt...

MARKUP #1 ->

MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION
BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Governing document bundle authorizes fines but lacks or fails to reference the mandatory recorded Enforcement Policy & Schedule of Fines required by Tex. Prop. Code § 209.0061 (HB 614).

Statutory / Legal Reference: Tex. Prop. Code § 209.0061 (HB 614)

Statutory Comparison: Effective January 1, 2024, HB 614 enacted Tex. Prop. Code § 209.0061, requiring every subdivision HOA with fining authority to adopt, record, and post/distribute an enforcement policy that enumerates each general category of restrictive covenants for which the association may assess a fine and a specific schedule of fines for each category.

CURRENT WORDING IN DOCUMENT:
Denton County Juli Luke County Clerk Instrument Number: 130963 ERecordings-RP AMENDMENT Recorded On: December 03, 2024 12:22 PM Number of Pages: 12 "Examined and Charged as Follows: " Total Recording: $69.00 ********** THIS PAGE IS PART OF THE INSTRUMENT ********** iny provision herein which restricts the Sale, Rental or use of the described REAL PROPERT ecause of color or race is invalid and unenforceable under federal law Record and Return To: Simplifile File Information: Document Number: Receipt...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Adopt, record in the county real property records, and post on the Association website a compliant Fining & Enforcement Policy containing the schedule of fines by covenant category pursuant to Tex. Prop. Code § 209.0061 (HB 614).