MARKED-UP PAGE 1: 1 COMPLIANCE ISSUE (#1) - SEE REDLINE COMMENTS AT RIGHT ->

Section 1 - Sample Provision Excerpt (Public Preview)

Book 15419 Page 495 3pgs
Doc# 20120057800
RATIFICATION OF SUBDIVISION PLAT
WHEREAS, the plat for NAPA OAKS UNIT 2-A was duly recorded in Volume 9638, Page 193, of the Deed and Plat Records of Bexar County, Texas by the Declarant and current owner of the subdivision NAPA OAKS SA, LTD., a Texas limited partnership;

ISSUE #1

EAS, prior to and at the time of the...

MARKUP #1 ->

MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Potential Issue for Review: 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) - look for this language in other governing documents, standalone policies, or amendments that were not included in this review.

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:
Book 15419 Page 495 3pgs Doc# 20120057800 RATIFICATION OF SUBDIVISION PLAT WHEREAS, the plat for NAPA OAKS UNIT 2-A was duly recorded in Volume 9638, Page 193, of the Deed and Plat Records of Bexar County, Texas by the Declarant and current owner of the subdivision NAPA OAKS SA, LTD., a Texas limited partnership; AND WHEREAS, prior to and at the time of the...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
First look for this language in other governing documents, standalone policies/resolutions, or amendments not included in this review. If not already addressed in another document (and if applicable to this community), incorporate: 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...