Section 4.2. - Sample Provision Excerpt (Public Preview)

Declaration under the heading "Undivided Ownership Interest". All voting rights of an Owner may be suspended during any period that such Owner is delinquent in the payment of any Assessment duly established pursuant to Article VI, or otherwise in default under the terms of this Declaration, the Bylaws or the Regulations.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING — BOARD & COUNSEL REVIEW

Sec. 4.2. (p. 13): Covenant suspending owner voting rights for delinquency or covenant violations is void under the Texas Property Code.

Statutory / Legal Reference: Tex. Prop. Code § 82.102 & § 82.108 (Texas Uniform Condominium Act)

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:
Declaration under the heading "Undivided Ownership Interest". All voting rights of an Owner may be suspended during any period that such Owner is delinquent in the payment of any Assessment duly established pursuant to Article VI, or otherwise in default under the terms of this Declaration, the Bylaws or the Regulations.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Declaration under the heading "Undivided Ownership Interest". All voting rights of an Owner may be suspended during any period that such Owner is delinquent in the payment of any Assessment duly established pursuant to Article VI, or otherwise in default under the terms of this Declaration, the Bylaws or the Regulations. [STATUTORY VOTING RIGHTS PROTECTION]: Pursuant to Tex. Prop.