Section 5.1(a) - Sample Provision Excerpt (Public Preview)

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, or otherwise in default, under the terms of the Declaration, these Bylaws or the Regulations as further described in Section 3.

ISSUE #1

MARKUP #1 ->

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

Sec. 5.1(a) (p. 6): Covenant suspending owner voting rights for delinquency or covenant violations is void under the Texas Property Code.

Statutory / Legal Reference: (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:

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, or otherwise in default, under the terms of the Declaration, these Bylaws or the Regulations as further described in Section 3.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Tex. Prop. Code § 209.0059(a), no Owner may be disqualified from voting in an Association election or on any matter concerning the rights or responsibilities of the Owner for nonpayment of assessments or covenant violations.