

Section 8.10 - Sample Provision Excerpt (Public Preview)

Waiver. No restriction, condition, obligation or covenant contained in these Bylaws may be deemed to have been abrogated or waived by reason of failure to enforce the same, irrespective of the number of violations or breaches thereof which may occur.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 8.10 (p. 11): Board meeting clause provides less than the mandatory 144-hour (regular) / 72-hour (special) owner notice or permits secret/unnoticed board votes on fines, assessments, or budget adoption in violation of Tex. Prop. Code § 209.0051(e)-(h).

Statutory / Legal Reference: Tex. Prop. Code § 209.0051(e)-(h) (SB 1588)

Statutory Comparison: Under Tex. Prop. Code § 209.0051(e) (as amended by SB 1588), all regular and special board meetings must be open to owners, and notice of the date, hour, place, and general subject of the meeting must be posted (including on any association website) and emailed to each registered owner at least 144 hours (6 days) before a regular board meeting and at least 72 hours (3 days) before a special board...

CURRENT WORDING IN DOCUMENT:

Waiver. No restriction, condition, obligation or covenant contained in these Bylaws may be deemed to have been abrogated or waived by reason of failure to enforce the same, irrespective of the number of violations or breaches thereof which may occur.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Waiver. No restriction, condition, obligation or covenant contained in these Bylaws may be deemed to have been abrogated or waived by reason of failure to enforce the same, irrespective of the number of violations or breaches thereof which may occur. CERTIFICATION & ACKNOWLEDGMENT As the Declarant of The Settlement at Gruene and the initial and sole member of The Settlement at Gruene Property...