

Section 2.07(b) - Sample Provision Excerpt (Public Preview)

shall have the right to suspend the voting rights of any Member if:

(i) Such Member is' in default in the payment of any Assessment, charge or other amount due under any of the provisions of the Declaration in excess of thirty (30) days after the due date thereof; or

(i1) Such Member has failed to comply with any of the covenants, conditions, and...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 2.07(b) (p. 8): Governance clause suspends owner voting rights or imposes non-statutory disqualifications on running for the Board of Directors, which are void under Tex. Prop. Code § 209.0059 and § 209.00591.

Statutory / Legal Reference: Tex. Prop. Code § 209.0059, § 209.00591 & § 209.00592
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:
shall have the right to suspend the voting rights of any Member if:
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(i1) Such Member has failed to comply with any of the covenants, conditions, and...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
shall have the right to suspend the voting rights of any Member if:
(i) Such Member is' in default in the payment of any Assessment, charge or other amount due under any of the provisions of the Declaration in excess of thirty (30) days after the due date thereof; or
(i1) Such Member has failed to comply with any of the covenants, conditions, and restrictions created by the Declaration.