Section 10.01 - Sample Provision Excerpt (Public Preview)

Declarant Control Period at any earlier time by publicly recording a notice of termination. The Declarant Control Period is for a term of years or until the stated status is attained, and does not require that Declarant own a Lot or any other land in the Subdivision of Annexation Area.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 10.01 (p. 22): Declaration amendment provision requires 75% approval, which is overridden and capped at 67% of total allocated votes by Tex. Prop. Code § 209.0041(h-1).

Statutory / Legal Reference: Tex. Prop. Code § 209.0041(h)-(h-1)

Statutory Comparison: Under Tex. Prop. Code § 209.0041(h) and (h-1), a residential subdivision declaration may be amended only by a vote of 67 percent of the total votes allocated to property owners in the property owners' association; if the declaration contains a lower percentage, that lower percentage controls, and if the declaration specifies a percentage higher than 67%, the statutory 67% ceiling overrides the...

CURRENT WORDING IN DOCUMENT:

Declarant Control Period at any earlier time by publicly recording a notice of termination. The Declarant Control Period is for a term of years or until the stated status is attained, and does not require that Declarant own a Lot or any other land in the Subdivision of Annexation Area.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Tex. Prop. Code § 209.0041(h)-(h-1), this Declaration may be amended by the affirmative vote of Owners holding at least sixty-seven percent (67%) of the total votes allocated in the Association, following at least ten (10) to twenty (20) days' written notice of the meeting at which the amendment will be considered.