

Section 1 - Sample Provision Excerpt (Public Preview)

J706303
095-81-0222
THE STATE OF TEXAS
COUNTY OF HARRIS
AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR THE TRACES,
SECTION ONE
09/21/84 D0282014 J706303 \$5.00
KNOW ALL MEN BY THESE PRESENTS:
U
WHEREAS, GENSTAR TEXAS INC. (hereinafter
called
"Developer"), by instrument dated May 18, 1983, and filed for
record on May 18, 1983, under Harris County Clerk's File No.
H952147, placed certain restrictive covenants on the property,
known as THE TRACES, SECTION ONE,
as recorded in Volume 316,
Page...

ISSUE #1

MARKUP #1 ->



MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Governing document bundle authorizes fines but lacks or fails to reference the mandatory recorded Enforcement Policy & Schedule of Fines required by Tex. Prop. Code § 209.0061 (HB 614).

Statutory / Legal Reference: Tex. Prop. Code § 209.0061 (HB 614)

Statutory Comparison: Effective January 1, 2024, HB 614 enacted Tex. Prop. Code § 209.0061, requiring every subdivision HOA with fining authority to adopt, record, and post/distribute an enforcement policy that enumerates each general category of restrictive covenants for which the association may assess a fine and a specific schedule of fines for each category.

CURRENT WORDING IN DOCUMENT:

J706303 095-81-0222 THE STATE OF TEXAS COUNTY OF HARRIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE TRACES, SECTION ONE 09/21/84 D0282014 J706303 \$5.00 KNOW ALL MEN BY THESE PRESENTS: U WHEREAS, GENSTAR TEXAS INC. (hereinafter called "Developer"), by instrument dated May 18, 1983, and filed for record on May 18, 1983, under Harris County Clerk's File No. H952147, placed certain restrictive covenants on the property, known as THE TRACES, SECTION ONE, as recorded in Volume 316, Page...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Adopt, record in the county real property records, and post on the Association website a compliant Fining & Enforcement Policy containing the schedule of fines by covenant category pursuant to Tex. Prop. Code § 209.0061 (HB 614).