Section 3.12 - Sample Provision Excerpt (Public Preview)

Association to suspend the voting rights
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ISSUE #1

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MARKUP #1 ->

MARKUP #1 · POTENTIAL STATUTE CONFLICT

BOARD & COUNSEL REVIEW

Sec. 3.12 (p. 12): Covenant suspending owner voting rights for delinquency or covenant violations is void under the Texas Property Code.

Statutory / Legal Reference: Tex. Prop. Code § 209.0059(a) & § 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:
Association to suspend the voting rights rights and and right right to to use of the Owner as as recreational recreational facilities, facilities, if if any, any, located located in in the the Common Common Area, Area, by by an Owner provided 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.