Section 8.1 - Sample Provision Excerpt (Public Preview)

by which the Board may assess fines against Owners for violations of the
Covenants or the Design Guidelines;
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Last Revised: 12/01/05
(10)
to establish and collect reasonable fees for the use of any

ISSUE #1

acilities on the Common Area; and
(11)
to...

MARKUP #1 ->

MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. 8.1 (p. 17): Potential Issue for Review: Fining or enforcement clause grants authority to levy fines or penalties without spelling out the statutory notice, cure, fine schedule, and hearing procedures under Tex. Prop. Code § 209.006, § 209.0061 & § 209.007 - look for this language in other governing documents (such as a standalone Fining/Enforcement Policy, Rules & Regulations, Bylaws, or amendments) that were not included in this review.

Statutory / Legal Reference: Tex. Prop. Code § 209.006, § 209.0061 & § 209.007

Statutory Comparison: Under Tex. Prop. Code § 209.006 and § 209.007, an association may not levy a fine or suspend an owner's right to use a common area unless it first gives written notice by certified mail describing the violation, providing a reasonable period to cure (if curable and not a repeat violation within 6 months), and stating that the owner may request a hearing before the Board on or before the 30th day...

CURRENT WORDING IN DOCUMENT:

by which the Board may assess fines against Owners for violations of the Covenants or the Design Guidelines; C:\Documents and Settings|GeeDev|My Documents\Wentworth Villas! Wentorth Villas Deed Restrictions.doc Last Revised: 12/01/05
(10) to establish and collect reasonable fees for the use of any recreational facilities on the Common Area; and
(11) to...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Look for the required notice, cure, fine schedule, and hearing language in other governing documents not included in this review. If not already set forth in another document, incorporate: Before the Association levies a fine, suspends an Owner's right to use a common area, or files suit other than to collect regular or special assessments or foreclose a lien, the Association shall give written...