

Section 12 - Sample Provision Excerpt (Public Preview)

The right of the Association to suspend the voting rights of an Uwner and the Owner's right to use the Common Area for any period during which any assessment against his Lot remains unpaid, and for a period not to exceed sixty (60) days for any infraction of its published rules and regulations; and The right of the Association to accept Property as Common...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 12 (p. 10): Clause permits directors to vote or establish a board quorum by proxy at Board of Directors meetings without requiring express authorization in the Certificate of Formation under Tex. Bus. Orgs. Code § 22.214.

Statutory / Legal Reference: Tex. Bus. Orgs. Code § 22.213 - 22.214 & Tex. Prop. Code § 209.0051

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:

The right of the Association to suspend the voting rights of an Uwner and the Owner's right to use the Common Area tor any period during which any assessment against his Lot remains unpaid, and for a period not to exceed sixty (60) days for any infraction of its published rules and regulations; and The right of the Association to accept Property as Common...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

The right of the Association to suspend the voting rights of an Uwner and the Owner's right to use the Common Area tor any period during which any assessment against his Lot remains unpaid, and for a period not to exceed sixty (60) days for any infraction of its published rules and regulations; and The right of the Association to accept Property as Common Area for maintenance or to dedicate or...