

LEGAL BATTLES

(This presentation is not legal advice just my experience and opinion with the Smith County Legal? System.)

After 5 years of legal battles in Smith County, the legal standing for HOA members will finally be written into law.

When bringing a legal action, the first thing to prove is your standing to file.

The first ruling we received said we did not have legal standing to file a lawsuit. We appealed to the 12th Circuit Court of Appeals and was granted leave to file our lawsuit. This ruling was upheld by the Texas Supreme Court.

You cannot believe how Hide-A-Way Lake Club, Inc., fought to oppose our effort to enforce Deed Restrictions.

In any event the Wylie case was ruled to set a precedence. The current Texas Legislature has written this into law.

The following amendment to Section 21, Chapter 209 of the Texas Property Code will go into effect September 1, 2021. You may then go to the JP Court in Lindale to file your case and it won't break the bank.

“SECTION 21. Chapter 209, Property Code, is amended by

Adding Section 209.017 to read as follows:

Sec. 209.017. JUSTICE COURT JURISDICTION. An owner of Property in a subdivision may bring an action for a violation of This chapter against the property owners' association of the Subdivision in the justice court of a precinct in which all or part Of the subdivision is located.”

Go to this site for the complete Chapter 209 Texas Property Code.

[Bill Text: TX SB1588 | 2021-2022 | 87th Legislature | Enrolled | LegiScan](#)

Lanty Wylie
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