

Steven Stacy

From: Steven Stacy
Sent: Tuesday, October 1, 2019 12:22 PM
To: 'Brackett, Donna - HPW'
Subject: RE: Inverness Townhomes abandonment and sale application for Uptown Park and Post Oak Blvd.

Donna, below is the response I received concerning the common areas issue. Does this answer your question?

Pursuant to Section 82.102(a)(4) of the Texas Uniform Condominium Act, the Association, acting through its board, has the power to "institute, defend, intervene in, settle or compromise litigation or administrative proceedings on behalf of itself or two or more unit owners on matters affecting the condominium." That's the authority under which the Association purports to execute the JR application. There is other authority as well, which we can discuss, but unless Donna is well versed on condominium law, it would be confusing. The whole purpose of the new act (TPC Chapter 82) is to facilitate certain actions by the Association on behalf of the unit owners which typically are not contemplated or addressed in the Condominium Declaration. The board always has the requirement as a fiduciary on behalf of the unit owners to act in a reasonable and responsible manner, which it is doing in this instance by taking steps to acquire the ROW property as part of the condemnation settlement.

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From: Brackett, Donna - HPW [mailto:Donna.Brickett@houston.tx.gov]
Sent: Monday, September 30, 2019 3:38 PM
To: Steven Stacy <SStacy@gundacorp.com>
Subject: RE: Inverness Townhomes abandonment and sale application for Uptown Park and Post Oak Blvd.

Thank you Steve for the information.

Please provide the information on the ownership of the common areas. Are the common areas owned by the HOA or do the owners have ownership in the common areas?

Let me know.

Thank you,

Donna Brackett