

THE ENCLAVE AT PRESERVE AT NORTHAMPTON COMMUNITY ASSOCIATION, INC. RECORDS PRODUCTION AND COPYING POLICY

WHEREAS, the Board of Directors (the "Board") of The Enclave at Preserve at Northampton Community Association ("Association") is charged with administering and enforcing those certain covenants, conditions, and restrictions contained in the recorded Declarations for the community (collectively referred to as "Declarations"); and

WHEREAS, Chapter 209 of the Texas Property Code was amended effective January 1, 2012, to amend Section 209.005 ("Section 209.005") thereto regarding owner access to Association documents and records ("Records"); and

WHEREAS, Section 209.005(i) of the Texas Property Code requires a property owners' association to adopt a records production and copying policy that prescribes the costs the association will charge for compilation, production and reproduction of information requested under Section 209 of the Texas Property Code; and

WHEREAS, the Board has determined that in connection with producing and copying records, it is appropriate for the Association to adopt a records production and copying policy ("Records Production and Copying Policy") consistent with Section 209.005; and

NOW, THEREFORE, the Board has duly adopted the Records Production and Copying Policy set forth below. The Records Production and Copying Policy is effective October 1, 2014, and supersedes any guidelines or policy for records production and copying which may have previously been in effect. The Records Production and Copying Policy is as follows:

- I. **Request for Books and Records:** Records shall be reasonably available to all owners or a person designated in writing signed by the owner as the owner's agent, attorney, or certified public accountant ("Owner's Authorized Representative") upon proper request and at the owner's expense. A proper request:
 - a. Must be sent by certified mail to the Association at the address as reflected in the Association's most recent Management Certificate as recorded in the Official Public Records of Harris County; and
 - b. Must be from an owner or an Owner's Authorized Representative (collectively called the "Requestor"); and
 - c. Must contain sufficient detail to identify the specific Records being requested ("Requested Records"); and
 - d. Must designate if Requestor would like to inspect the Requested Records or if the Requested Records should be forwarded. If forwarded, the letter must indicate the format, delivery method, and address.
- II. **Association's Response:** The Association shall respond to the Requestor's request in writing.
 - a. **Request to Inspect:** Upon receipt of a proper request to inspect the Requested Records as outlined above, the Association will send written notice to the Requestor on or before ten (10) business days after the Association receives the proper request, and provide dates and times during normal business hours that the Requested Records will be made available for inspection by the Requestor (to the extent the Requested Records are in the possession, custody, or control of the Association and are not otherwise privileged and therefore protected from inspection). The Association and the Requestor shall arrange for a mutually agreeable time to conduct the inspection. If copies of the Requested Records are made at the inspection, the Association shall provide the Requestor with copies upon receipt of the cost thereof as described below.
 - b. **Request for Copies:** If a request for copies of Requested Records is made, the Association shall send written notice to the Requestor on or before ten (10) business days after the Association receives the proper request advising the Requestor of the date that the

Requested Records will be made available, and the cost that must be received by the Association before the Requested Records will be provided. Upon receiving payment for the Requested Records, the Association will produce the Requested Records to the Requestor by sending the Requested Records to the Requestor by regular U.S. Mail at the Requestor's address shown in the request, or upon written request, the Requestor may pick up the Requested Records from the Association's management company. The Association may provide the Requested Records in hard copy, electronic format, or other format reasonable available to the Association.

- c. **Additional Time:** If upon review of a proper request to inspect or copy documents, the Association determines it cannot comply with the request within ten (10) business days after receipt of the request by the Association, the Association shall send the Requestor a written notice (within such ten (10) business day period) that informs the Requestor that the Association is unable to produce the Requested Records within ten (10) business day after the Association received the request and that the Requested Records will be made available (subject to receipt of payment as set forth herein), as the case may be, on or before fifteen (15) business days from the date the notice is mailed to the Requestor.

III. **Costs:** Requestor must pay any costs associated with the Records Request in advance of delivery. An owner who makes a request and subsequently declines to accept delivery will be liable for payment of all costs under this Policy. The Association hereby adopts the following schedule, including but not limited to copies, postage, supplies, labor, overhead, and third-party fees as listed below:

a. **Copies:**

- i. \$0.25 per single-sided Black & White 8.5" x 11" page
- ii. \$0.50 per single-sided Color 8.5" x 11" page
- iii. \$1.00 per double-sided Color 8.5" x 11" page
- iv. \$0.10 per PDF document image
- i. \$1.00 for each CD

b. **Labor & Overhead:**

\$18.00 per hour for actual time to locate, compile, and produce the records for any copy request of 50 pages or more.

c. **Materials:**

Actual cost of labels, boxes, folders, specialty paper (color, photograph, map, etc.) and other supplies used in producing the records, along with postage and mailing supplies for mailing the records.

- d. **Cost Reconciliation:** If the estimated cost provided to the Requestor is more or less than the actual cost of producing the Requested Records, the Association shall, within thirty (30) business days after producing the Requested Records, submit to the Requestor, either an invoice for additional amounts owed or a refund of the overages paid by the Requestor. Owner agrees to pay the total amount to the Association within thirty (30) business days after the date the invoice is sent to the Requestor. Any unpaid balance will accrue interest and will be added to the Owner's account as an assessment by the Association. If the estimated costs exceeded the final invoice amount, the Requestor is entitled to a refund, and the refund shall be issued to the Requestor within thirty (30) business days after producing the Requested Records.

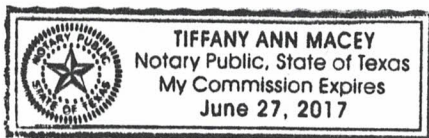
EXECUTED on the date set forth herein below, to be effective as set forth above.


**The Enclave at Preserve at Northampton
Community Association, Inc.,
a Texas non-profit corporation**

By: 
Nino R. Corbett, Managing Agent

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on November 24, 2014 by Nino R. Corbett, President of The Enclave at Preserve at Northampton Community Association, Inc., a Texas non-profit corporation, on behalf of said corporation.




Notary Public, State of Texas

AFTER RECORDING, RETURN TO:

Post Oak Property Management
27101 Westheimer Pkwy
Katy, TX 77494

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Pages 4
12/10/2014 11:03:19 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees 24.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically
and any blackouts, additions or changes were present
at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or
use of the described real property because of color or
race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in
File Number Sequence on the date and at the time stamped
hereon by me; and was duly RECORDED in the Official
Public Records of Real Property of Harris County, Texas.



Stan Stanart
COUNTY CLERK
HARRIS COUNTY, TEXAS