

ITEM #6

Texas Property Code 209.000

Sec. 209.005. ASSOCIATION RECORDS. (a) Except as provided by Subsection (b), this section applies to all property owners' associations and controls over other law not specifically applicable to a property owners' association. . . .

(c) Notwithstanding a provision in a dedicatory instrument, a property owners' association shall make the books and records of the association, including financial records, open to and reasonably available for examination by an owner, or a person designated in a writing signed by the owner as the owner's agent, attorney, or certified public accountant, in accordance with this section. An owner is entitled to obtain from the association copies of information contained in the books and records. . . .

(e) An owner or the owner's authorized representative described by Subsection (c) must submit a written request for access or information under Subsection (c) by certified mail, with sufficient detail describing the property owners' association's books and records requested, to the mailing address of the association or authorized representative as reflected on the most current management certificate filed under Section 209.004. The request must contain an election either to inspect the books and records before obtaining copies or to have the property owners' association forward copies of the requested books and records and:

(1) if an inspection is requested, the association, on or before the 10th business day after the date the association receives the request, shall send written notice of dates during normal business hours that the owner may inspect the requested books and records to the extent those books and records are in the possession, custody, or control of the association; or

(2) if copies of identified books and records are requested, the association shall, to the extent those books and records are in the possession, custody, or control of the association, produce the requested books and records for the requesting party on or before the 10th business day after the date the association receives the request, except as otherwise provided by this section.

(k) Except as provided by Subsection (l) and to the extent the information is provided in the meeting minutes, the property owners' association is not required to release or allow inspection of any books or records that identify the dedicatory instrument violation history of an individual owner of an association, an owner's personal financial information, including records of payment or nonpayment of amounts due the association, an owner's contact information, other than the owner's address, or information related to an employee of the association, including personnel files. Information may be released in an aggregate or summary manner that would not identify an individual property owner.

(l) The books and records described by Subsection (k) shall be released or made available for inspection if:

(1) the express written approval of the owner whose records are the subject of the request for inspection is provided to the property owners' association; or

(2) a court orders the release of the books and records or orders that the books and records be made available for inspection.

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WOODCREEK PROPERTY OWNERS ASSOCIATION OF HAYS COUNTY, INC. RECORDS PRODUCTION POLICY

This Records Production Policy was approved by the Board of Directors for Woodcreek Property Owners Association of Hays County, Inc., Inc. on the 17 day of November, 2011.

I. Copies of Association records will be available to all Owners upon proper request and at their own expense. A proper request:

- a. is sent certified mail to the Association's address as reflected in its most recent management certificate;
- b. is from an Owner, or the Owner's agent, attorney or certified public accountant; and
- c. contains sufficient detail to identify the records being requested.

II. Owners may request to inspect the books and records or may request copies of specific records.

- a. If the owner makes a request to inspect the books and records then the Association will respond within **10 business days** of the request, providing the dates and times the records will be made available and the location of the records. The Association and the owner shall arrange for a mutually agreeable time to conduct the inspection. The Association shall provide the owner with copies of specific documents upon the owner paying the Association the cost thereof.
- b. If an owner makes a request for copies of specific records, and the Association can provide the records easily or with no cost, then the Association will provide the records to the owner within 10 business days of the owner's request.
- c. If the owner makes a request for copies of specific records, the Association shall send a response letter advising ton the date the records will be made available (within **15 business days**) and the cost the owner must pay before the records will be provided. Upon paying the cost to provide the records, the Association shall provide the records to the owner.

III. The Association hereby adopts the following schedule of costs:

COPIES

- 10 cents per page, for a regular 8.5 " x 11" page
- 50 cents per page, for pages 11" x 17" or greater
- Actual cost, for specialty paper (color, photograph, map, etc.)
- \$1.00 for each CD or audio cassette
- \$3.00 for each DVD

LABOR \$15.00 per hour for actual time to locate, compile and reproduce the records (can only charge if request is greater than 50 pages in length).

OVERHEAD 20% of the total labor charge (can only charge if request is greater than 50 pages in length)

MATERIALS Actual costs of labels, boxes, folders, and other supplies used in producing the records, along with postage for mailing the records.

IV. The Association hereby adopts the following form of response to Owners who request to inspect the Association's Books and Records:

**WOODCREEK PROPERTY OWNERS ASSOCIATION OF HAYS COUNTY, INC.
RESPONSE TO REQUEST TO INSPECT ASSOCIATION RECORDS**

_____ (DATE)

On _____, the Association received your request to inspect the books and records of the Association. The books and records of the Association are available for you to inspect on regular business days, between the hours of 9 am and 5 pm, at the office of _____, located at _____, _____, Texas

Please contact the Association's manager at _____ (phone number) to arrange for a mutually agreeable time for you to come and inspect the books and records. Please be advised that if you desire copies of specific records during or after the inspection, you must first pay the associated costs before the copies will be provided to you. A schedule of costs is included with this response.

Very truly yours,

Inc. Woodcreek Property Owners Association of Hays County,

V. The Association hereby adopts the following form of response to Owners who request copies of specific records:

**WOODCREEK PROPERTY OWNERS ASSOCIATION OF HAYS COUNTY, INC., INC.
RESPONSE TO REQUEST FOR ASSOCIATION RECORDS**

_____ (DATE)

Dear Homeowner:

On _____, the Association received your request for copies of specific Association records. We are unable to provide you with the requested records within 10 business days of your request. However, the requested records will be available to you no later than 15 business days after the date of this response.

In order to obtain the records, you must first pay the Association the cost of providing the records to you. The estimated cost to obtain the records you requested is \$ _____. Upon receiving payment, the Association will mail the requested documents to you. You may also make payment and pick up the documents in person at the office of _____, located at _____, _____, Texas.

Very truly yours,

*Woodcreek Property Owners Association of Hays County,
Inc., Inc.*

VI. If the estimated cost provided to the Owner is more or less than the actual cost of producing the documents, the Association shall, within 30 days after providing the records, submit to the owner either an invoice for additional amounts owed or a refund of the overages paid by the Owner.

VII. Unless authorized in writing or by court order, the Association will not provide copies of any records that contain the personal information of an owner, including restriction violations, delinquent assessments, financial information and contact information (other than an owner's address); additionally, no privilege attorney-client communications or attorney work product documents will be provided; and no employee information (including personnel file) will be released.

VIII. With regards to the inspection of ballots, only persons who tabulate ballots under 209.00594 (TPC) may be given access to the ballots cast in an election or vote.

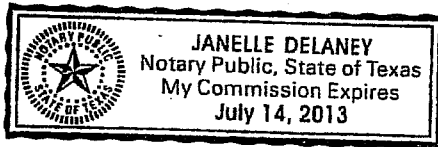
CERTIFICATION

"I, the undersigned, being the President of the Woodcreek Property Owners Association of Hays County, Inc., Inc. hereby certify that the foregoing Resolution was adopted by at least a majority of the Woodcreek Property Owners Association of Hays County, Inc. Board of Directors."

By: Mercy Merian

Mercy Merian (Board President name)

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, by the above-mentioned Affiant on this the 17 day of November, 2011, to certify which witness my hand and seal of office.



Janelle Delaney
NOTARY PUBLIC, State of Texas