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NOTICE
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HARVEST BEND, THE MEADOW HOMEOWNERS' ASSOCIATION

RECORDS PRODUCTION POLICY

STATE OF TEXAS §
COUNTY OF HARRIS § KNOW ALL PERSONS BY THESE PRESENTS:
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WHEREAS, HARVEST BEND, THE MEADOW HOMEOWNERS' ASSOCIATION ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declaration of Covenants, Conditions and Restrictions for Harvest Bend, The Meadow and any Amendments thereto (referred to collectively as the "Declaration"); and

WHEREAS, § 209.005 of the TEXAS PROPERTY CODE was amended effective January 1, 2012, regarding owner access to Association documents and records ("Records"); and

WHEREAS, the Board of Directors of the Association desires to establish a policy for records production consistent with § 209.005 and to provide clear and definitive guidance to property owners.

NOW, THEREFORE, the Board has duly adopted the following *Records Production Policy*.

1. Association Records shall be reasonably available to every owner. An owner may also provide access to Records to any other person (such as an attorney, CPA or agent) they designate in writing as their proxy for this purpose. To ensure a written proxy is actually from the owner, the owner must include a copy of his/her photo ID or have the proxy notarized.

2. An owner, or their proxy as described in section 1, must submit a written request for access to or copies of Records. The letter must:

- a. be sent by certified mail to the Association's address as reflected in its most recent Management Certificate filed in the County public records;
- b. contain sufficient detail to identify the specific Records being requested; and
- c. indicate whether the owner or proxy would like to inspect the Records before possibly obtaining copies or if copies of the specified Records should be forwarded. If forwarded, the letter must indicate the format, delivery method and address:
 - i. format: electronic files, compact disk or paper copies
 - ii. delivery method: email, certified mail or pick-up

3. Within ten (10) business days of receipt of the request specified in section 2 above, the Association shall provide:

NOTARIZED

- a. the requested Records, if copies were requested and any required advance payment had been made; or
- b. a written notice that the Records are available and offer dates and times when the Records may be inspected by the owner or their proxy during normal business hours at the office of the Association; or
- c. a written notice that the requested Records are available for delivery once a payment of the cost to produce the records is made and stating the cost thereof; or
- d. a written notice that a request for delivery does not contain sufficient information to specify the Records desired, the format, the delivery method and the delivery address; or
- e. a written notice that the requested Records cannot be produced within ten (10) business days but will be available within fifteen (15) additional business days from the date of the notice and payment of the cost to produce the records is made and stating the cost thereof.

4. The following Association Records are not available for inspection by owners or their proxies:

- a. the financial records associated with an individual owner;
- b. deed restriction violation details for an individual owner;
- c. personal information, including contact information other than an address for an individual owner; and
- d. attorney files and records relating to the association.

5. The information in a, b and c above will be released if the Association receives express written approval from the owner whose records are the subject of the request for inspection.

6. Association Records may be maintained in paper format or in an electronic format.

7. If a request is made to inspect Records and certain Records are maintained in electronic format, the owner or their proxy will be given access to equipment to view the electronic records. Association shall not be required to transfer such electronic records to paper format unless the owner or their proxy agrees to pay the cost of producing such copies.

8. If an owner or their proxy inspecting Records requests copies of certain Records during the inspection, Association shall provide them promptly, if possible, but no later than ten (10) business days after the inspection or payment of costs, whichever is later.

9. The owner is responsible for all costs associated with a request under this Policy, including but not limited to copies, postage, supplies, labor, overhead and third party. Fees (such as archive document retrieval fees from off-site storage locations) as listed below:

- a. black and white 8.5"x11" single sided copies ... \$0.25 each

- b. black and white 8.5"x11" double sided copies ... \$0.50 each
- c. color 8.5"x11" single sided copies ... \$2.00 each
- d. color 8.5"x11" double sided copies ... \$4.00 each
- e. PDF images of documents ... \$0.25 per page
- f. compact disk ... \$2.00 each
- g. labor and overhead ... \$18.00 per hour
- h. mailing supplies ... \$1.00 per mailing
- i. postage ... at cost
- j. other supplies ... at cost
- k. third party fees ... at cost

10. Any costs associated with a Records request must be paid in advance of delivery by the owner or their proxy. An owner who makes a request for Records and subsequently declines to accept delivery will be liable for payment of all costs under this Policy.

11. If the owner fails to pay the total amount invoiced within thirty (30) days after the date a statement is mailed to the Owner, any unpaid balance will be added to the Owner's account as an assessment.

12. All costs associated with fulfilling the request under this Policy will be paid by the Association's Managing Agent. All fees paid to the Association under this Policy will be reimbursed to the Association's Managing Agent or paid directly to the Association's Managing Agent.

This Policy is effective upon recordation in the Public Records of Harris County, and supersedes any policy regarding records production which may have previously been in effect. Except as affected by Section 209.005 and/or by this Policy, all other provisions contained in the Declaration or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 20 day of April, 2012.

HARVEST BEND, THE MEADOW
HOMEOWNERS' ASSOCIATION

By: Gloria A. Valigura
GLORIA A. VALIGURA, President

FILED FOR RECORD
8:00 AM

MAY - 3 2012

St. Stant
County Clerk, Harris County, Texas

2012-04-20 10:00 AM

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NOTICE
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HARVEST BEND, THE MEADOW HOMEOWNERS' ASSOCIATION

RECORDS RETENTION POLICY

STATE OF TEXAS §
COUNTY OF HARRIS § KNOW ALL PERSONS BY THESE PRESENTS:
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WHEREAS, HARVEST BEND, THE MEADOWS HOMEOWNERS' ASSOCIATION ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declaration of Covenants, Conditions and Restrictions for Harvest Bend, The Meadow and any Amendments thereto (referred to collectively as the "Declaration"); and

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WHEREAS, § 209.005(m) of the TEXAS PROPERTY CODE was added effective January 1, 2012, regarding retention of Association documents and records; and

WHEREAS, the Board of Directors of the Association desires to establish a policy of record retention consistent with § 209.005 and to provide clear and definitive guidance to owners.

NOW, THEREFORE, the Board has duly adopted the following *Records Retention Policy*.

1. Association Records may be maintained in paper format or in an electronic format that can be readily transferred to paper.

2. Association Records shall be retained for the durations listed below:

- a. certificate of formation or articles of incorporation, bylaws, restrictive covenants, other dedicatory instruments and any amendments to same shall be retained permanently;
- b. financial books and records, including annual budgets, reserve studies, monthly financial statements and bank statements, shall be retained for seven (7) years;
- c. account records of current owners shall be retained for five (5) years;
- d. contracts with a term of one year or more shall be retained for four (4) years after the expiration of the contract term;
- e. minutes of meetings of the owners and the Board shall be retained for seven (7) years after the date of the meeting;
- f. tax returns and CPA audit records shall be retained for seven (7) years after the last date of the return or audit year;
- g. decisions of the of the Board regarding applications, variances, waivers or related matters associated with individual properties shall be retained for seven (7) years from the decision date; and
- h. decisions of the of the Board regarding applications, variances, waivers or

HARRIS COUNTY CLERK

