

HERITAGE SQUARE COMMUNITY ASSOCIATION, INC.

RECORDS PRODUCTION POLICY

STATE OF TEXAS §  
COUNTY OF HARRIS § KNOW ALL PERSONS BY THESE PRESENTS:  
§

WHEREAS, HERITAGE SQUARE COMMUNITY ASSOCIATION, INC. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declaration of Covenants, Conditions and Restrictions for Heritage Square 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:

- a. the requested Records, if copies were requested and any required advance payment had been made;
- 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;

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- 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;
- 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 ... \$25.00 per hour
- h. mailing supplies ... \$1.00 per mailing
- i. postage ... at cost
- j. other supplies ... at cost
- k. third party fees ... at cost

FILED FOR RECORD  
8:00 AM

JAN - 6 2012

*St. Stanout*  
County Clerk, Harris County, Texas

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 29 day of December, 2011.

HERITAGE SQUARE COMMUNITY ASSOCIATION, INC.

By: [Signature]  
Richard Remels, President

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STATE OF TEXAS §  
COUNTY OF HARRIS §

RECORDER'S MEMORANDUM:  
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts additions and changes were present at the time the instrument was filed and recorded.

Before me, the undersigned authority, on this day personally appeared RICHARD REMELS, President of HERITAGE SQUARE COMMUNITY ASSOCIATION, INC., a Texas non-profit corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he had executed the same as the act of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 29<sup>th</sup> day of December, 2011.



[Signature]  
NOTARY PUBLIC in and for the STATE OF TEXAS

RETURN TO:  
MESSOCK & WALTON  
17171 Park Row, SUITE 250  
HOUSTON, TEXAS 77084

[Handwritten mark]

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.

JAN -6 2012



*Stan Stewart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS