**POST OAK FOREST HOMEOWNERS ASSOCIATION**

**RECORDS PRODUCTION AND COPYING POLICY**

**WHEREAS the Homeowners’ Association of Post Oak Forest, Inc. is** *charged with administering and enforcing those certain by-laws and covenants contained in the recorded Policy Handbook filed for record on 24 April, 2009, document number 01026709 Brazos County Texas; 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 recods and*

*WHEREAS, The Board of Directors (“Board”) of the Associatiion desires to establish a poliy for records production consistent with Section 209.005 and to provide clear and definitive guidance to property owners.*

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

1. *Association Records shall be reasonably available to every property owner. An owner may also provide access to Records to any other person 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 Records. The letter must:*
3. *be sent by certified mail to the Association’s address*
4. *contain sufficient detail to identify the specific Records being requested; and*
5. *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.*
6. *format: electronic files, compact disk or paper copies.*
7. Delivery method: email, certified mail or pick-up
8. On or before the 10th business day after the date the Association receives the request specified in Section 2 above, the Association shall provide:
9. 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
10. the requested Records if any required advance payment had been made; or
11. a written notice that the requested Records are available for delivery once a specific required payment is made; or
12. 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
13. a written notice that the requested Records cannot be produced within (10) business days but will be available within fifteen (15) additional business days from the date of the notice.
14. The following Association Records are not available for inspection by owners or their proxies:
15. the financial records associated with an individual owner;
16. dedicatory instrument violation details for an individual owner;
17. personal information, including contact information other than address for an individual owner
18. information related to an employee of the Association, including personnel files
19. attorney files and records in the possession of the attorney;
20. attorney-client privileged information in the possession of the Association.

(The information in; a, b, c and d will be released if the express written approval of the owner whose records are the subject of the request for inspection is provided to the Association, or, a court orders the release of the books and records or orders that the books and records be made available for inspection.)

1. Association Records may be maintained in paper format or in an electronic format. 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 totransfer such electronic records to paper format unless the owner or their proxy agrees to purchase such copies.
2. If an owner or proxy inspecting Records requests copies of certain Records during the inspection, the 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.
3. 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 as listed below:
4. black and white 8 ½ “x 11” single sided copies .. $0.10 each
5. black and white 8 ½ “ x 11” double sided .. $0.20 each
6. color 8 ½ “ x 11” single sided copies … $0.50 each
7. color 8 ½ “ x 11” double sided copies .. $1.00 each
8. PDF images of documents .. $0.10 per page
9. Compact disk … $1.00 each
10. Labor and overhead … $18.00 per hour
11. Mailing supplies … $1.00 per mailing
12. Postage … at cost
13. Other supplies … at cost
14. Third party fees … at cost
15. Any cost 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.
16. If the estimated costs are lesser or greater than the actual costs, the Association shall submit a final invoice to the owner on or before the 30th day after the records are delivered. Owner agrees to pay any additional amount due within thirty (30) days after the date the records are sent to them. Any unpaid balance will be added to the owner’s account as an assessment and will accrue interest as allowed.

 10. On a case-by-case basis where an owner’s request for Records is deemed to be minimal, the Association reserves the right to waive notice under Section 2 and/or fees under Section

This is to certify that the foregoing Policy was adopted by the Board at a meeting of the same held \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

And has not been modified, rescinded or revoked.

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 ***President***

 ***Post Oak Forest***

 ***Homeowners’ Association***