

PENDLETON HARBOR PROPERTY OWNERS' ASSOCIATION
RECORDS RETENTION AND REQUEST POLICY

STATE OF TEXAS

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COUNTY OF SABINE

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130539

WHEREAS, the Pendleton Harbor Property Owners' Association ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Protective Covenants, Restorations, and Lot Assessments for the community (referred to as "Restrictions"); and

WHEREAS, Chapter 209 of the Texas Property Code was amended effective January 1, 2012 to add Section 209.005 ("Section 209.005") thereto regarding open records policy ("Open Records Policy") and records retention policy ("Records Retention Policy"); and

WHEREAS, the Board of Directors of the Association ("Board") desires to establish a policy for owners to access Association records and for the retention of records consistent with Section 209.005 and to provide clear and definitive guidance to owners.

NOW, THEREFORE, the Board has duly adopted the following *Records Retention and Request Policy*:

- a. certificate of formation and any amendments thereto;
 - b. bylaws and any amendments thereto; and
 - c. covenants and any amendments thereto.
2. The Association shall retain the following documents for a period of seven (7) years:
 - a. financial books and records;
 - b. account records of current owners;
 - c. contracts with a term of one year or more (retention period shall begin after the expiration of the contract term)
 - d. minutes of meetings of the owners and the Board; and
 - e. tax returns and audits.
3. The 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.

4. An owner is entitled to obtain copies of information contained in the books and records if a request is made pursuant to this policy.
 5. An owner or the owner's authorized representative described in Paragraph 3 must submit a written request for access or information by certified mail, with sufficient detail describing the Association's books and records requested to Pendleton Harbor Property Owners' Association, 200 Sand Dollar Drive, Hemphill, Texas 75949. 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:
 - a. 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
 - b. 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.
- the request, the Association must provide to the requestor written notice that:
- a. informs the requestor that the Association is unable to produce the information on or before the 10th business day after the date the Association received the request; and
 - b. states a date by which the information will be sent or made available for inspection to the requesting party that is not later than the 15th business day after the date notice under this Open Records Policy is given to the Association.
7. If an inspection is requested or required, the inspection shall take place at a mutually agreed on time during normal business hours, and the requesting party shall identify the books and records for the Association to copy and forward to the requesting party.
 8. The Association may produce books and records requested under this section in hard copy, electronic, or other format reasonably available to the Association.
 9. The Association is not required to produce attorney's files and records, excluding invoices. Attorney's records are not records of the Association and are not subject to inspection by the owner.

10. The Association is not required to release or allow inspection of the following documents except if the information is provided in the meeting minutes, upon 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:
- a. books or records that identify the dedicatory instrument violation history of an individual owner of the Association;
 - b. an owner's personal financial information, including records of payment or nonpayment of amounts due the Association;
 - c. an owner's contact information, other than the owner's address; or
 - d. information related to an employee of the association, including personnel files.

The information referenced in Subparagraphs "a" through "d" may be released in an aggregate or summary manner.

11. The Association is entitled to recover all reasonable costs of materials, labor, and overhead. The costs shall be as follows:

- a. Standard Copy. The charge for paper copies is \$.10 per page or part of a page.

- (i) DISKETTE, REMOVABLE CD, NON-REMOVABLE CD, and other electronic media. The charge for these items will be \$1.00 per item.
- (ii) Digital Video Disk (DVD). The charge for this item will be \$3.00 per item.
- (iii) VHS Video Cassette. The charge for this item will be \$2.50 per item.
- (iv) Magnetic Tape, Data Cartridge, Tape Cartridge, JAZ Drive, Other Electronic Media. The charge for these items will be the actual cost of each item.
- (v) Oversized Paper Copy (including 11 inches by 17 inches). The charge for oversized paper copies is \$.50 per page or part of a page.
- (vi) Specialty Paper (including Mylar, blueprint, blue-line, map, photographic). The charge for specialty paper copies is actual cost per page or part of a page.

12. The Association may charge for labor costs for locating, compiling, manipulating data, and reproducing the requested information if the request is for more than 50 pages. The charge for labor costs incurred in processing a request is \$15 an hour. The

labor charge includes the actual time to locate, compile, manipulate date, and reproduce the requested information.

13. The Association may require advance payment of the estimated costs of compilation, production, and reproduction of the requested information. 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 business day after the date the information is delivered. If the final invoice includes additional amounts due from the owner, the additional amounts, if not reimbursed to the Association before the 30th business day after the date the invoice is sent to the owner, may be added to the owner's account as an assessment. If the estimate costs exceeded the final invoice amount, the owner is entitled to a refund, and the refund shall be issued to the owner not later than the 30th business day after the date the invoice is sent to the owner.

This Policy is effective upon recordation in the Public Records of Sabine County, and supersedes any policy regarding the retention of records and records request policies 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 Restrictions or any other dedicatory instruments of the Association shall remain in full force and effect.

18 Approved and adopted by Pendleton Harbor Property Owners' Association Board on this day of MARCH 2013.

PENDLETON PROPERTY OWNERS' ASSOCIATION

STATE OF TEXAS

COUNTY OF SABINE

Before me, the undersigned authority, on this day personally appeared Melvin Dowers, President of Pendleton Property Owners' Association, a Texas 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 18 day of MARCH, 2013



Becky Harrington
Notary Public, State of Texas
Becky Harrington
Printed Name
My commission expires: June 8, 2014

FILED FOR RECORD
AT 9:10 O'CLOCK A M

MAR 19 2013,

Janice McDaniel
Clerk, County Court, Sabine County
By Jan DEPUTY

Caverda

THE STATE OF TEXAS
COUNTY OF SABINE

130539

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED & TIMED
STAMPED HEREON BY ME AND WAS DULY RECORDED IN THE VOLUME
AND PAGE OF THE NAMED RECORDS OF SABINE COUNTY TEXAS AS
STAMPED HEREON BY ME.



RECORDED 3-19-13
VOL. 377 PAGE 072

OFFICIAL PUBLIC RECORDS
JANICE McDANIEL COUNTY CLERK
SABINE COUNTY, TEXAS
By Jan DEPUTY

Caverda

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