



Durham Park Association

Records Production and Copying Policy

This supersedes Durham Park HOA Open Records Policy, dated effective May 1, 2015.

Whereas, in accordance with Texas Property Code Section 209.005(c) of the Texas Residential Property Owners Protection Act, “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.”

Whereas, Texas Property Code Section 209.005(i) of the Texas Residential Property Owners Protection Act, states “a property owners' association must adopt a records production and copying policy that prescribes the costs the association will charge for the compilation, production, and reproduction of information requested under this section.”

1. Access to and/or copies of Association records will be made available to all owners or the owner's authorized representative upon proper request.
 - (a) A proper request must be sent certified mail to Durham Park Association, 800 Glasscock Road, Liberty Hill, TX 78642
 - (b) The request letter must be from an owner, or their authorized representative designated in writing to act in their behalf ; and
 - (c) contains sufficient detail describing the books and/or records requested; and
 - (d) states whether the member elects to inspect the books/records before obtaining copies or to have the Association forward copies of the requested books/records.
2. Owners or their authorized representative may request to inspect the books and records or request copies of specific records. Association business hours are Monday through Friday, 9am to 5pm.
 - If an owner or their authorized representative makes a request to inspect the books and records, then the Association will respond within 10 business days of receipt of the request, by written notice providing the dates and times the books and records will be made available and the location to inspect the records. The Association and the owner or their authorized representative shall arrange for a mutually agreeable time to conduct the inspection during the regular business hours of the Association. If after the inspection, the owner or their authorized representative requests copies of specific records, the

Association shall provide the owner with copies of specific documents upon the owner or their authorized representative paying the Association's reproduction costs.

- If an owner or their authorized representative sends a request for copies of specific records, and the Association is in the possession, custody, or control of the records and can provide the records easily and/or with no cost, then the Association will provide the records to the owner or their authorized representative within 10 business days of receiving the request.
- If an owner or their authorized representative sends a request for copies of specific records that will require payment for records production and copying, and the Association is in the possession, custody, or control of the records, the Association shall send a response letter providing the date that the records will be made available and the cost the owner or authorized representative 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 or authorized representative.
- If the Association is unable to produce the books or records requested on or before the 10th business day after receipt of a request, and the Association is in the possession, custody, or control of the records, the Association will send a written notice to the requester that provides a date by which the information will be sent or made available for inspection that is not later than the 15th business day after the date the association received their request.

3. The Association will not provide any document that is considered attorney work product or that is a privileged attorney-client communication.

4. The Association will only provide information that identifies the violation history of an individual owner, a owner's personal financial information including records of payment or nonpayment of amount due to 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 if;

- (a) the express written approval of the owner whose records are the subject of the request for inspection is provided to the Association; or
- (b) a court orders the release of the books and records or orders the books and records be made available for inspection.

5. With regards to the inspection of ballots, under Texas Property Code Section 209.00594(c) of the Texas Residential Property Owners Protection Act “only a person who tabulates votes or who performs a recount under Section 209.0057(c) may be given access to the ballots cast in an election or vote.”

6. The Association may require advance payment of the estimated cost of inspection or production. The Association will deliver a final invoice to the owner or their authorized

representative before the 30th business day after the information is delivered. If the total charges on the final invoice are less than the estimate paid, the Association will refund the excess amount paid within 30 business days of the date the final invoice is delivered. If the total charges on the final invoice are more than the estimate paid, the owner or authorized representative must pay the balance within 30 business days of the date the final invoice is delivered. Any balance due to the Association not paid by such date will be added to the owner's account and treated as a past due amount subject to late fees and interest.

7. The Association reserves the right to produce the requested copies in hard copy or by electronic or other format reasonably available to it, and the manner of production shall be determined by the Association in its sole discretion.

8. The owner shall be responsible for the costs related to the compilation, production, and reproduction of the requested information in accordance with the terms of the Texas Administrative Code (TAC), Title 1, Rule 70.3 (and any amendment, modification, update or increase of such terms).

As of the effective date of the adoption of this Records Production and Copying Policy, the allowable Production and Copying Charges are as follows:

- (a) Labor charges: \$15.00 per hour for actual time to locate, compile, manipulate data, and reproduce the records. A labor charge will not be billed for requests that are 50 or fewer pages.
- (b) Copy charges:
 - (1) Standard paper copy (8.5 x 11 inch sheet) reproduced by means of an office machine copier or a computer printer is 10 cents per page. Each side that has recorded information is considered a page.
 - (2) Nonstandard copy charges:
 - (a) Oversize paper copy (e.g.: 11 x 17 inches or greater - - \$.50. Each side that has recorded information is considered a page.
 - (b) Specialty paper (color, photograph, map, etc.) - - actual cost;
 - (c) CD - - \$1.00;
 - (d) USB/Flash Drive - - actual cost
- (c) Materials: the actual costs of labels, boxes, folders, and other supplies used to produce the requested information, may be added to the total charge.
- (d) Postal and Shipping Charges: will be added if necessary to transmit the reproduced information to the requesting party.

9. In accordance with Texas Property Code Section 209.005(n) of the Texas Residential Property Owners Protection Act, "A member of a property owners' association who is denied access to or copies of association books or records to which the member is entitled to may file a petition with the justice of the peace of a justice precinct in which all or part of the property that is governed by the association is located requesting relief in accordance with this subsection."

This Records Production and Copying Policy was duly adopted by unanimous written consent of the Board of Directors of the Durham Park Association in Liberty Hill, TX, effective the 23rd day of May, 2018.

ATTEST:

Nancy Young
Nancy Young, Secretary

DURHAM PARK ASSOCIATION

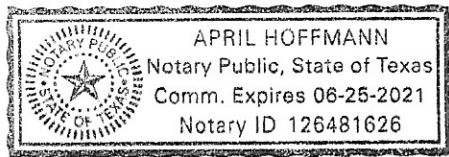
Virginia Malone
Virginia Malone, President

State of Texas

County of Williamson

I, April R. Hoffmann, a Notary Public, do hereby certify that on this 5 day of June, 2018, personally appeared Virginia Malone, who, being duly sworn, declared that she is the President of the corporation executing the foregoing document in the capacity set forth, and that the statements herein contained are true.

IN WITNESS THEREOF, I have hereunto set my hand and seal the day and year before written.



[Signature]

Notary Public in the State of Texas

After Recording, Return to:
Durham Park Association
800 Glasscock Road
Liberty Hill, TX 78642

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS 2018049130

REST Fee: \$33.00
06/06/2018 01:32 PM LMUELLER



Nancy E. Rister
Nancy E. Rister, County Clerk
Williamson County, Texas