

KIRKWOOD COUNTRY HOMEOWNERS ASSOCIATION, INC.  
BOOKS AND RECORDS PRODUCTION POLICY

STATE OF TEXAS §  
COUNTY OF HARRIS §

WHEREAS, Kirkwood Country Homeowners Association, Inc. (the "Association") is the governing entity for Kirkwood Country, Sections One and Two, additions in Harris County, Texas, according to the maps or plats thereof, recorded in the Map Records of Harris County, Texas, under Volume 285, Page 1, Clerk's File No. F937697; and Volume 285, Page 10, Clerk's File No. F937698, respectively, along with any amendments, supplements, replats, and annexations (collectively referred to as the "Subdivision"); and

WHEREAS, Chapter 209 of the Texas Property Code was amended, effective January 1, 2012, to add Section 209.005, which requires the Association to adopt and record a policy regarding guidelines for production of Association Books and Records to owners; and

WHEREAS, the Association, through its Board of Directors, shall have and may exercise discretionary authority concerning the restrictive covenants contained herein;

NOW THEREFORE, in order to comply with Section 209.005, the Association hereby adopts the following Books and Records Production Policy:

- I. Copies of Association Books and Records will be available to all Owners upon their proper request and at their own expense. A proper request:**
  - a. is sent certified mail to the Association's address as reflected in its most recent management certificate; and
  - b. is from an Owner, or, if authorized in writing by the Owner, the Owner's agent, attorney, or certified public accountant; and
  - c. contains sufficient detail to identify the Books and Records being requested.
  
- II. Owners may request to inspect the Books and Records OR may request copies of specific Books and Records.**

-If the owner makes a request to *inspect* the Books and Records, then the Association will respond **within 10 business days** of the request, providing the dates and times the Books and Records will be made available and the location of the Books and Records. The Association and the owner shall arrange for a mutually agreeable time to conduct the inspection. The Association shall provide the owner with copies of specific documents requested during the inspection upon the owner paying the Association the cost thereof.

-If the owner makes a request for *copies of specific Books and Records*, the Association shall, **within 10 business days** of the owner's request, send a response letter advising on the date that the requested copies will be made available (**must be available within 15 business days of the response letter**) and the cost the owner must pay before the requested copies will be provided. Upon paying the cost of producing the requested copies, the Association shall provide the requested copies to the owner.

**III. The Association hereby adopts the following schedule of costs:**

<u>COPIES</u>	10 cents per page, for a regular 8.5" x 11" page 50 cents per page, for pages 11" x 17" or greater Actual cost, for specialty paper (color, photograph, map, etc...) \$1.00 for each CD or audio cassette and \$3.00 for each DVD
<u>LABOR</u>	\$15.00 per hour, actual time to locate, compile and reproduce the Books and Records (can only charge if request is greater than 50 pages in length or as otherwise provided by law)
<u>OVERHEAD</u>	20% of the total labor charge (can only charge if request is greater than 50 pages in length or as otherwise provided by law)
<u>MATERIALS</u>	actual costs of labels, boxes, folders, and other supplies used in producing the Books and Records, along with postage for mailing the Books and Records

**IV.** If the estimated cost provided to the Owner is more or less than the actual cost of producing the documents, the Association shall, within 30 days after providing the records, submit to the owner either an invoice for additional amounts owed or a refund of the overages paid by the Owner.

**V.** Unless authorized in writing or by court order, the Association will not provide copies of any records that contain the personal information of an owner, including restriction violations, delinquent assessments, financial information, and contact information.

KIRKWOOD COUNTRY HOMEOWNERS ASSOCIATION, INC.

CERTIFICATION

"I, the undersigned, being the President of Kirkwood Country Homeowners Association, Inc., hereby certify that the foregoing Resolution was adopted by at least a majority of the Association Board of Directors on the 13 day of December, 2011."

By: John Rankin, President

Print Name: John Rankin

RECORDED'S ATTENTION:  
At the time of recording, this instrument was found to be defective in that certain portions of the instrument were illegible, either by photo copy, computer print, etc. All legible, additions and changes were signed at the time the instrument was filed and recorded.

ACKNOWLEDGEMENT

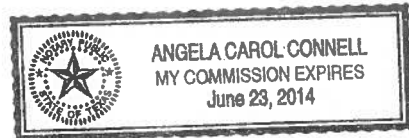
STATE OF TEXAS                   §  
  §  
COUNTY OF HARRIS           §

BEFORE ME, the undersigned authority, on this day, personally appeared the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same as the act of the Association for the purpose and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 13<sup>th</sup> day of December, 2011.

[Signature]  
Notary Public, State of Texas

After Recording Return to:  
HOLT & YOUNG, P.C.  
11200 Richmond Ave., Ste. 450  
Houston, Texas 77082



ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENT, 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 Office of Public Records of Real Property of Harris County, Texas

DEC 30 2011



Stan Stewart  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

Stan Stewart  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

2011 DEC 30 PM 2:50

FILED