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OFFICIAL PUBLIC RECORDS



*Dana DeBeauvoir*

Dana DeBeauvoir, County Clerk  
Travis County, Texas

Sep 10, 2021 04:32 PM Fee: \$70.00

**2021203278**

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intentionally added for  
electronic file stamp.

SUPPLEMENTAL NOTICE OF DEDICATORY INSTRUMENTS  
*for*  
 BRODIE HEIGHTS CONDOMINIUM COMMUNITY, INC.

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THE STATE OF TEXAS       §  
   §  
 COUNTY OF TRAVIS       §

The undersigned, being the authorized representative of Brodie Heights Condominium Community, Inc. (the "Association"), a property owners' association as defined in Section 202.001 of the Texas Property Code, hereby supplements instrument entitled "Notice of Dedicatory Instruments for Brodie Heights Condominium Community, Inc.," "Supplemental Notice of Dedicatory Instruments for Brodie Heights Condominium Community, Inc.," and "Supplemental Notice of Dedicatory Instruments for Brodie Heights Condominium Community, Inc.," recorded in the Official Public Records of Real Property of Travis County, Texas under Clerk's File Nos. 2019065705, 2019174932, and 2021096367 (the "Notice") was filed of record for the purpose of complying with Section 202.006 of the Texas Property Code.

Additional Dedicatory Instrument. In addition to the Dedicatory Instruments identified in the Notice, the following documents are Dedicatory Instruments governing the Association.

- **Open Records Policy for Brodie Heights Condominium Community, Inc.**
- **Document Retention Policy for Brodie Heights Condominium Community, Inc.**

True and correct copies of such Dedicatory Instruments are attached to this Supplemental Notice.

This Supplemental Notice is being recorded in the Official Public Records of Real Property of Travis County, Texas for the purpose of complying with Section 202.006 of the Texas Property Code. I hereby certify that the information set forth in this Supplemental Notice is true and correct and that the copies of the Dedicatory Instruments attached to this Supplemental Notice are true and correct copies of the originals.

Executed on this 10<sup>th</sup> day of September, 2021.

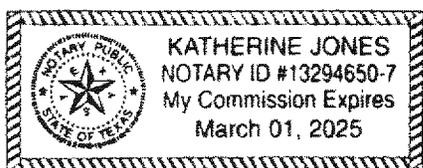
BRODIE HEIGHTS CONDOMINIUM  
 COMMUNITY, INC.

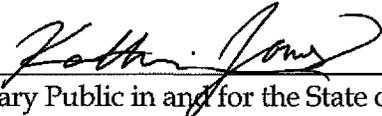
By: \_\_\_\_\_

Clint Brown, authorized representative

THE STATE OF TEXAS     §  
  §  
COUNTY OF TRAVIS     §

BEFORE ME, the undersigned notary public, on this 10<sup>th</sup> day of September, 2021 personally appeared Clint Brown, authorized representative of Brodie Heights Condominium Community, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.



  
\_\_\_\_\_  
Notary Public in and for the State of Texas

OPEN RECORDS POLICY  
for  
BRODIE HEIGHTS CODOMINIUM COMMUNITY, INC.

THE STATE OF TEXAS     §  
  §  
COUNTY OF TRAVIS     §

I, Barbara Koeppe, Secretary of Brodie Heights Condominium Community, Inc. (the "Association"), do hereby certify that at a meeting of the Board of Directors of the Association (the "Board") duly called and held on the 1<sup>st</sup> day of September, 2021, with at least a quorum of the Board members being present and remaining throughout, and being duly authorized to transact business, the following Open Records Policy was duly approved by a majority vote of the members of the Board:

**RECITALS:**

1. The property encumbered by this Open Records Policy is that property restricted by the Declaration of Condominium Regime for Brodie Heights Condominiums, recorded in the Official Public Records of Real Property of Travis County, Texas, under Clerk's File No. 2007122559, as same has been or may be amended and/or supplemented from time to time ("Declaration"), and any other property which has been or may be subsequently annexed thereto and made subject to the authority of the Association.
2. Chapter 82 of the Texas Property Code was amended to add Section 82.1141 to set forth open records procedures and to require condominium unit owners' associations to adopt and record open records policies consistent with the procedures set forth in the statute.
3. The Board of Directors of the Association desires to adopt an open records policy consistent with the provisions of Section 82.1141 of the Texas Property Code.
4. This Open Records Policy replaces and supersedes any previous open records policy, if any, adopted by the Association.

**POLICY:**

It is the policy of the Association to 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 (the "Owner's Representative") in accordance with the following provisions:

1. **Request.** An Owner or the Owner's Representative must submit a written request for access or information. The written request must:
  - a. be sent by certified mail to the mailing address of the Association or to the authorized representative of the Association as reflected on the most current

Management Certificate of the Association filed of record in accordance with Section 82.116 of the Texas Property Code;

- b. describe with sufficient detail the books and records of the Association that are requested; and
- c. state whether the Owner or the Owner's Representative elects to inspect the requested books and records before obtaining copies or have the Association forward copies of the requested books and records.

2. **Election to Inspect.** If an inspection is requested, the Association must send written notice to the Owner or the Owner's Representative of dates during normal business hours that the Owner or the Owner's Representative may inspect the requested books and records. Such written notice must be sent on or before the tenth (10<sup>th</sup>) business day after the date the Association receives the request, unless the Association sends a notice to the Owner or Owner's Representative in accordance with Section 4 below.

3. **Election to Obtain Copies.** If copies of the identified books and records are requested, the Association must produce copies of the requested books and records on or before the tenth (10<sup>th</sup>) business day after the date the Association receives the request, unless the Association sends a notice to the Owner or Owner's Representative in accordance with Section 4.

4. **Inability to Produce Records Within 10 Days.** If the Association is unable to produce requested books and records on or before the tenth (10<sup>th</sup>) business day after the date the Association receives the request, the Association must provide written notice to the Owner or the Owner's Representative that:

- a. informs the Owner or the Owner's Representative that the Association is unable to produce the requested books and records on or before the tenth (10<sup>th</sup>) business day after the date the Association received the request; and
- b. states a date by which the requested books and records will be sent or made available for inspection, which date shall not be later than the fifteenth (15<sup>th</sup>) business day after the date such notice is given.

5. **Extent of Books and Records.** The Association must produce books and records requested by an Owner or an Owner's Representative to the extent those books and records are in the possession, custody or control of the Association.

6. **Time of Inspection; Copies.** If an inspection of books and records is requested or required, the inspection will take place at a mutually agreed upon time during normal business hours. At the inspection, the Owner or the Owner's Representative may identify the books and records to be copied and forwarded. The Association must thereafter make copies of such books and records at the cost of the Owner and forward them to the Owner or the Owner's Representative.

7. **Format.** The Association may produce books and records requested by an Owner or an Owner's Representative in hard copy, electronic or other format reasonably available to the Association.

8. **Costs.** The Association may charge an Owner for the compilation, production or reproduction of books and records requested by the Owner or the Owner's Representative, which costs may include all reasonable costs of materials, labor, and overhead. Costs will be billed at the rates established by Title 1 of the Texas Administrative Code, Section 70.3 ("**Section 70.3**"), as same may be amended from time-to-time. As of the date of this Policy, the rates set forth below are established by Section 70.3. Should the rates set forth in Section 70.3 ever be different than in this policy (either through amendment or error by this policy) the then current rates set forth in Section 70.3 shall control.

Labor for locating, compiling and reproducing records*	\$15.00 per hour
Overhead charge*	20% of labor costs
Copies (8½ x 11 and 8½ x 14)	\$0.10 per page
Oversize paper copies (11 x 17, greenbar and bluebar)	\$0.50 per page
Specialty papers (blue print and maps)	actual cost
Diskette	\$1.00
Magnetic tape or data or tape cartridge	actual cost
CD	\$1.00
DVD	\$3.00
VHS video cassette	\$2.50
Audio cassette	\$1.00
Other	At the rate provided for in Section 70.3

9. **Advance Payment of Estimated Costs.** The Association must estimate the costs of compiling, producing and reproducing books and records requested by an Owner or an Owner's Representative on the basis of the rates set forth in Section 8 above. The Association may require advance payment of the estimated costs of compiling, producing and reproducing the requested books and records.

10. **Actual Costs.**

10.1. If the actual costs of compiling, producing and reproducing requested books and records are less than or greater than the estimated costs, the Association will submit a final invoice to the Owner on or before the thirtieth (30<sup>th</sup>) business day after the date the requested books and records are delivered.

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\* No labor or overhead will be charged if there are 50 or fewer pages unless the documents are in 2 or more separate buildings not physically connected to each other or in a remote storage facility.

- 10.2. If the final invoice includes additional amounts due from the Owner, the Owner is required to pay the additional amount to the Association before the thirtieth (30<sup>th</sup>) business day after the date the invoice is sent to the Owner.
- 10.3. If the final invoice indicates that the actual costs are less than the estimated costs, the Association must refund the excess amount paid by the Owner not later than the thirtieth (30<sup>th</sup>) business day after the date the invoice is sent to the Owner.
- 10.4. If the Owner fails to pay to the Association the additional amounts shown in the final invoice in accordance with Subsection 10.1 above, the Association may add the additional amount to the Owner's assessment account as an assessment.

**11. Books and Records Not Required to be Produced.**

11.1. To the extent the requested information is not located in meeting minutes, unless an Owner whose records are the subject of a request provides express written approval to the Association or unless a court order is issued directing either the release of books and records or that books and records be made available for inspection, the Association is not required to release or allow inspection of books and records that:

- a. identify the history of violations of dedicatory instruments of an individual Owner;
- b. disclose an Owner's personal financial information, including records of payment or nonpayment of amounts due the Association;
- c. disclose an Owner's contact information or Owner's address;  
or
- d. disclose information related to an employee of the Association, including personnel files.

11.2. In addition, information may be released in an aggregate or summary manner that will not identify an individual property Owner.

12. **Business Day.** As used in this policy, "business day" means a day other than a Saturday, Sunday or state or federal holiday.

[Certification page follows.]

I hereby certify that I am the duly elected, qualified and acting Secretary of the Association and that the foregoing Open Records Policy was approved by a majority vote of the Board of Directors as set forth above and now appears in the books and records of the Association, to be effective upon recording in the Official Public Records of Real Property of Travis County, Texas.

TO CERTIFY which witness my hand this the 1st day of September, 2021.

BRODIE HEIGHTS CONDOMINIUM COMMUNITY, INC.

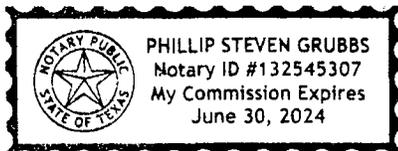
By: Barbara Koeppe  
Printed: Barbara Koeppe

Its: Secretary

THE STATE OF TEXAS     §  
  §  
COUNTY OF TRAVIS     §

BEFORE ME, the undersigned notary public, on this 1st day of September, 2021, personally appeared Barbara Koeppe, Secretary of Brodie Heights Condominium Community, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.

Phillip Steven Grubbs  
Notary Public in and for the State of Texas



**DOCUMENT RETENTION POLICY**  
*for*  
**BRODIE HEIGHTS CONDOMINIUM COMMUNITY, INC.**

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THE STATE OF TEXAS     §  
   §  
 COUNTY OF TRAVIS       §

I, Barbara Koepf, Secretary of Brodie Heights Condominium Community, Inc. (the "Association"), do hereby certify that at a meeting of the Board of Directors of the Association (the "Board") duly called and held on the 1<sup>st</sup> day of September, 2021, with at least a quorum of the Board members being present and remaining throughout, and being duly authorized to transact business, the following Document Retention Policy was duly approved by a majority vote of the members of the Board:

**RECITALS:**

1. The property encumbered by this Document Retention Policy is that property restricted by the Declaration of Condominium Regime for Brodie Heights Condominiums, recorded in the Official Public Records of Real Property of Travis County, Texas, under Clerk's File No. 2007122559, as same has been or may be amended and/or supplemented from time to time, and any other property which has been or may be subsequently annexed thereto and made subject to the authority of the Association.

2. Chapter 82 of the Texas Property Code was amended to add Section 82.1141(l) to set forth document retention procedures and to require condominium unit owners' associations to adopt and record document retention policies consistent with the procedures set forth in the statute.

3. The Board of Directors of the Association desires to adopt a policy relating to the retention of various types of financial and other records of the Association.

4. This Document Retention Policy replaces and supersedes any previous records retention policy, if any, adopted by the Association.

**POLICY:**

This Policy provides for the future systematic review, retention, and destruction of documents received or created by the Association in connection with the transaction of the Association's business. This Policy covers all records and documents, regardless of physical form, and contains guidelines for how long certain documents should be kept and how records should be destroyed.

It is the policy of the Association to retain the records of the Association listed below for the periods of time set forth below. Documents that may not be specifically listed will be retained for the time period of the documents most closely related to them as listed below. Electronic documents will be retained as if they were paper documents. Therefore, any electronic files that fall into one of the document types listed below will be maintained for the identified time period. Provided, however, at the option of the Board of Directors, documents may be retained for a longer period of time. The Association is not required to retain any records beyond those included in this Document Retention Policy and Section 13.9 of the Declaration. As used herein, "records" means documents originated or obtained by the Association in connection with its operations, whether a paper document or a document in electronic form.

**1. Retention Periods.**

<b>DOCUMENT TYPE</b>	<b>DEFINED</b>	<b>TIME PERIOD</b>	<b>EXCEPTION</b>
<b>Account Records of Current Owners</b>	Member assessment records	Five (5) years	Unless period of ownership exceeds five (5) years, then retain last five (5) years.
<b>Audit Records</b>	Independent Audit Records	Seven (7) years	
<b>Bylaws</b>	And all amendments	Permanently	
<b>Certificate of Formation</b>	And all amendments	Permanently	
<b>Contracts</b>	Final contracts between the Association and another entity	Later of completion of performance or expiration of the contract term plus four (4) years	
<b>Financial Books &amp; Records</b>	Year End Financial Records and supporting documents	Seven (7) years	
<b>Minutes of Board &amp; Owners Meetings</b>	Board minutes and written consents in lieu of a meeting; Annual and special member meetings	Seven (7) years	

<b>Voting records, proxies and correspondence relating to amendments to Declaration</b>	All amendments to Declaration	Permanently	
<b>Restrictive Covenants</b>	And all amendments	Permanently	
<b>All Other Dedicatory Instruments<sup>1</sup></b>	And all amendments	Permanently	
<b>Condominium Information Statement</b>	And all amendments	Permanently	
<b>Plans and specifications for construction of condominium buildings</b>	And all amendments	Permanently	
<b>Tax Returns</b>	Federal and State Income and Franchise Tax Returns and supporting documentation	Seven (7) years	

## **2. Destruction of Documents.**

The documents listed in Section 1 above, will be destroyed as soon as practicable when the applicable retention period expires. Other documents of the Association not listed in Section 1 above, will be destroyed when deemed appropriate by the Board of Directors of the Association. Destruction of paper documents will be by shredding, bagging and trash pick-up, unless another method of destroying the documents is approved by the Board of Directors of the Association. Destruction of electronic documents will be by deletion from hard disks and reformatting of removable disks. Provided, however, immediately upon learning of an investigation or court proceeding involving an Association matter, all documents and records (both hard copy and electronic, including e-mail) related to the investigation or proceeding must be preserved; this exception supersedes any established destruction schedule for the records in question to the contrary.

I hereby certify that I am the duly elected, qualified and acting Secretary of the Association and that the foregoing Document Retention Policy was approved by a majority vote of the Board of

<sup>1</sup> As defined by § 82.003(a)(11-a) of the Texas Property Code.

Directors as set forth above and now appears in the books and records of the Association, to be effective upon recording in the Official Public Records of Real Property of Travis County, Texas.

TO CERTIFY which witness my hand this the 1st day of September, 2021.

BRODIE HEIGHTS CONDOMINIUM COMMUNITY,  
INC.

By: Barbara Koeppe

Printed: Barbara Koeppe

Its: Secretary

THE STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS           §

BEFORE ME, the undersigned notary public, on this 1st day of September, 2021, personally appeared Barbara Koeppe, Secretary of Brodie Heights Condominium Community, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same for the purpose and in the capacity therein expressed.

Phillip Steven Grubbs  
Notary Public in and for the State of Texas

