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RECORDS PRODUCTION AND COPYING POLICY

STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF NAVARRO §

WHEREAS, the Rustling Oaks Estates Property Owners Association, Inc., a nonprofit corporation duly formed and existing under the laws of the state of Texas, (the "Association") is charged with administering and enforcing those certain "Declaration of Covenants, Conditions and Restrictions" for Rustling Oaks Estates, according to the "By-Laws of Rustling Oaks Estates Property Owners Association, Inc." and the amendments thereto, for the Rustling Oaks Estates Subdivision (referred to collectively as "Governing Documents"); and

WHEREAS, Chapter 209 of the Texas Property Code was amended January 1, 2012, to amend Section 209.005 ("Section 209.005") thereto regarding owner access to Association documents and records ("Records"); and

WHEREAS, the Board of Directors of the Association ("Board") desires to establish a policy 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 owner. An owner may also provide access to Association Records to any other person (such as an attorney, CPA or agent) the owner designates in writing as their proxy for this purpose. To ensure and verify that a written proxy is actually executed by an owner, the owner must include a copy of his/her photo ID with the written proxy or, in the alternative, have the proxy notarized.
2. An owner, or their proxy as described in section 1, must submit a written request for access to or copies of Association Records. The letter must:
 - a. be sent by certified mail, return receipt requested, to the Association's address as reflected in its most recent Management Certificate filed in the Real Property Records of Navarro County, Texas; and

- b. contain sufficient detail such that the Association can identify the specific Association Records the owner is requesting; and
 - c. indicate whether the owner or proxy would like to inspect the Association Records before obtaining copies or if the specified Association Records should just be forwarded. If forwarded, the letter must indicate the format in which the Association Records are to be produced and the delivery method according to the following options:
 - i. Format: electronic files or paper copies.
 - ii. Delivery method: email, certified mail or pick-up.
3. Within ten (10) business days of Association's receipt of the request specified in section 2 above, the Association shall provide:
- a. The requested Association Records, if copies were requested, if any required advance payment has been made; or
 - b. A written notice that the Association Records are available and offer dates and times when the Association Records may be inspected by the owner or their proxy during normal business hours at the office of the Association or other mutually agreed upon location; or
 - c. A written notice that the requested Association Records are available for delivery once a payment of the Association's cost to produce the Association Records is made by the owner and stating the cost thereof; or
 - d. A written notice that a request for delivery does not contain sufficient information to specify the Association Records desired, the format, the delivery method and the delivery address; or
 - e. A written notice that the requested Association Records cannot be produced within ten (10) business days but will be available within fifteen (15) additional business days from the date reflected on the written notice and upon payment of the Association's cost to produce the records is made by the owner and stating the cost thereof.
4. The following Association Records are not available for inspection by owners or their proxies:

- a. The financial records associated with an individual owner; and
 - b. Deed restriction violation details for an individual owner; and
 - c. Personal information, including contact information other than an address for an individual owner; and
 - d. Attorney files and records in the possession of the attorney; and
 - e. Attorney-client privileged information in the possession of the Association.
 - f. The information in a, b and c above will be released if the Association received express written approval from the owner whose records are the subject of the request for inspection.
5. Association Records may be maintained in paper format or in an electronic format. If a request is made to inspect Association Records and certain Association 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 to transfer such electronic records to paper format unless the owner or their proxy agrees to pay the Association's cost of producing such copies according to the schedule provided in Section 7 below.
6. If an owner or their proxy inspecting Association Records requests copies of certain Association Records during the inspection, the Association shall provide the requested Association Records as promptly as possible, but no later than ten (10) business days after the date of inspection or the payment of the Association's costs, whichever is later.
7. 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 (such as archive document retrieval fees from off-site storage locations) as listed below:
- a. Black and white 8 ½" X 11" single sided copies ... \$0.10 each
 - b. Black and white 8 ½" X 11" double sided copies ... \$0.20 each
 - c. Color 8 ½" X 11" single sided copies ... \$0.50 each
 - d. Color 8 ½" X 11" double sided copies ... \$1.00 each
 - e. PDF images of documents ... \$0.10 per page

- f. Compact disk ... \$1.00 each
 - g. Flash drive...Actual cost plus \$1.00 each
 - h. Labor and overhead ... \$18.00 per hour
 - i. Mailing supplies ... \$1.00 per mailing
 - j. Postage ... at cost
 - k. Other supplies ... at cost
 - l. Third party fees ... at cost
8. Any cost associated with a request for Association Records must be paid by the owner or their proxy in advance of the delivery of the requested Association Records. An owner who makes a request for Association Records and subsequently declines to accept delivery will be liable for payment of all costs incurred by the Association under and according to this Policy.
9. On a case-by-case basis, and in the sole discretion of the Board or its designee, and with the concurrence of the owner, the Association may agree to invoice the cost of producing the Association Records to the owner's account if the owner agrees to pay the total amount invoiced within thirty (30) days after the date a statement is mailed to the Owner. Any unpaid balance will accrue interest as an assessment as allowed under the Governing Documents.
10. On a case-by-case basis where an owner's request for Association Records is deemed to be minimal in the sole discretion of the Board or its designee, the Association reserves the right to waive notice under section 2 or fees under section 4.
11. All costs associated with fulfilling a request under this Policy will be paid by the Association. All fees paid to the Association under this Policy will be paid for the sole purpose of reimbursing the Association for its cost of producing Association Records in response to an owner's request.
12. In the event any clause, phrase, provision, sentence or part of this Policy or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent

jurisdiction, it shall not affect, impair, or invalidate this Policy as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the Board declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

This Policy is effective upon recordation in the Real Property Records of Navarro County, Texas, and supersedes any policy regarding record production which may have previously been in effect. Except as affected by Section 209.005 or by this Policy, all other provisions contained in the Governing Documents or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 12 day of July, 2014.

Madelene F. Peterson

By: Madelene F. Peterson
(PRINTED NAME)

Treasurer
(TITLE)

Madelene F. Peterson
Madelene F. Peterson
Treasurer
July 15, 2014

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF NAVARRO

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Before me, the undersigned authority, on this day personally appeared Madelene F Peterson, the Treasurer of Rustling Oaks Estates Property Owners Association, Inc., known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she has 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 15th day of July, 2014.



Brenda Stubbs
Notary Public, State of Texas

Brenda Stubbs
Printed Name

Filed for Record in:
Navarro County

On: Jul 15, 2014 at 10:32A

As a
Recordings

Document Number: 00004962
Amount: 46.00

Receipt Number - 61833
By:
Gena Chandler

Rustling Oaks Estates Property Owners
Association, Inc.
4001 Loper Drive
Streetman, TX 75859

STATE OF TEXAS COUNTY OF NAVARRO
I hereby certify that this instrument was
filed on the date and time stamped hereon by me and
was duly recorded and stamped hereon by me.

Jul 15, 2014

Sherry David COUNTY CLERK Page 6
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