

**MARBELLA LANDING TOWNHOMES HOA, INC.
BOOKS AND RECORDS PRODUCTION POLICY**

WHEREAS, Marbella Landing Townhomes HOA, Inc. (the "Association"), is the governing entity for the Marbella Landing, a subdivision in Harris County, Texas filed of record in the Map Records of Harris County, Texas under Clerk's File No. 20150156441, being a replat of Lots 1, 2, 3, 4, 6, 7, and 10 in Block 1 of Kendall Place, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 241, Page 21 of the Deed records of Harris County, Texas (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, this Dedicatory Instrument represents Restrictive Covenants as those terms are defined by Texas Property Code §202.001, et. seq, and the Association shall have and may exercise discretionary authority with respect to these Restrictive Covenants;

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:

- COPIES 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
- LABOR \$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)
- OVERHEAD 20% of the total labor charge
 (can only charge if request is greater than 50 pages in length or as otherwise provided by law)
- MATERIALS 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. The Association hereby adopts the following form of response to Owners who request to inspect the Association Books and Records:

**MARBELLA LANDING TOWNHOMES HOA, INC.
RESPONSE TO REQUEST FOR ASSOCIATION RECORDS**

April 11, 2019

Dear Homeowner:

On April 1, 2019, the Marbella Landing Townhomes HOA received your request to inspect the books and records of the Association. The books and records of the Association can be made available for you to inspect on regular business days, between the hours of _____ a.m. and _____ p.m., at _____, Texas 77_____.

Please contact the _____ at ___-___-___ to arrange for a mutually agreeable time for you to come and inspect the books and records. Please be advised that if you desire copies of specific records during or after the inspection, you must first pay the associated costs before the copies will be provided to you. A schedule of costs is included with this response.

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- V. The Association hereby adopts the following form of response to Owners who request copies of specific records:

MARBELLA LANDING TOWNHOMES HOA, INC.
RESPONSE TO REQUEST FOR ASSOCIATION RECORDS

April 11, 2019

Dear Homeowner:

On April 1, 2019, the Marbella Landing Townhomes HOA, Inc. received your request for copies of specific Association records. We are unable to provide you with the requested records within 10 business days of your request. However, the requested records will be available to you no later than 15 business days after the date of this response.

In order to obtain the records you must first pay the Association the cost of providing the records to you. The estimated cost to obtain the records you requested is \$_____. Upon receiving payment, the Association will mail the requested documents to you. You may also make payment and pick up the documents in person at _____, Texas 77_____.

- VI. 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.
- VII. 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.

MARBELLA LANDING TOWNHOMES HOA, INC.

CERTIFICATION

"I, the undersigned, being the President of Marbella Landing Townhomes HOA, Inc., hereby certify that the foregoing Policy was adopted by at least a majority of the Association Board of Directors at an open Board meeting, properly noticed to the members, at which a quorum of the Board was present.

By:  _____, President

Print Name: JASON FREEMAN

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 22nd day of August, 2019.

Shirley G. Austin-Roberts
Notary Public, State of Texas



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08/28/2019 11:28 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
DIANE TRAUTMAN
COUNTY CLERK
Fees \$28.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, 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 Official Public Records of Real Property of Harris County, Texas.



Diane Trautman

COUNTY CLERK
HARRIS COUNTY, TEXAS

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