

WESTFIELD VILLAGE HOMEOWNERS ASSOCIATION, INC.
RECORDS PRODUCTION AND COPYING POLICY

STATE OF TEXAS
COUNTY OF BRAZOS

§

WHEREAS, Westfield Village Homeowners Association, Inc. (the "Association") is charged with administering and enforcing those certain Declarations of Covenants and Restrictions of Westfield Village Subdivision recorded in Volume 4964, Page 127, Volume 6348, Page 39, Volume 6348, Page 51, Volume 7207, Page 54, Volume 7207, Page 67, and Volume 6348, Page 64 of the Official Records of Brazos County, Texas, and all amendments, modifications and supplements thereto (collectively the "Declaration"); and

WHEREAS, TEX. PROP. CODE § 209.005 has been amended to add Subsection (i), effective January 1, 2012; and

WHEREAS, TEX. PROP. CODE § 209.005(i) requires that the Association's Board of Directors (the "Board") adopt and record a records production and copying policy that prescribes the costs the Association will charge for compilation, production, and reproduction of information requested pursuant to TEX. PROP. CODE § 209.005; and

WHEREAS, the Board desires to adopt and records production and copying policy in accordance with TEX. PROP. CODE § 209.005(i);

NOW, THEREFORE, the Board has duly adopted the following "Records Production and Copying Policy" (the "Policy"):

1. For purposes of this Policy, the term "Records" refers to all books and records of the Association, including financial records, as described in TEX. PROP. CODE § 209.005.
2. Records shall be open to and reasonably available for examination by every Owner of a Lot within Westfield Village Subdivision, or a person designated as the Owner's agent, attorney, or certified public accountant in a writing signed by the Owner. Such signed writings must be submitted to the Association. For purposes of this Policy, the term "Owner" shall include the owner of a Lot and his/her designated representative.
3. An Owner must submit a written request for access to or copies of the Records. The request must:
 - a. be sent by certified mail to the Association's mailing address as reflected in its most recent Management Certificate filed in the Official Records of Brazos County, Texas, and;
 - b. contain sufficient detail to identify the specific Records being requested; and
 - c. state whether the Owner intends to:

- i. inspect the Records before obtaining copies (the "Inspection Option"); or
 - ii. have the Association forward copies of Records (the "Copy Option").
4. If the Inspection Option is elected, then on or before the 10th business day after the date the Association receives the request, the Association shall send the Owner written notice of dates during normal business hours that Owner may inspect the requested Records, to the extent that the requested Records are in the possession, custody, or control of the Association.
5. If the Copy Option is elected, then on or before the 10th business day after the date the Association receives the request, the Association shall produce the Records to the Owner, to the extent that the requested Records are in the possession, custody, or control of the Association, except as otherwise provided herein or in TEX. PROP. CODE § 209.005.
6. If the Association is unable to produce the requested Records on or before the 10th business day after the date the Association receives the request, then the Association shall provide written notice to the Owner that: (1) informs the Owner that the Association is unable to produce the information on or before the 10th business day after the date the Association received the request; and (2) states a date by which the requested Records will be sent to or made available for inspection to the Owner within 15 additional business days from the date of the written notice. During the inspection, the Owner may select the Records the Owner wishes to copy.
7. If the Owner requests copies of Records, the Association shall estimate the costs of provided the requested Records to the Owner. The Association may require an advance payment from the Owner of the estimated costs of compilation, production and reproduction of the requested Records. If the estimated costs are lesser or greater than the actual costs, then the Association shall submit a final invoice to the Owner on or before the 30th business day after the date the requested Records are delivered. If the final invoice includes additional amounts due from the Owner, then the additional amounts, if not reimbursed to the Association before the 30th business day after the date the invoice is sent to the Owner, may be added to the Owner's account as an assessment. If the estimated costs exceeded the final invoice amount, then the Owner is entitled to a refund, and the refund shall be issued to the Owner not later the 30th business day after the day the date the invoice is sent to the Owner.
8. The Association may charge the Owner all reasonable costs of materials, labor, and overhead for the compilation, production, and reproduction of the requested Records. Those costs are set forth herein and are subject to periodic reevaluation and update. The costs shall not exceed those that would be applicable pursuant to 1 TEX. ADMIN. CODE § 70.3. The costs are as follows:
 - a. Copy charges.
 - i. Standard paper copy. The charge for standard paper copies reproduced by means of an office machine copier or a computer printer is \$0.10 per page or part of a page. Each side that has printed

information is considered a page.

- ii. Nonstandard copy. The charges in this subsection are intended to cover the materials onto which information is copied and do not reflect any additional charges, including labor, that may be associated with a particular request. The charges for nonstandard copies are:
 1. Diskette - \$1.00;
 2. Rewritable CD (CD-RW)--\$1.00;
 3. Non-rewritable CD (CD-R)--\$1.00;
 4. Digital video disc (DVD)--\$3.00;
 5. Other electronic media--actual cost;
 6. Oversize paper copy (e.g.: 11" x 17", greenbar, bluebar, not including maps and photographs using specialty paper)--\$.50;
 7. Specialty paper (e.g., mylar, blueprint, blueline, map, photographic)--actual cost.
- b. Labor and overhead charges for locating, compiling, producing, and reproducing information.
 - i. The charge for labor and overhead costs incurred in processing a records production request is \$20.00 per hour. The labor charge includes the actual time to locate, compile, produce, and reproduce the requested information.
 - ii. A labor and overhead charge shall not be billed in connection with complying with requests that are for 50 or fewer pages of paper records, unless the documents to be copied are located in: (1) two or more separate buildings that are not physically connected with each other, or (2) a remote storage facility.
- c. Remote document retrieval charges.
 - i. The charge for labor and overhead costs incurred in retrieving a document or documents located in a remote storage facility is \$20.00 per hour if performed by the Association.
 - ii. The remote document retrieval charge shall include the actual cost charged by the applicable commercial storage company to retrieve the requested document(s). If after delivery to the Association offices, the boxes must still be searched for records that are responsive to the request, a labor and overhead charge of \$20.00 per hour will be charged.
- d. Miscellaneous supplies. The actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information,
- e. Postal and shipping charges. The actual cost of any related postal or shipping expenses which are necessary to transmit the requested

information to the Owner.

9. Except as provided by TEX. PROP. CODE § 209.005, the following Records are not required to be released or made available for inspection:
 - a. the dedicatory instrument violation history of an individual Owner;
 - b. an Owner's personal financial information, including records of payment or non-payment of amounts due the Association;
 - c. an Owner's contact information, other than the Owner's address;
 - d. information related to an employee of the Association, including personnel files;
 - e. attorney files and records relating to the Association that are in the possession of the attorney; and
 - f. documents that constitute attorney work product and attorney-client privilege information in the possession of the Association.
10. Association Records may be maintained in paper format or in an electronic format. If a request is made to inspect Records and certain Records are maintained in electronic format, then the Owner will be given access to equipment necessary to view the Records in electronic format. The Association shall not be required to transfer such electronic records to paper format unless the Owner agrees to pay the associated costs.
11. This Policy is effective upon recordation in the Official Records of Brazos County, Texas, and supersedes any policies regarding Records production and copying that may have previously been in effect. Except as affected by TEX. PROP. CODE § 209.005 and/or by this Policy, all other provisions contained in the Declaration and/or any other dedicatory instruments of the Association shall remain in full force and effect.

Filed for Record in:
BRAZOS COUNTY

On: Jun 15, 2012 at 04:48P

As a
Recordings 4

Document Number: 01123328

Amount 128.00

Receipt Number - 440707

By:
Cathy Barcelona

STATE OF TEXAS COUNTY OF BRAZOS

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the Official Public records of:

BRAZOS COUNTY

as stamped hereon by me.

Jun 15, 2012

Karen McQueen, Brazos County Clerk
BRAZOS COUNTY