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**TARA COLONY HOMEOWNERS' ASSOCIATION
RECORDS PRODUCTION AND COPYING POLICY**

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

KNOW ALL PERSONS BY THESE PRESENTS:

a subdivision located in Fort Bend County, TX

WHEREAS, Tara Colony Homeowners' Association^A("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the subdivision (referred to collectively as "Declarations"); and

WHEREAS, Chapter 209 of the Texas Property Code is amended, effective January 1, 2012, to add Section 209.005 (hereinafter referred to as Section 209.005) thereto regarding retention of Association documents and records ("Documents"); and

WHEREAS, the Board of Directors of the Association ("Board") desires to establish a policy for records production and copying consistent with Section 209.005 and to provide clear and definitive guidance to owners in that regard.

NOW, THEREFORE, the Board has duly adopted the following Records Production and Copying Policy, to be effective January 1, 2012.

1. Association Records shall be reasonably available to every owner, to the extent that they are in the possession, custody or control of the Association. An owner may also permit access to Records to any other person (such as an attorney, CPA or agent) provided they are designated, in writing, as their proxy for this purpose. To ensure a written proxy is actually that of the owner, the owner may be required to produce and/or include a copy of his/her photo identification or have the proxy notarized.
2. An owner, or their proxy as described in Section 1 above, must submit a written request for access to or copies of the Records. The written request must:
 - a. be sent by certified mail to the Association's address as reflected in its most recent Management Certificate filed in the County public records; and
 - b. contain sufficient detail to identify the Records being requested; and
 - c. indicate whether the owner or proxy would like to inspect the Records before possibly obtaining copies or if the specific Records should be forwarded to the owner or owner's proxy. If the Records are to be forwarded, the letter must indicate the format, delivery method and address:
 - (1) format: electronic files, compact disk or paper copies
 - (2) delivery method: e-mail, certified mail or pick-up
3. Within ten(10) business days (herein "business day" means a day other than a Saturday, Sunday or state or federal holiday) of the date of receipt of the request

specified in Section 2 above, the Association shall provide:

- a. the requested Records, if copies were requested and any required advance payment had been made; or
 - b. a written notice that the Records, to the extent same are able to be produced, are available and offer dates and times when the Records may be inspected by the owner or owner's proxy during normal business hours at the office of the Association; or
 - c. a written notice that the requested Records, to the extent same are able to be produced, are available for delivery once a payment of the costs to produce the Records is made, and stating the cost thereof; or
 - d. a written notice that a request for delivery does not contain sufficient information to specify the Records desired, the format, the delivery method or the delivery address; or
 - e. a written notice that the requested Records cannot be produced within ten (10) business days but will be available within fifteen (15) additional business days from the date of issuance of such notice, to include the amount of payment for the cost to produce the requested Records.
4. The following Association Records are not available for inspection by an owner or owner's proxy:
- a. the financial records associated with an individual other than the requesting owner; and
 - b. deed restriction violation details for an individual other than the requesting 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 Association's attorney;
 - e. attorney-client privileged information in the possession of the Association;
 - f. information related to an employee of the Association, including personnel files; and
 - g. ballots cast in an election or removal of Director(s), except as required by a recount procedure in accordance with Section 209.0057 of the Texas Property Code.

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 or copying.

5. 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, the owner or owner's 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 the owner's proxy agrees to pay the cost of producing such copies.

6. If an owner or owner's proxy inspecting Records requests copies of certain Records during the inspection, Association shall provide them promptly, if possible, but no later than ten (10) business days after the inspection or payment of costs, whichever date 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. Costs will be billed at the rates established by Title 1 of the Texas Administrative Code, Section 70.3 as same may be amended from time-to-time. 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):
 - a. black and white 8 ½"x11"single sided copies ... \$0.10 each
 - b. black and white 8 ½"x11" double sided copies ... \$0.20 each
 - c. color 8½"x11" single sided copies ... \$0.50 each
 - d. color 8½"x11" double sided copies ... \$1.00 each
 - e. oversize paper copies (11x17, greenbar and bluebar) ... \$0.50 per page
 - f. specialty papers (blue print and maps) ... at actual cost
 - g. PDF images of documents ... \$0.10 per page
 - h. compact disk ... \$1.00 each
 - I. labor for locating, compiling and reproducing records ...\$15.00 per hour
 - j. postage ... at actual cost
 - k. third party fees ... at actual cost
 - l. other - at the rate provided for in Section 70.3 of the Texas Administrative Code
8. Any costs associated with a Records request must be paid in advance of delivery by the owner or owner's proxy. An owner who makes a request for Records and subsequently declines to accept delivery will be liable for payment of all costs under this Policy.
9. On a case-by-case basis, in the absolute discretion of the Association, and with concurrence of the owner, the Association may agree to invoice the cost of the Records request to the owner's account. 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 assessments as allowed under the Declarations.
10. On a case-by-case basis where an owner request for Records is deemed to be minimal, the Association or its managing agent reserves the right to waive notice under Section 2 and/or fees under Section 7 above.

11. All costs associated with fulfilling the request under this Policy will be paid by the Association's Managing Agent. All fees paid to the Association under this Policy will be reimbursed to the Association's Managing Agent or paid directly to the Association's Managing Agent.

This Policy is to become effective on January 1, 2012 and is conditioned upon recording in the Public Records of Real Property of Fort Bend County, Texas, and supersedes any policy regarding records retention which may have previously been in effect. Except as affected by Section 209.005 and/or this Policy, all other provisions contained the Declarations or any other dedicatory instrument of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 28th day of December, 2011.

Dana R. Swearengin
Dana R. Swearengin, President [printed name]
Tara Colony Homeowners' Association

STATE OF TEXAS §
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Before me, the undersigned authority, on this day personally appeared Dana R. Swearengin, President of Tara Colony Homeowners' Association, a Texas non-profit corporation, know to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that s/he has executed the same as the act of said corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 28th day of December, 2011.



[Signature]
Notary Public in and for the State of Texas

RETURN TO:
LORI E. ALDERSON
ATTORNEY AT LAW
1539 AVENUE A
KATY, TEXAS 77493

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2012 Jan 03 11:26 AM

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RMM \$23.00

Dianne Wilson COUNTY CLERK

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