

WIMBERLY SPRINGS COMMUNITY ASSOCIATION, INC  
RECORDS PRODUCTION AND RETENTION POLICIES

STATE OF TEXAS           §  
COUNTY OF HAYS       §

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, the WIMBERLY SPRINGS COMMUNITY ASSOCIATION (“Association”) is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the Declarations recorded as Document No. 06038534 of the Hays County Real Property Records for the various sections of the community (referred to collectively as “Declarations”);

WHEREAS, chapter 209 of the Texas Property Code was amended effective January 1, 2012, to amend Section 209.005 (“Section 209.005”) regarding retention by the Association and Owner access to Association documents and records, including financial records (“Records”);

WHEREAS, the Board of Directors of the Association (“Board”) desires to establish policies for the retention and production of Records consistent with Section 209.005 and to provide clear and definitive guidance to property Owners;

NOW, THEREFORE, in accordance with Section 5.7 of the Association’s Bylaws, the Board adopts this resolution amending the Bylaws by adding Sections 5.4 and 5.4.1 to read as follows:

(1) Section 5.4 (Books and Records) of the Bylaws is deleted in its entirety, and the following new sections are adopted:

**5.4 Records Production and Copying Policy.**

- (a) In this section and section 5.4.1, a capitalized term that is not defined has the meaning assigned in the Declarations.
- (b) Association Records, including financial records, shall be reasonably available to every Owner. An Owner may also provide access to Records to any other person (such as an attorney, CPA or agent) they designate in writing as their proxy for this purpose. To ensure a written proxy is actually from the Owner, the Owner must include a copy of his/her photo ID or have the proxy notarized.
- (c) An Owner, or their proxy as described in subsection (b), must submit a written request for access to or copies of Records. The request must:
  - (i) be sent by certified mail to the Association's address as reflected in its most recent Management Certificate filed in the County public records;

- (ii) contain sufficient detail to identify the specific Records being requested; and
  - (iii) indicate whether the Owner or proxy would like to inspect the Records before possibly obtaining copies or if the specified Records should be forwarded.
- (d) Within ten (10) business days of receipt of the request specified in subsection (b) above, the Association shall provide:
- (i) the requested Records, if copies were requested and any required advance payment had been made;
  - (ii) a written notice that the Records are available and offer dates and times when the Records may be inspected by the Owner or their proxy during normal business hours at the office of the Association; or
  - (iii) 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 the notice and payment of the cost to produce the records is made and stating the cost thereof.
- (e) Except as provided by subsection (f), the Association may refuse to release or make available for inspection the following Association Records:
- (i) personal financial records associated with an individual Owner, including records of payment or nonpayment of amounts due the Association;
  - (ii) deed restriction violation details for an individual Owner;
  - (iii) personal information, including contact information other than an address for an individual Owner;
  - (iv) information, including personnel files, related to an employee of the Association;
  - (v) attorney files and records in the possession of the Association's attorney;
  - (vi) attorney-client privileged information or a document that constitutes attorney work product in the possession of the Association;
  - (vii) election ballots, except for persons who tabulate ballots under 209.00594 of the Texas Property Code; and
  - (viii) other information or documents protected by law or that counsel for the Association advises should not be released.
- (f) The information described by subsections (e)(i), (ii), (iii), and (iv) will be released if the Association receives express written approval from the Owner whose records are the

subject of the request for inspection or a court orders the release of the records.

- (g) Association Records may be produced in hard copy, electronic or any other format reasonably available to the Association. If a request is made to inspect Records and certain 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 cost of producing such copies. If an Owner or their 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 is later.
- (h) 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). Except as provided by subsection (i), the fees shall be as listed below or as published from time to time by the President:
  - (i) black and white 8½"x11" single sided copies ... \$0.10 each
  - (ii) black and white 8½"x11" double sided copies ... \$0.20 each
  - (iii) color 8½"x11" single sided copies ... \$0.50 each
  - (iv) color 8½"x11" double sided copies ... \$1.00 each
  - (v) PDF images of documents ... \$0.10 per page
  - (vi) compact disk ... \$1.00 each
  - (vii) labor and overhead ... \$18.00 per hour
  - (viii) mailing supplies ... \$1.00 per mailing
  - (ix) postage ... at cost
  - (x) other supplies ... at cost
  - (xi) third party fees ... at cost
- (j) The Association may use a third party to copy or assemble requested Records, in which case the third party fees will prevail.
- (k) Any costs associated with a Records request must be paid in advance of delivery by the Owner or their 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.

