



BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.
OPEN RECORDS POLICY RESOLUTION

STATE OF TEXAS

COUNTY OF FORT BEND

FL Bend Co.

WHEREAS, Brightwater Homeowners Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS, Chapter 209 of the Texas Property Code was amended effective 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 *Open Records Policy Resolution*.

1. Association Records shall be reasonably available to every owner. An owner may also provide access to Records to any other person (such as an attorney or CPA) they designate in writing as their agent for this purpose. To ensure a written designation is actually from the owner, the owner must include a copy of his/her photo ID or have the designation notarized.
2. An owner, or their agent as described in Section 1, must submit a written request for access to or copies of Records. The letter 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 specific Records being requested; and
 - c. indicate whether the owner or agent seeks only to inspect the Records or if the specified Records should be forwarded by the Association. If to be forwarded, the letter must indicate the format, delivery method and address:
 - i. format: electronic files, compact disk or paper copies
 - ii. delivery method: email, certified mail or pick-up

3. Within ten (10) business days 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 are available and offer dates and times when the Records may be inspected by the owner or their agent during normal business hours at the office of the Association; or
 - c. a written notice that the requested Records are available for delivery once a payment of the cost 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 and 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 the notice and payment of the cost to produce the records is made and stating the cost thereof.
4. The following Association Records are not available for inspection by owners or their agents:
 - 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.
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 their agent 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 agent agrees to pay the cost of producing such copies.
6. If an owner or their agent 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.

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 8.5 x11 single sided copies ... \$0.10 each
 - b. black and white 8.5 x11 double sided copies ... \$0.20 each
 - c. color 8.5 x11 single sided copies ... \$0.50 each
 - d. color 8.5 x11 double sided copies ... \$1.00 each
 - e. PDF images of documents ... \$0.10 per page
 - f. compact disk ... \$1.00 each
 - g. labor and overhead ... \$18.00 per hour
 - h. mailing supplies ... \$1.00 per mailing
 - i. postage ... at cost
 - j. other supplies ... at cost
 - k. third party fees ... at cost
8. Any costs associated with a Records request must be paid in advance of delivery by the owner or their agent. 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. If the final invoice for costs incurred by the Association includes additional amounts and these amounts are not paid within thirty (30) days of the date of the invoice, the unpaid balance will be added to the owners account as an assessment under the Declaration.
10. 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 Associations' Managing Agent or paid directly to the Association's Managing Agent.

This Policy is effective upon adoption and recordation in the Public Records of Fort Bend County, Texas and supersedes any policy regarding open records which may have previously been in effect. Except as affected by Section 209.005 and/or by this Policy, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 20 day of DEC, 2011.


Board Member


Board Member


Board Member

Board Member

SECRETARY'S CERTIFICATE OF FILING

I, Kathy Renfrow, certify that:

I am the duly qualified and acting secretary of Brightwater Homeowners Association, Inc., a duly organized and existing Texas non-profit corporation.

The attached instruments are true copies of unrecorded Dedicatory Instruments, as that term is defined by Section 202.001 of the Texas Property Code, pertaining to Brightwater Homeowners Association, Inc..

The attached instruments are being presented for recording in the Official Public Records of Real Property of Fort Bend County, Texas, pursuant to Section 202.006 of the Texas Property Code.

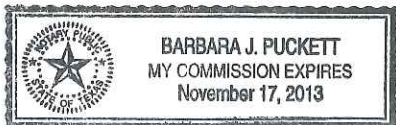
Dated: Dec 20 2011

Kathy Renfrow
Kathy Renfrow, Secretary
Brightwater Homeowners Association, Inc.

THE STATE OF TEXAS §
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COUNTY OF FORT BEND §

This instrument was acknowledged before me on the 20th day of December, 2011, by Kathy Renfrow - Sec, ~~President~~ of Brightwater Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

Barbara J. Puckett
Notary Public in and for The State of Texas



AS PER ORIGINAL

AFTER RECORDING, RETURN TO:

Bartley & Spears, P.C.
14811 St. Mary's Lane, Suite 270
Houston, Texas 77079

W:\mnessa\Guidelines\Brightwater Homeowners Association, Inc.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2012 Jan 10 11:55 AM

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CAK \$31.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS