



*RESTRICTIONS*

# Records Production and Copying Policy

Fairways of Sherrill Park Homeowners Association, Inc.

STATE OF TEXAS	§	
	§	KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF COLLIN	§	

We, the undersigned, being the directors of the **FAIRWAYS OF SHERRILL PARK HOMEOWNERS ASSOCIATION, INC.**, a Texas non-profit Association (the "**Association**"), pursuant to Section 209.005 of the Texas Property Code, do, by unanimous consent, take the following corporate action and adopt the following resolutions, which corporate action and resolutions shall have the same force and effect as a unanimous vote of all the directors of the Association at a duly called meeting of the Board of Directors of said Association:

**WHEREAS**, Pursuant to Section 209.005 of the Texas Property Code, a property owners' association shall adopt a records production and copying policy that prescribes the costs the association will charge for the compilation, production, and reproduction of information.

**WHEREAS**, The prescribed charges may include all reasonable costs of materials, labor, and overhead but may not exceed costs that would be applicable for an item under 1 T.A.C. Section 70.3.

**WHEREAS**, The policy required by this subsection must be recorded as a dedicatory instrument in accordance with Section 202.006.

**WHEREAS**, An association may not charge an owner for the compilation, production, or reproduction of information requested under this section unless the policy prescribing those costs has been recorded as required by Section 209.005 of the Texas Property Code.

**WHEREAS**, An owner is responsible for costs related to the compilation, production, and reproduction of the requested information in the amounts prescribed by a policy adopted by an Association under Section 209.005.

**WHEREAS**, An association may require advance payment of the estimated costs of compilation, production, and reproduction of the requested information.

**RESOLVED:** that, pursuant to the provisions of The Texas Property Code, Section 209.005, and that Declaration of Covenants, Conditions and Restrictions for Fairways of Sherrill Park Homeowners Association, Inc., recorded as Volume 2324, Page 0635 and

any subsequent amendments thereto, including, but not limited to those recorded at Volume 2854, Page 186; and Volume 3126, Page 0869, Real Property Records of Collin County, Texas, as same has been amended (the “**Declaration**”), and the Bylaws of the Association, the Board of Directors of the Association hereby adopt the following Document Records Production and Copying Policy:

- 1) All books, records, and financial records shall be open to and reasonably available for examination by an owner within the community or by the owner’s designated agent except for those outlined in Paragraph 6 below. An owner or their agent is also entitled to copies of said records. Should an owner designate an agent for inspection of records, such designation must be made in writing and submitted to the Association prior to any inspection or production of any records.
- 2) A Records Request must be submitted to the Association in writing, via Certified Mail, Return Receipt Requested to the mailing address of the Association or authorized representative as reflected in the most recent Management Certificate. The owner’s request must describe in sufficient detail the records requested and specify whether the owner is requesting to inspect the records or is requesting copies. If the owner requests any of the records specified under Section 6 of this Resolution, then the written request for records must also include a declaration affirming approval of the inspection and/or release of those specific records, either to himself or to the owner’s designated agent.
- 3) The Association shall reply to such a Records Request by an owner within 10 business days of the receipt of the request. If the Association is unable to produce the records within 10 business days, the Association shall inform the owner of such within 10 business days of the receipt of the owner’s request and inform the owner that the information will be available not later than 15 business days from the date of the response to the owner’s Records Request.
  - a. Inspection Requested: Should the owner submitting the request seek to inspect documents, the Association shall reply with the dates and times during normal business hours that records will be available for inspection as well as the costs the Association will charge for the inspection of said records. If the Association is unable to produce the records within 10 business days, the Association shall inform the owner of such within 10 business days of the receipt of the owner’s request and inform the owner that the information will be available not later than 15 business days from the date of the response to the owner’s Records Request.
  - b. Copies Requested: Should the owner submitting the request seek the production of copies of Association records, the Association shall produce all requested records that are within their possession or control within ten business days. If the Association is unable to produce the records within 10 business days, the Association shall inform the owner of such within 10 business days of the receipt of the owner’s request and inform the owner that the information will be available not

later than 15 business days from the date of the response to the owner's Records Request.

- 4) Records may be produced in hard copy, electronic format, or any other format that is reasonably available to the Association.
- 5) The Association shall require the advance payment of estimated costs of compilation and production of records. The Association shall charge the costs outlined under Title 1, Rule 70.3 of the Texas Administrative Code. Once an owner has inspected or received copies under the Records Request, a Final Invoice shall be delivered to the owner within 30 days of the records production. If the owner does not pay the final amount showing on the invoice within 30 days, then the amount on the invoice shall be added to the owner's account as an assessment. An owner may not be foreclosed upon for non-payment of this balance due. If a refund is due to the owner after a Records Request, then the refund shall be sent along within the Final Invoice.
- 6) The following records shall be unavailable for copying or inspection without written approval of the owner whose records are being requested, or a court order stating that such records must be released:
  - a. Attorney files and records;
  - b. Personal information of and owner;
  - c. Violation history of and owner;
  - d. Personal financial information of an owner;
  - e. Records of payment or non-payment of an owner;
  - f. Association Employee Information;
  - g. Contact information of an owner.

SIGNED this 10-27, 2011

Fairways of Sherrill Park Homeowners Association, Inc.  
 By: John M. Buder  
 Duly Authorized Officer/Agent

STATE OF TEXAS §  
 COUNTY OF COLLIN §



This instrument was acknowledged before me on 10-27, 2011, by a duly authorized officer of the Association.

Carolyn E Harrell  
 Notary Public in and for the State of Texas

Filed and Recorded  
Official Public Records  
Stacey Kemp, County Clerk  
Collin County, TEXAS  
10/28/2011 11:53:10 AM  
\$28.00 CJAMAL  
20111028001161890



*Stacey Kemp*