

**SADDLECREEK FARMS PROPERTY OWNERS ASSOCIATION, INC.**

**POLICY REGARDING RECORDS RETENTION, INSPECTION & PRODUCTION**

THE STATE OF TEXAS                   §  
  §    KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF HARRIS                   §

**WHEREAS**, Saddlecreek Farms Property Owners Association Inc. (the “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 (collectively referred to as the “Declarations”);

**WHEREAS**, Section 209.005(i) of the Texas Property Code requires property owners associations to adopt a records production and copying policy record it as a dedicatory instrument; and

**WHEREAS**, Section 209.005(m) requires property owners associations to adopt and comply with a document retention policy;

**NOW THEREFORE, BE IT RESOLVED THAT:**

The following **POLICY REGARDING RECORDS RETENTION, INSPECTION & PRODUCTION** is hereby adopted:

**POLICY**

**RECORDS RETENTION:**

1. Certificates of Formation, Articles of Incorporation, Bylaws, restrictive covenants and any amendments thereto shall be retained permanently;
2. Financial books and records shall be retained for seven (7) years;
3. Account records of current owners shall be retained for five (5) years;
4. Contracts with a term of one year or more shall be retained for four (4) years after the expiration of the contract term;
5. Minutes of meetings of the Owners and the Board shall be retained for seven (7) years; and
6. Tax returns and audit records shall be retained for seven (7) years.
7. Ballots from elections and member votes shall be retained for one (1) year after the date of the meeting at which the votes were taken, or for votes taken by written consent, for one (1) year after the election or vote results were announced.
8. Account records of former owners shall be retained as a courtesy to that former owner for one (1) year after they no longer have an ownership interest in the property.

9. Decisions of the Architectural Control Committee (ACC) or Board regarding applications, variances, waivers or related matters associated with individual properties shall be retained for seven (7) years from the decision date.

### **RECORDS INSPECTION & PRODUCTION:**

1. An Owner, or a person designated in a writing signed by the Owner as the Owner's agent, attorney or certified public accountant, may make a request to access the books and records of the Association, provided that such Owner or designated agent submit a written request by certified mail, return receipt requested, which contains sufficient detail to identify the records being requested. The request must contain an election either to inspect the books and records before obtaining copies or to have the Association forward copies of the requested books and records.
2. The Association may require advance payment of the estimated costs of compilation, production and reproduction of the requested information. If such advance payment is required, the Association shall notify the requesting owner in writing of the cost.
3. The Association will respond to the Owner's request in writing within ten (10) business days of receiving the request. If the Association is unable to produce the information within ten (10) business days, the Association must provide the requestor written notice that: (1) informs the requestor that the Association is unable to produce the information before the 10th business day; and (2) states a date by which the information will be sent or made available for inspection to the requesting party that is not later than the 15th business day after the date of the original response from the Association.
4. If an inspection is requested, the inspection shall take place at a mutually agreed on time during normal business hours, and the requesting party shall identify the books and records for the Association to copy and forward to the owner.
5. Absent a court order or the express written approval of the owner whose records are the subject of the request, the Association will not allow inspection or copying of any records that identify the violation history of an individual owner, an owner's personal financial information, including records of payment or nonpayment of amounts due the Association, an owner's contact information (other than the owners' address), information relating to an employee of the Association, including personnel files, attorney work product, or information that is privileged as an attorney-client communication.
6. The Association hereby adopts the following SCHEDULE OF CHARGES for the production and copying of records:
  - Copies: \$.10 per page for standard paper copies; \$.50 per page for oversize paper
  - Electronic Media: \$1.00 for each CD; \$3.00 for each DVD

- Labor: \$15.00 per hour for actual time to locate, compile and reproduce records (no charge for requests for 50 or fewer pages)
- Overhead: 20% of the total Labor charge (no charge for requests for 50 or fewer pages)
- Miscellaneous: The Association may charge for actual costs incurred in responding to the request, including costs for labels, boxes, folders, postage and/or shipping.

Approved and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by the Board of Directors of Saddlecreek Farms Property Owners Association, Inc.

SADDLECREEK FARMS PROPERTY OWNERS ASSOCIATION, INC.

\_\_\_\_\_  
Signature of Secretary

Print Name: \_\_\_\_\_

THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS           §

THIS INSTRUMENT was **acknowledged** before me on this the \_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_, Secretary of Saddlecreek Farms Property Owners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

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NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS