

**SUNEAGLE BAY OWNERS ASSOCIATION, INC.**

**RECORDS RETENTION POLICY AND**

**COST OF PRODUCTION OF ASSOCIATION RECORDS POLICY**

This Document is Texas Property Code Compliant.

For the purposes of this document, SunEagle Bay Owners Association, Inc. is also referred to as "association".

SunEagle Bay Owners Association, Inc. shall make the books and records of the association, including financial records, open to and reasonably available for examination by an owner of property within the SunEagle Bay Subdivision, or a person designated in a writing signed by the owner as the owner's agent, attorney, or certified public accountant, in accordance with this section. A property owner is entitled to obtain from the association copies of information contained in the books and records.

An attorney's files and records relating to the property owners' association, excluding invoices requested by an owner are not records of the association and are not subject to inspection by the property owner or production in a legal proceeding. If a document in an attorney's files and records relating to the association would be responsive to a legally authorized request to inspect or copy association documents, the document shall be produced by using the copy from the attorney's files and records if the association has not maintained a separate copy of the document. There is no requirement to produce a copy of a document that constitutes attorney work product or that is privileged as an attorney-client communication.

A property owner or the owner's authorized Representative described above must submit a written request for access or information by certified mail, with sufficient detail describing the property owners' association's books and

records requested, to the mailing address of the association or authorized representative as reflected on the most current management certificate filed with the Wood County Clerk or the mailing address listed on the associations website. The request must contain an election either to inspect the books and records before obtaining copies or to have the property owners 'association forward copies of the requested books and records and:

- If an inspection is requested, the association, on or before the 10th business day after the date the association receives the request, shall send written notice of dates during normal business hours that the owner may inspect the requested books and records to the extent those books and records are in the possession, custody, or control of the association; or

- If copies of identified books and records are requested, the association shall, to the extent those books and records are in the possession, custody, or control of the association, produce the requested books and records for the requesting party on or before the 10th business day after the date the association receives the request.

If the owners ' association is unable to produce the books or records requested under on or before the 10th business day after the date the association receives the request, the association must provide to the requestor written notice that:

- Informs the requestor that the association is unable to produce the information on or before the 10th business day after the date the association received the request; and

- 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 notice is given

If an inspection is requested or required, 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 property owners ' association to copy and forward to the requesting party.

The association may produce books and records requested in hard copy, electronic, or other format reasonably available to the association.

SunEagle Bay Owners Association, Inc. is not required to release or allow inspection of any books or records that identify the dedicatory instrument violation history of an individual property owner, a property owner's personal financial information, including records of payment or nonpayment of amounts due the association, an owner's contact information, other than the owner's address, or information related to an employee of the association, including personnel files. Information may be released in an aggregate or summary manner that would not identify an individual property owner.

**RECORDS RETENTION TERMS:**

- Financial books and records will be retained for seven years.
- Account records of current property owners will be retained for five years
- Contracts with a term of one year or more will be retained for four years after the expiration of the contract term
- Minutes of meetings of the owners and the board will be retained for seven years; and tax returns and audit records shall be retained 10 for seven years.

A member of the association who is denied access to or copies of association books or records to which the member is entitled may file a petition with the justice of the peace of a justice precinct in which all or part of the

property that is governed by the association is located requesting compliance. If the justice of the peace finds that the member is entitled to access to or copies of the records, the justice of the peace may grant one or more of the following remedies:

- A judgment ordering the property owners ' association to release or allow access to the books or records;
- A judgment against the property owners ' association for court costs and attorney's fees incurred in connection with seeking a remedy under this section; or
- A judgment authorizing the property owner or the owner's assignee to deduct the amounts awarded under Subdivision from any future regular or special assessments payable to the property owners' association.

If the property owners' association prevails in an action, the association is entitled to a judgment for court costs and attorney's fees incurred by the association in connection with the action.

On or before the 10th business day before the date a person brings an action against a property owners' association, the person must send written notice to the association of the person's intent to bring the action. The notice must:

- Be sent certified mail, return receipt requested, or delivered by the United States Postal Service with signature confirmation service to the mailing address of the association or authorized representative as reflected on the most current management certificate filed under and describe with sufficient detail the books and records being requested.

For the purposes of this document, "business day" means a day other than Saturday, Sunday, or a state or federal holiday.

SunEagle Bay Owners Association, Inc. records production and copying policy will charge for the compilation, production, and reproduction of information requested. The prescribed charges may include all reasonable costs of materials, labor, and overhead. This policy is required to and has been recorded as a dedicatory instrument filed with the Wood County Clerk. A property owner is responsible for costs related to the compilation, production, and reproduction of the requested information in the amounts prescribed by this policy. The association may require advance payment of the estimated costs of compilation, production, and reproduction of the requested information. If the estimated costs are lesser or greater than the actual costs, the association shall submit a final invoice to the property owner on or before the 30th business day after the date the information is delivered.

If the final invoice includes additional amounts due from the property owner, the additional amounts, if not reimbursed to the association before the 30th business day after the date the invoice is sent to the property owner may be added to the property owner's account as an assessment.

If the estimated costs exceeded the final invoice amount, the property owner is entitled to a refund, and the refund shall be issued to the property owner not later than the 30th business day after the date the invoice is sent to the property owner.

#### **CHARGES FOR PRODUCTION OF ASSOCIATION RECORDS**

Standard paper copy: The charge for standard paper copies reproduced by means of an office machine copier or a computer printer is \$.10 per page or part of a page. Each side that has recorded information is considered a page.

Nonstandard copy: The charges for covering materials onto which information is copied and do not reflect any additional charges, including labor, are outlined in Title 1, Part 3, Chapter 70, Rule 70.3 of the Texas Property

Code. Labor charges may apply and are also outlined under Rule 70.3 of which SunEagle Bay Owners Association, Inc. will utilize to determine costs.

This Document was adopted at the SunEagle Bay Owners Association, Inc. Board/Members Meeting on January 18, 2014 by majority vote of the Board of Directors and members present. A quorum of Board Members was present.

*Kathleen B Rokusek*

Treasurer