

# Creekview Landing Property Owners Association (POA)

## Records

### I. Purpose:

This policy is intended to set forth the Creekview Landing records retention schedule and the process by which individual property Owners may access certain POA records in accordance with the applicable state laws of Texas. This policy is commensurate with Texas Property Code Section 209.005, as effective January 1, 2012, as it pertains to records retention, inspection and reproduction.

### II. Policy:

1. **Records Retention.** The following records shall be maintained in electronic or print format, as follows:

- Certificates of Formation, Declarations and amendments to same – permanently.
- Financial records - 7 years
- Account records of Owners – 5 years
- Contracts with a term of one year or more – 4 years after the expiration of the contract term.
- Minutes of meetings of the Board and Owners – 7 years
- Tax returns and audit records – 7 years

2. **Records Review and Reproduction.** The POA shall make the records of the POA, including financial records, open to and reasonably available for examination or reproduction by an Owner, or a person designated in writing and signed by the Owner as the Owner's agent, attorney, or certified public accountant. All records (not protected by an individual's right to privacy) are reviewable except as outlined below:

An Owner is not entitled to inspect or obtain from the POA copies of information contained in the record which pertains to the following:

- Attorney files and records relating to the POA, excluding invoices requested by an Owner under Section 209.008(d), are not records of the POA and are not subject to inspection or reproduction by the Owner. If a document in an attorney's files and records relating to the POA would be responsive to a legally authorized request to inspect or copy POA documents, the document shall be reproduced using the copy from the attorney's files and records if the POA has not maintained a separate copy of the document. Texas law does not require production of a document that constitutes attorney work product or that is privileged as an attorney-client communication.
- The POA is not required to produce or reveal personal information about an Owner including their violation history, payment history, personal financial information, and contact information (except address). Information regarding violation history or payment history may be produced in a summary form, which does not identify individual property Owners. Records of individual Owners will only be produced if:

- a) The express written approval of the Owner whose records are the subject of the request for inspection is provided to the POA;
  - b) A court orders the release of the records or orders that the records be made available for inspection.
- An Owner or the Owner's representative, as described above, must submit a written request for access to information by certified mail, with sufficient detail describing the POA's records requested, to the mailing address of the POA. The request must contain an election either to inspect the records before obtaining copies or to have the POA copy and forward the requested records and:
  - a) If an inspection is requested, the POA will respond within 10 business days after receipt of the request, providing the dates and times the records will be made available and the location of the records to extent those records are in the possession, custody, or control of the POA. The POA and the Owner shall arrange for a mutually agreeable time to conduct the inspection.
  - b) If copies of identified records are requested, the POA shall, to the extent those records are in the possession, custody, or control of the POA, produce the requested records for the Owner on or before the 10<sup>th</sup> business day after the date the POA receives the request, except as otherwise excluded.
- If the POA is unable to produce the records requested on or before the 10<sup>th</sup> business day after the date the POA received the request, the POA must provide to the requestor written notice that:
  - a) Informs the requestor that the POA is unable to produce the information or before the 10<sup>th</sup> business day after the date the POA received the request; and
  - b) 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 15<sup>th</sup> business day after the date notice as described above is given.
- For the purposes of inspection, "business day" means a day other than Saturday, Sunday or a state or federal holiday.
- The POA may produce records requested in hard copy, electronic, or other format reasonably available to the POA.
- In accordance with this policy and Texas law, Owners may request copies of allowable records. As such, the POA will charge for the compilation, production,

and reproduction of requested information. Costs must be paid in advance and an estimated cost will be provided to the requestor by the POA. If the estimated costs of compilation, production and reproduction are lesser or greater than the actual costs, the POA will submit a final invoice to the Owner on or before the 30<sup>th</sup> business day after the information is delivered. If the final invoice includes additional amounts due from the Owner, the additional amounts if not reimbursed to the POA before the 30<sup>th</sup> business day after the date the invoice is sent to the Owner, may be added to the Owner's account as an assessment. If the estimated costs exceeded the final invoice amount, the Owner is entitled to a refund, and the refund shall be issued to the Owner not later than the 30<sup>th</sup> business day after the date the invoice is sent to the Owner.

- The maximum cost that can be charged by the POA is the cost charged by the state of Texas for providing copies of public information which is found in Title 1, Part 3, Chapter 70, Rule 70.3 of the Texas Administrative Code and the Creekview Landing POA hereby adopts this schedule of cost, as follows:

**Copies:** 10 cents per page, for a regular 8.5" x 11" page  
50 cents per page, for pages 11" x 17" or greater  
Actual cost, for specialty paper (color, photograph, map, etc.)  
\$1.00 for each CD or audio cassette and \$3.00 for each DVD

**Labor:** \$15.00 per hour, actual time to locate, compile and reproduce  
(can only charge if record is greater than 50 pages in length)

**Overhead:** 20% of the total labor charge (can only charge if record is greater than 50 pages in length).

**Materials:** Actual costs of labels, boxes, folders, and other supplies used in producing the records along with postage for mailing the records.

The Policy is effective upon the later of recordation in the Public Records of Collin County and January 1, 2012, and supersedes any policy regarding alternative payment schedules which may have previously been in effect. Except as affected by Section 209.0005 and/or by this Policy, all other provisions contained in the Declarations or any other dedicatory instruments of the Creekview Landing POA shall remain in full force and effect.