

Effective January 1, 2012
Records production policy

BARTON CREEK NORTH PROPERTY OWNERS ASSOCIATION, INC.
RECORDS PRODUCTION POLICY

This Records Production Policy ("Policy") was approved by the Board of Directors of Barton Creek North Property Owners Association, Inc. ("Association") on the 16th day of November, 2011 to be effective January 1, 2012. Effective January 1, 2012, this Policy shall replace and supersede in its entirety the prior Resolution by the Board of Directors of the Association establishing policy for member review of Association Books, Records and Papers dated May 18, 2009.

I. Copies of Association records will be available to all Owners upon proper request and at their own expense. A proper request:

- a. is sent certified mail to the Association's address as reflected in its most recent management certificate;
- b. is from an Owner, or the Owner's agent, attorney or certified public accountant; and
- c. contains sufficient detail to identify the records being requested.

II. Owners may request to inspect the books and records or may request copies of specific records.

- a. If the owner makes a request to inspect the books and records, then the Association will respond within **10 business days** of the request, providing the dates and times the records will be made available and the location of the records. The Association and the owner shall arrange for a mutually agreeable time to conduct the inspection. Any inspection shall be monitored by the Manager of the Association and shall be scheduled in advance during regular business hours. The Association shall provide the owner with copies of specific documents upon the owner paying the Association the cost thereof.
- b. If an owner makes a request for copies of specific records, and the Association can provide the records easily or with no cost, then the Association will provide the records to the owner within 10 business days of the owner's request.
- c. If the owner makes a request for copies of specific records, the Association shall send a response letter advising on the date that the records will be made available (within **15 business days**) and the cost the owner must pay before the records will be provided. Upon paying the cost to provide the records, the Association shall provide the records to the owner.

III. The Association hereby adopts the following schedule of costs:

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
 \$3.00 for each DVD

LABOR \$15.00 per hour for actual time to locate, compile and reproduce the records
 (can only charge if request is greater than 50 pages in length)

*Effective January 1, 2012
Records production policy*

OVERHEAD 20% of the total labor charge (can only charge if request 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

IV. The Association hereby adopts the following form of response to Owners who request to inspect the Association's Books and Records:

***BARTON CREEK NORTH PROPERTY OWNERS ASSOCIATION, INC.
RESPONSE TO REQUEST TO INSPECT ASSOCIATION RECORDS***

_____ (date)

Dear Homeowner:

On _____, the Association received your request to inspect the books and records of the Association. The books and records of the Association are available for you to inspect on regular business days, between the hours of 9 a.m. and 5 p.m., at the office of _____, located at _____, Austin, Texas _____.

Please contact the Association's manager at _____ (phone number) to arrange for a mutually agreeable time for you to come and inspect the books and records. Please be advised that if you desire copies of specific records during or after the inspection, you must first pay the associated costs before the copies will be provided to you. A schedule of costs is included with this response.

Very truly yours,

Barton Creek North Property Owners Association, Inc.

V. The Association hereby adopts the following form of response to Owners who request copies of specific records:

***BARTON CREEK NORTH PROPERTY OWNERS ASSOCIATION, INC.
RESPONSE TO REQUEST FOR ASSOCIATION RECORDS***

_____ (date)

Dear Homeowner:

On _____, the Association received your request for copies of specific Association records. We are unable to provide you with the requested records within 10 business days of your request. However, the requested records will be available to you no later than 15 business days after the date of this response.

*Effective January 1, 2012
Records production policy*

In order to obtain the records, you must first pay the Association the cost of providing the records to you. The estimated cost to obtain the records you requested is \$_____. Upon receiving payment, the Association will mail the requested documents to you. You may also make payment and pick up the documents in person at the office of _____, located at _____, Austin, Texas _____.

Very truly yours,

Barton Creek North Property Owners Association, Inc.

- VI. If the estimated cost provided to the Owner is more or less than the actual cost of producing the documents, the Association shall, within 30 days after providing the records, submit to the owner either an invoice for additional amounts owed or a refund of the overages paid by the Owner.**
- VII. Unless authorized in writing or by court order, the Association will not provide copies of any records that contain the personal information of an owner, including restriction violations, delinquent assessments, financial information and contact information (other than an owner's address); additionally, no privileged attorney-client communications or attorney work product documents will be provided; and no employee information (including personnel file) will be released.**
- VIII. With regards to the inspection of ballots, only persons who tabulate ballots under 209.00594 (TPC) may be given access to the ballots cast in an election or vote.**
- IX. Some of the records maintained by the Master Architectural Committee ("MAC") of the Association consist of plans, specifications and other materials specific to a residence, which reveal details of the layout of the home and which may be copyrighted materials prepared for construction of the home. Those records are deemed to be the property of the owner who submitted them to the MAC. To prevent misuse of such information, no Member, other than the owner of the subject residence, shall be permitted to copy such records, unless the Member presents written permission from the owner of the subject residence, along with a statement of a proper purpose. Even when such permission is granted, the Member copying such records must agree to not utilize the information for any purpose other than that stated in the request. Without permission of the owner of the subject residence, but with a proper purpose stated, a Member may inspect such records but no notes, copies or photographs may be taken by the Member and the inspection shall be monitored by the Manager or the Manager's designee. MAC records which do not contain detailed information regarding the design of a residence and which are not copyrighted, shall not be subject to the provisions of this paragraph.**