



RECORDS PRODUCTION AND COPYING POLICY
of
Creekwood Ranches Property Owners Association, Inc.

The Creekwood Ranches Property Owners Association, Inc. ("Property Owners Association" or "Association" herein) Board of Directors has duly adopted the following Records Production and Copying Policy. This Policy was adopted following a duly called meeting of the Board of Directors of the Association on November 14, 2022.

Except for information deemed confidential by law or court order, the Property Owners Association: will make its books and records open to and reasonably available for examination by an owner of property in the 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 Texas Property Code section 209.005. Owners are also entitled to obtain copies of information in the Property Owners Association's books and records on payment of the charges for the copies. To the extent the charges in this policy exceed the charges in section 70.3 of title 1 of the Texas Administrative Code, the amounts in section 70.3 of title 1 of the Texas Administrative Code govern.

Information not subject to inspection by owners includes but is not limited to:

1. Any document that constitutes the work product of the Property Owners Association's attorney or that is privileged as an attorney-client communication.
2. Files and records of the Property Owners Association's attorney relating to the Property Owners Association, excluding invoices requested by an owner under Texas Property Code section 209.008(d); and
3. Except to the extent the information is provided in the meeting minutes, or as authorized by Texas Property Code section 209.005(1), (a) information that identifies the dedicatory instrument violation history of an individual owner; (b) an owner's personal financial information, including records of payment or nonpayment of amounts due the Property Owners Association; (c) an owner's contact information, other than the owner's address; and (d) information related to an employee of the Property Owners Association, including personnel files.
4. If a document in the Property Owners Association's attorney's files and records relating to the Property Owners Association would be subject to a request by an owner to inspect or copy Property Owners Association documents, the document will be produced by using the copy from the attorney's files and records if the Property Owners Association has not maintained a separate copy of the document.

Procedures for Inspecting Information or Obtaining Copies

1. An owner or the owner's agent 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 Property Owners Association or authorized representative as reflected on the most current management certificate filed with the county clerk of Comal County, Texas.

2. The request must include enough description and detail about the information requested to enable the Property Owners Association to accurately identify and locate the information requested. The request must also specify to the format (paper copy, electronic, etc.); delivery method (email, USPS mail, pickup) and include an email address, physical mailing address and phone number. Owners must cooperate with the Property Owners Association's reasonable efforts to clarify the type or amount of information requested.

3. 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:

- a. if an inspection is requested, the Property Owners Association, on or before the tenth business day after the date the Property Owners Association receives the request, will 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 Property Owners Association; or
- b. if copies of identified books and records are requested, the Property Owners Association will, to the extent those books and records are in the possession, custody, or control of the Property Owners Association, **exercise good faith efforts** to produce the requested books and records for the requesting party on or before the tenth business day after the date the Property Owners Association receives the request.

4. If the Property Owners Association is unable to produce the books or records requested that are in its possession or custody on or before the tenth business day after the date the Property Owners Association receives the request, the Property Owners Association will endeavor to provide to the requestor with written notice that:

- a. informs the owner that the Property Owners Association is unable to produce the information on or before the tenth business day after the date the Property Owners Association received the request; and
- b. subject to payment of any copying or other fees, 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 fifteenth business day after the date notice under this subsection is given.

5. The Property Owners Association may produce copies of the requested information in paper copy, electronic, or other format reasonably available to the Property Owners Association.

6. Before materially starting work on an owner's request, the Property Owners Association will provide the owner with a written, itemized statement of estimated charges for examining and copying records related to the owner's request. If the estimated charges exceed the actual cost, the balance will be promptly refunded to owner or credit their assessment account.

7. Within ten business days of the date the Property Owners Association sent the estimate of charges, the owner must respond in writing to the written estimate, or the request is considered automatically withdrawn. The response must state whether the owner (a) accepts the estimate per the request, (b) modifies the request, or (c) withdraws the request.

8. Owners are responsible for charges related to the compilation, production, and reproduction of the requested information in the amounts stated in this policy. The Property Owners Association will require advance payment of the estimated charges of compilation, production, and reproduction of the requested information.

9. If the estimated charges are less or more than the actual charges, the Property Owners Association must submit a final invoice of the actual charges to the owner prior to the date the information is delivered. If the final actual charges are greater than the prepaid estimated charges, the difference is due and payable to the Association, by the owner, prior to the release of the requested information. If the estimated charges exceeded the final invoice amount, the owner is entitled to a refund, and the refund will be issued to the owner or credited to owner's assessment account for which the Association will use its good faith efforts to do so not later than the thirtieth business day after the date the invoice is sent to the owner.

10. All costs associated with fulfilling the request under this Policy will be made payable to the Association and tendered to the President or Treasurer of the Association or any representative of the Association set forth in the Management Certificate on file for the Association.

11. On a case-by-case basis where an owner request Records is deemed by the Association's directors to be minimal, the Association reserves the right to waive notice and/or fees in this Policy.

A. Labor Charge for Locating, Compiling, Manipulating, and Reproducing Data and Information

1. The charge for labor costs incurred in processing an owner's request for Property Owners Association information is \$15.00 an hour. The labor charge will be calculated

based on the actual time to locate, compile, manipulate, and reproduce the requested data and information.

2. A labor charge will not be billed in connection with complying with requests that are for fifty or fewer pages of paper records, unless the documents to be copied are located in (a) two or more separate buildings that are not physically connected with each other or (b) a remote storage facility.

3. A labor charge will not be billed for any time spent by an attorney, legal assistant, or any other person who reviews the requested information to determine whether it is confidential or privileged under Texas law.

4. When confidential or privileged information is mixed with public information in the same page, a labor charge may be recovered for time spent to redact, black out, or otherwise obscure the confidential or privileged information in order to comply with the owner's request.

C. Overhead Charge

1. Whenever any labor charge is applicable to a request, the Property Owners Association may include in the Charges direct and indirect costs, in addition to the specific labor charge. This overhead charge would cover such costs as depreciation of capital assets, rent, maintenance and repair, utilities, and administrative overhead. If the Property Owners Association chooses to recover such costs, the overhead charge will be computed at 20 percent of the charge made to cover any labor costs associated with a particular request.

For example, if one hour of labor is used for a particular request, the formula would be as follows:

a. Labor charge for locating, compiling, and reproducing - $\$15.00 \times .20 = \3.00 .

2. An overhead charge will not be made for requests for copies of fifty or fewer pages of standard paper records.

D. Remote Document Retrieval Charge

To the extent that the retrieval of documents stored on the Property Owners Association's property results in a charge to comply with a request, the Property Owners Association will charge the actual cost of the retrieval.

E. Copy Charges

1. The charge for standard paper copies reproduced by means of an office machine copier or a computer printer is ten cents per page or part of a page. Each side of a piece of paper on which information is recorded is counted as a single copy. A piece of paper that has information recorded on both sides is counted as two copies. Standard paper

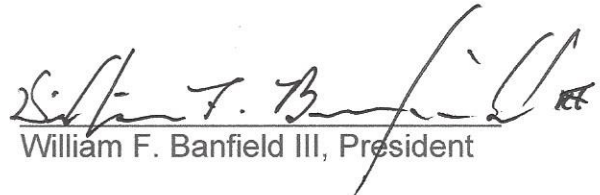
copy is a copy of Property Owners Association information that is a printed impression on one side of a piece of paper that measures up to eight and one-half by fourteen inches.

2. A "nonstandard" copy includes everything but a copy of a piece of paper measuring up to eight and one-half by fourteen inches. Jump drives, CD-ROM are examples of nonstandard copies. The charges in this subsection are to cover the materials onto which information is copied and do not reflect any additional charges, including labor, that may be associated with a particular request.

3. The owner is responsible for all costs associated with the request under this Policy, including but not limited to copies, postage, supplies, labor, overhead and third-party fees are listed below. The charges for nonstandard copies are:

- a. black and white 8 ½" x 11" single sided copies ...\$0.10 each
- b. black and white 8 ½" x 11" double sided copies ...\$0.20 each
- c. color 8 ½" x 11" single sided copies ...\$0.50 each
- d. color 8 ½" x 11" double sided copies ...\$1.00 each
- e. PDF images of documents...\$0.10 per page
- f. jump drive...at cost – (if owner supplied it must be new and in unopened package)
- g. compact disk...\$1.00 each
- h. labor and overhead...\$18.00 per hour
- i. mailing supplies...\$1.00 per mailing
- j. postage...at cost
- k. other supplies...at cost
- l. third party fees...at cost

Fees subject to change to meet guidelines in section 70.3 of title 1 of the Texas Administrative Code.


William F. Banfield III, President

STATE OF TEXAS §
COUNTY OF COMAL § *Bever*

This instrument was acknowledged and signed before me on the 1st day of May, 2023 by William F. Banfield III, President, Creekwood Ranches Property Owners Association on behalf of the Association.



Notary Public – State of Texas



Filed and Recorded
Official Public Records
Bobbie Koepf, County Clerk
Comal County, Texas
05/05/2023 02:30:07 PM
CHRISTY 6 Page(s)
202306013859



Bobbie Koepf