

Pine Hollow Homeowners Association Policy

Title: Inspection and Copying of Association Records

Revision: 1

Purpose:

To adopt a policy regarding an Owner's right to inspect and copy Association records and to adopt a standard procedure to be followed when an Owner chooses to inspect or copy Association records.

Policy:

The Association hereby adopts the following Policy and Procedures:

1. Inspection/Copying Association Records.

An Owner or his/her authorized agent is entitled to inspect and copy any of the books and records of the Association, subject to the exclusions, conditions and requirements set forth below:

- (a) The inspection and/or copying of the records of the Association shall be at the Owner's expense;
- (b) The inspection and/or copying of the records of the Association shall be conducted during regular business hours of 9:00 a.m. to 5:00 p.m. at 2615 Bay Area Boulevard.
- (c) The Owner shall give the Association's management company a written demand, stating the purpose for which the inspection and/or copying is sought, at least five business days before the date on which the Owner wishes to inspect and/or copy such records; and
- (d) The Owner shall complete the Agreement Regarding Inspection of Association Records prior to the inspection and copying of any Association record. A copy of the Agreement is attached to this Policy. Failure to properly complete the Agreement shall be valid grounds for denying an Owner the right to inspect and/or copy any record of the Association.

2. Proper Purpose/Limitation.

Association records shall not be used by any Owner for:

- (a) Any purpose unrelated to an Owner's interest as an Owner;
- (b) The purpose of soliciting money or property;
- (c) Any commercial purpose; or
- (d) The purpose of giving, selling, or distributing such Association records to any person; or
- (e) Harassment or to impede the management of the Association.

3. Exclusions.

The following records shall NOT be available for inspection and/or copying as they are deemed confidential:

- (a) Attorney-client privileged documents and records, unless the Board decides to disclose such communications at an open meeting; and
- (b) Any documents that are confidential under constitutional, statutory or judicially imposed requirements; and
- (c) Any documents that are beyond the records retention period; and
- (d) Any documents, or information contained in such documents, disclosure of which would constitute an unwarranted invasion of individual privacy, including but not limited to social security numbers, dates of birth, personal bank account information, e-mail addresses, phone numbers, tax ID numbers, and driver's license numbers.

The following financial records shall be available for inspection but shall NOT be available for copying as they are deemed confidential. A resident will need to fill out the Agreement for Inspection and Copying of Records form. The appropriate management representative will then arrange a time and date convenient to both parties to access these records:

- (a) General Ledger; and
- (b) Original Invoices; and
- (c) Batch Reports; and
- (d) Bank Statements; and
- (e) Any financial documents that contain confidential homeowner, Pine Hollow HOA or vendor information.

4. Fees/Costs.

Any Owner requesting copies of Association records shall be responsible for all actual costs incurred by the Association, including the cost to search, retrieve, and copy the record(s) requested. The Association may charge \$10.00 per hour for management company staff for the search, retrieval and copying of records. The Association may charge current attorney rate for attorney time associated with the search, retrieval and copying of the records. Additionally, the Association may charge \$.20/page for single sided copies or \$.25/page for double sided copies.

For requests estimated to be \$25.00 or more, the Association may require a deposit equal to the anticipated actual cost of the requested records. Failure to pay such deposit shall be valid grounds for denying an Owner copies of such records. If after payment of the deposit it is determined that the actual cost was more than the deposit, Owner shall pay such amount prior to delivery of the copies. If after payment of the deposit it is determined that the actual cost was less than the deposit, the difference shall be returned to the Owner with the copies.

5. Inspection.

The Association reserves the right to have a third person present to observe during any inspection of record by an Owner or the Owner's representative.

6. Original.

No Owner shall remove any original book or record of the Association from the place of inspection nor shall any Owner alter, destroy or mark in any manner, any original book or record of the Association.

7. Creation of Records.

Nothing contained in this Policy shall be construed to nor require the Association to create records that do not exist or compile records in a particular format or order. This includes, but not limited to, any requests for the conversion of non-electronic documents into electronic.

8. Agent.

The Association has designated its management company as its agent to maintain all records and provide all such access as required by the DCR's and/or this Policy. Therefore, such management company shall have all rights of the Association with respect to such obligations.

9. Definitions.

Unless otherwise defined in this policy, initially capitalized or terms defined in the Declaration shall have the same meaning herein.

10. Supplement to Law.

The provisions of this Policy shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Texas.

11. Deviations.

The Board or its agent may deviate from the procedures set forth in this policy if in its sole discretion such deviation is reasonable under the circumstances.

12. Amendment.

This policy may be amended from time to time by the Board of Trustees.

**PRESIDENT'S
AND
SECRETARY'S**

CERTIFICATION: The undersigned, respectively being the President of the Pine Hollow Homeowners Association, a Texas nonprofit corporation, certifies that the foregoing policy was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on

3/14/10

and in witness thereof, the undersigned has subscribed his/her name.

PINE HOLLOW HOMEOWNERS ASSOCIATION
a Texas non-profit corporation,

By:



President

Attested:


Secretary

**AGREEMENT REGARDING INSPECTION AND COPYING OF RECORDS
OF THE PINE HOLLOW HOMEOWNERS ASSOCIATION, INC.**

I have requested to inspect and/or obtain copies of the following records for the Pine Hollow Homeowners Association, Inc. (be as specific as possible): _____

The records shall be used for the following purpose(s) only: _____

I understand that Association records may not be obtained or used for any purpose unrelated to my interest(s) as an Owner. I further understand and agree that without limiting the generality of the foregoing, Association records may not be:

- (a) used to solicit money or property;
- (b) used for any commercial purpose;
- (c) sold to, otherwise distributed to, or purchased by any person;
- (d) any other purpose prohibited by law; or
- (e) any purpose not related to the reason specified in this Agreement.

In the event any document requested is used for an improper purpose or purpose other than that stated above, I will be responsible for any and all damages, penalties and costs incurred by the Association, including attorney fees resulting from such improper use. I will additionally be subject to any and all enforcement procedures available to the Association through its governing documents and Texas law.

Understood and agreed to by:

_____ Date: _____
Homeowner

_____ Date: _____
Homeowner

Address

Phone Number

E-Mail

Please return form back to (**management representative**) Community Association, Management Company Address, City, State Zip code, XXX@XXX.com (e-mail), or (XXX) XXX-XXXX (fax). Please contact Management Company at (XXX) XXX-XXXX if you have any questions