POND HILL GARDEN VILLAS HOMEOWNERS ASSOCIATION INC. DOCUMENT RETENTION, ACCESS, PRODUCTION AND COPYING POLICY

WHEREAS, the property encumbered by this Pond Hill Garden Villas Homeowners Association Inc. Document Retention, Access, Production and Copying Policy (the "Policy") is the property restricted by the Declaration of Covenants, Conditions and Restrictions for Pond Hill Garden Villas, Planned Unit Development and Provisions for the Pond Hill Garden Villas Association recorded under Bexar County Clerk's File Number 20170212690 (hereinafter called the "Declaration"), as same may be amended from time to time, and any other property which has been or may be annexed thereto and made subject to the authority of the Pond Hill Garden Villas Homeowners Association Inc.(the "Association");

WHEREAS, reference is hereby made to the Declaration for all purposes, and any and all capitalized terms used herein shall have the meanings set forth in the Declaration, unless otherwise specified herein;

WHEREAS, pursuant to Chapter 209 of the Texas Property Code, the Board of Directors (the "Board") of the Association hereby adopts this Policy for the purposes of identifying the retention periods for the books, records, and/or other documents of the Association and prescribing the costs the Association will charge for the compilation, production and reproduction of information requested under Section 209.005 of the Texas Property Code; and

WHEREAS, the Board has established that it is in the best interest of the Association to establish this Policy concerning the retention, production and copying of information, books, and records of the Association.

NOW, THEREFORE, BE IT RESOLVED THAT the Association does hereby adopt the following Document Retention, Access, Production and Copying Policy:

1. ACCESS

The books and records of the Association, including financial records, shall be open to and reasonably available for examination by an Owner, or a person designated in writing signed by the Owner as the Owner's agent, attorney, or certified public accountant. An Owner is entitled to obtain from the Association copies of information contained in the books and records. An Owner, or the Owner's authorized representative, must submit a written request for access or information by certified mail, with sufficient detail describing the books and records requested, to the mailing address of the Association as reflected on the most current management certificate. The request must contain an election either to inspect the books and records before obtaining copies, or to have the Association forward copies of the requested books and records.

An attorney's files and records relating to the Association, excluding invoices requested by an Owner under Section 209.008(d) of the Texas Property Code are not records of the

Association and are not subject to inspection by the 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 the produced by using the copy from the attorney's files and records if the Association has not maintained a separate copy of the document. Any document that constitutes attorney work product or that is privileged as an attorney-client privileged communication is not required to be produced.

The Association is not required to release or allow inspection of any books or records that identify the dedicatory instrument violation history of an Owner, an Owner's personal financial information, including records of payment/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 Owner. These records may be made available only with (i) the express written approval of the Owner whose records are the subject of the request, or (ii) if a court of competent jurisdiction orders the release of the records.

If inspection is requested, the Association, on or before the tenth (10th) business day shall send written notice of dates during normal business hours that the Owner may inspect the requested records to the extent the records are in the possession or control of the Association. The inspection shall take place at a mutually agreed upon time during normal business hours,

If copies are requested, the Association shall produce the requested records for the Owner on or before the tenth (10th) business day after the date the Association receives the request except as otherwise provided herein. The Association may produce the requested records in hard copy, electronic, or other format reasonably available to the Association.

If the Association is unable to produce the records on or before the tenth (10th) business day, the Association shall give the Owner notice that it is unable to produce the records within ten (10) business days, and state a date by which the information will be sent or made available for inspection, on a date not more than fifteen (15) business days after the date the notice is given.

Notwithstanding anything contained herein to the contrary, all records shall be produced subject to the terms of this Policy as set out below. The Association may require advance payment of estimated costs per its adopted policy.

2. CUSTODIAN OF RECORD

The Secretary of the Board is the designated Custodian of the Records of Association. As such, the Secretary of the Board is responsible for overseeing compliance with this Policy. Any questions regarding this Policy shall be directed to the Secretary of the Board.

3. PROCEDURES FOR RESPONDING TO REQUEST FOR INFORMATION

All requests for information must comply with the requirements set forth hereinabove. The dated and signed, written request must state the specific information being requested.

Requests for information will NOT be approved when the information regards pending legal issues, unless specifically required by law; information of personnel matters such as individual salaries; information about other members; information that is privileged or confidential.

4. COST OF COMPILING INFORMATION AND MAKING COPIES OF RECORDS

The costs of compiling information and making copies shall not exceed those set forth in 1 TAC §70.3. The following fee schedules and explanations comply with this code section.

The following are the costs of materials, labor, and overhead, which shall be charged to the Owner requesting. 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 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 Owner, the additional amounts, if not reimbursed to the Association before the 30th 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 30th business day after the date the invoice is sent to the Owner.

4.1 Copy Charge:

(1) Standard paper copy. The charge for 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.
(2) Nonstandard copy: covers materials onto which information is copied and does not reflect any additional charges, including labor that may be associated with a particular request. Charges for nonstandard copies are:
(A) Diskette -$1.00
(B) Magnetic tape – actual cost
(C) Data cartridge – actual cost
(D)Tape cartridge – actual cost
(E) Rewritable & non-rewritable CD -$1.00
(F) Digital video disc -$3.00
(G) JAZ drive – actual cost
(H) Other electronic media – actual cost

(I) VHS video cassette -$2.50
(J) Audio cassette -$1.00
(3) Oversize paper copy (e.g. 11 x 17, green bar, blue bar, not including maps and photographs using specialty paper -$.50
(4) Specialty paper (e.g. Mylar, blueprint, blueline, map, photographic) – actual cost

4.2 Labor Charge:

For locating, compiling, manipulating data, and reproducing public information, the following charges shall apply:

(1) Labor charge -$15.00/hour. This charge includes the actual time to locate, compile, manipulate data, and reproduce the requested information;
(2) No labor charge to be billed for requests that are 50 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) Labor charge may be charged when confidential information is mixed with public information in the same page, an attorney, legal assistant, or any other person who reviews the requested information, for time spent to redact, blackout, or otherwise obscure confidential information for requests of 50 or fewer pages.

4.3 Overhead Charge:

Whenever a labor charge is applicable to a request, the Association may include in the charges direct and indirect charges, 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 Association chooses to recover such costs, the charge shall be made in accordance with the methodology described hereafter:

(1) The overhead charge shall not be made for requests for copies of 50 or fewer pages of standard paper records unless the request also qualifies for a labor charge;
(2) The overhead charge shall be computed at 20% of the charge made to cover any labor costs associated with a particular request.

4.4 Miscellaneous Supplies:

The actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information, may be added to the total charge.

Related postal or shipping expenses which are necessary to transmit the reproduced information may be added to the total charge.

If payment by credit card is accepted, if a transaction fee is charged by the credit card company, that fee may be added to the total charge.

5. DENIAL OF REQUESTED INFORMATION

If it is decided that a request for information is inappropriate or unapproved, the Board, or its designee, will notify the requesting member of that decision and the reason for it in a timely manner. The Board, or its designee, will inform the member, in writing of their right to appeal to the Board.

6. DOCUMENT RETENTION POLICY

This Section 6 provides for the systematic review, retention, and destruction of documents received or created by the Association in connection with the transaction of the Association's business. This policy covers all records and documents, regardless of physical form, contains guidelines for how long certain documents should be kept and how records should be destroyed.

The Association retains specific documents for the time periods outlined in the attached Exhibit "A." Documents that may not be specifically listed will be retained for the time period of the documents most closely related to those listed in the schedule. Electronic documents will be retained as if they were paper documents. Therefore, any electronic files that fall into one of the document types on the attached Exhibit "A" will be maintained for the identified time period.

The Custodian of the Records of Association is responsible for the ongoing process of identifying the Association's records which have met the required retention period and overseeing their destruction. Destruction of any physical documents will be accomplished by shredding. Destruction of any electronic records of the Association shall be made via a reasonable attempt to remove the electronic records from all known electronic locations and/or repositories.

CERTIFICATE OF SECRETARY

I hereby certify that as Secretary of the Pond Hill Garden Villas Homeowners Association, Inc., the foregoing Pond Hill Garden Villas Homeowners Association Inc. Document Retention, Access, Production and Copying Policy was approved on the 23 day of Feb, 2018, at a meeting of the Board of Directors at which a quorum was present.

DATED this the 23 day of Feb, 2018.

_____, Secretary

STATE OF TEXAS §
§
COUNTY OF BEXAR §

BEFORE ME, on this day personally appeared David Riffenhouse, the Secretary of Pond Hill Garden Villas Homeowners Association, Inc., known by me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this 23 day of February, 2018.

BRENDA ARMSTRONG
Notary Public, State of Texas
Comm. Expires 01-29-2021
Notary ID 12227048

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Notary Public – State of Texas

After Recording Return To:

FirstService Residential
3424 Paesanos Pkwy Ste. 100
San Antonio, TX 78231

EXHIBIT "A" DOCUMENT RETENTION POLICY			
DOCUMENT TYPE	**DEFINED**	**TIME PERIOD**	**EXCEPTION**
Account Records of Current Owners	Members assessment records	Five (5) years	Unless period of ownership exceeds five (5) years, then retain last five (5) years.
Audit Records	Independent Audit Records	Seven (7) years	
Bylaws	And all amendments	Permanently	
Certificate of Formation	And all Amendments	Permanently	
Contracts	Final contracts between the Association and another entity.	Later of completion of performance or expiration of the contract term plus four (4) years	
Financial Books & Records	Year End Financial Records and supporting documents	Seven (7) years	
Minutes of Board and Owners Meetings	Board minutes and written consents in lieu of a meeting; Annual member meetings	Seven (7) years	
Restrictive Covenants	And all amendments	Permanently	
Tax Returns	Federal and State Income, Franchise Tax Returns and supporting documentation	Seven (7) years	

Doc# 20180034915
Pages 8
02/26/2018 10:57AM
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BEXAR COUNTY
GERARD C. RICKHOFF
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STATE OF TEXAS
COUNTY OF BEXAR
This is to Certify that this document
was e-FILED and e-RECORDED in the Official
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on this date and time stamped thereon.
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COUNTY CLERK, BEXAR COUNTY TEXAS

