

NOCONA HILLS OWNER'S ASSOCIATION

OPEN RECORDS POLICY

April 13, 2012

PURPOSE: The purpose of this policy is to provide employees with the proper procedure related to the Open Records requirements of TEXAS PROP. CODE 209.005.

POLICY: This policy is created to provide a procedure by which the Association information may be inspected efficiently, safely and without delay.

I. RECORDS

A. The President of the Board of the NOCONA HILLS OWNER'S ASSOCIATION (NHOA) is the legal custodian of the information created or received by the NHOA.

B. The Association Manager shall be the agent of the President for the purposes of complying with the Property Code. The Manager will;

1. Provide the records for viewing or copying, or
2. Notify the Association attorney if the information is not readily available, and/or;
3. Notify the Association attorney if the Manager thinks the release of the information is improper.
4. An Association attorney's files and records relating to the property owners' Association, excluding invoices, are not records of the Association and are not subject to inspection by the owner.
5. Personnel files of Association employees are not open records and are not subject to inspection by a property owner. This does not prohibit the employee from viewing the employees own file.
6. The property owners' Association is not required to release or allow inspection of any books or records that identify the dedicatory instrument violation history of an individual owner of an Association, an owner's personal financial information, including records of payment or nonpayment of amounts due the Association, an owner's contact information, other than the owner's address, without that owner's written consent.
7. Information may be released in an aggregate or summary manner that would not identify an individual property owner or employee.

I. RIGHTS AND RESPONSIBILITIES OF PROPERTY OWNERS

A. Texas law gives property owners the right to access Association records. The Association will promptly release requested information that is not confidential by law.

B. The property owner may, in writing, appoint an agent to collect the information for him (attorney, accountant, etc.).

C. 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 property owners' Association's books and records requested, to the mailing address of the Association, 212 Nocona Dr., Nocona, TX 76255. 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.

I. DUTIES OF THE NHOA

A. If an inspection is requested, the Association, on or before the 10th business day after the date the Association receives the request, shall 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 Association; or

B. if copies of identified books and records are requested, the Association shall, to the extent those books and records are in the possession, custody, or control of the Association, produce the requested books and records for the requesting party on or before the 10th business day after the date the Association receives the request.

C. If the Property Owners' Association is unable to produce the books or records requested under section II on or before the 10th business day after the date the Association receives the request, the Association must provide to the requestor written notice that:

(1) informs the requestor that the Association is unable to produce the information on or before the 10th business day after the date the Association received the request; and

(2) 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 15th business day after the date notice under this subsection is given.

D. If an inspection is requested or required, the inspection shall take place at a mutually agreed on time during normal business hours, and the requesting party shall identify

the books and records for the property owners' Association to copy and forward to the requesting party.

E. A property owners' Association may produce books and records requested under this section in hard copy, electronic, or other format reasonably available to the Association.

IV. COSTS FOR REPRODUCTION OF RECORDS

A. There will be no cost for inspecting records at the office of the Association.

B. The following fees will apply to requested records reproduction:

1. Paper copies will be \$0.10 (10 cents) per page
2. CD ROM will be \$1.00
3. Any employee labor exceeding 15 minutes will be \$10.00 per hour.

A. An owner is responsible for costs related to the compilation, production, and reproduction of the requested information in the amounts prescribed above. 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.

II. RECORDS RETENTION

The Association will retain records under the following required retention policy:

- (1) certificates of formation, bylaws, restrictive covenants, and all amendments to the certificates of formation, bylaws, and covenants shall be retained permanently;
- (2) financial books and records shall be retained for seven years;
- (3) account records of current owners shall be retained for five years;

(4) contracts with a term of one year or more shall be retained for four years after the expiration of the contract term;

(5) minutes of meetings of the owners and the board shall be retained for seven years;
and

(6) tax returns and audit records shall be retained for seven years.

_____, President
Board of Directors
Nocona Hills Association, Inc.

STATE OF TEXAS *
COUNTY OF MONTAGUE *

BEFORE ME, the undersigned authority, on this day personally appeared _____, President of Nocona Hills Owners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and who acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on the _____ day of _____, 2012.

Notary Public, State of Texas

AFTER RECORDING RETURN TO:

Community Manager

212 Nocona Dr.

Nocona, TX 76255