

**SUMMIT CROSSING OWNERS ASSOCIATION, INC.**

**ACCESS, PRODUCTION AND COPYING POLICY**

STATE OF TEXAS           §

§

COUNTY OF BRAZOS       §

WHEREAS, the property encumbered by this Access, Production and Copying Policy ("Policy") is that property restricted by the Declaration of Covenants, Conditions and Restrictions of The Villas at Summit Crossing, recorded at Volume 9523, Page 134 of the Official Records, Brazos County, Texas on March 5, 2010 (the "Villas at Summit Crossing Declaration"), as same has been or may be amended from time to time, and the Declaration of Covenants, Conditions and Restrictions of Summit Crossing, recorded at Volume 12511, Page 89 of the Official Records, Brazos County, Texas on February 10, 2015 ("the "Summit Crossing Declaration"), as same has been or 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 Summit Crossing Owners Association, Inc., a Texas non-profit corporation ("Association"), which property is collectively referred to as the "Subdivision"; and

WHEREAS, Villas at Summit Crossing Declaration and the Summit Crossing Declaration, as have been or may be amended or supplemented from time to time, are collectively referred to herein as the "Declaration"; and

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 prescribing accessibility to Association books and records, 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 determined that it is in the best interest of the Association to establish this Policy concerning the production and copying of information, books, and records of the Association.

NOW, THEREFORE, the Association does hereby adopt this Access, Production and Copying Policy, which shall run with the land and be binding on all owners and lots within the Subdivision. This Policy shall become effective upon recording of same. After the effective date, this Policy shall replace any previously recorded or implemented policy that addresses the subjects contained herein.

**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 209.00S(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 be 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 twenty (20) 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 RECORDS**

The Secretary of the Board or other person designated by 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 Custodian of the Records of the Association.

### **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; or information that is privileged or otherwise confidential.

### **4. COST OF COMPILING INFORMATION AND MAKING COPIES OF RECORDS**

The following are the costs of materials, labor, and overhead which shall be charged to the owner requesting copies of records. 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 (not including labor for same) is \$0.10 per page or part of a page. Each side that has recorded information is considered a page.

(2) Nonstandard copies (e.g., USB drives), oversize paper, or specialty paper (not including labor for same) - actual cost

#### **4.2 Labor Charge:**

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

(1) Labor charge - \$20.00/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.

#### **CERTIFICATION**

I hereby certify that, as President of the Summit Crossing Owners Association, Inc. the foregoing Access, Production and Copying Policy was approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, at a meeting of the Board of Directors at which a quorum was present.

Executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Summit Crossing Owners Association, Inc.

By: \_\_\_\_\_  
Association President

STATE OF TEXAS           §  
  §  
COUNTY OF BRAZOS       §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2022, by \_\_\_\_\_ President of Summit Crossing Owners Association, Inc., a Texas non-profit corporation, on behalf of said entity, and acknowledged that she/he executed the same for the purposes herein expressed, in the capacity herein stated, and as the act and deed of said corporation.

\_\_\_\_\_  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:  
Jana L. Beddingfield  
Bruchez & Goss, PC  
4343 Carter Creek Parkway, Suite 100  
Bryan, TX 77802  
22-6119.1:JLB/dp