

ATTACHMENT 4
RECORDS PRODUCTION AND COPYING POLICY

*After Recording, Return To
Baird, Crews, Schiller & Whitaker, P.C.
Attn: Taylor Fitzner
15 North Main Street
Temple, Texas 76501*

**RECORDS PRODUCTION AND COPYING POLICY
FOR
ROSEWOOD SPRINGS HOMEOWNERS' ASSOCIATION,
A Texas Nonprofit Property Owners' Association
[pursuant to Texas Property Code, Section 209.005]**

Effective Date: June 6, 2022

Homeowners' Association: ROSEWOOD SPRINGS HOMEOWNERS' ASSOCIATION,
a Texas nonprofit property owners' association

Homeowners' Association Address: 3800 S WS Young Drive, Suite 101
Killeen, Texas 76542

Subdivision: ROSEWOOD SPRINGS

Charges: Charges for examining and copying the Association information
are set out in the attached Exhibit "A".

Except for information deemed confidential by law or court order, the Homeowners' 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 Homeowners' 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 Homeowners' Association's attorney or that is privileged as an attorney-client communication;
2. files and records of the Homeowners' Association's attorney relating to the Homeowners' 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(l), (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 Homeowners' Association; (c) an Owner's contact information, other than the Owner's

address; and (d) information related to an employee of the Homeowners' Association, including personnel files.

If a document in the Homeowners' Association's attorney's files and records relating to the Homeowners' Association would be subject to a request by an Owner to inspect or copy Homeowners' Association documents, the document will be produced by using the copy from the attorney's files and records if the Homeowners' Association has not maintained a separate copy of the document.

Procedures for Inspecting Information or Obtaining Copies:

- A. An Owner or the Owner's agent must submit a written request for access or information by certified mail, with sufficient detail describing the Homeowners' Association's books and records requested, to the mailing address of the Homeowners' Association or authorized representative as reflected on the most current Management Certificate filed with the county clerk of Bell County, Texas.
- B. The request must include enough description and detail about the information requested to enable the Homeowners' Association to accurately identify and locate the information requested. Owners must cooperate with the Homeowners' Association's reasonable efforts to clarify the type or amount of information requested.
- C. The request must contain an election either to inspect the books and records before obtaining copies or to have the Homeowners' Association forward copies of the requested books and records and:
 - 1. if an inspection is requested, the Homeowners' Association, on or before the tenth (10th) business day after the date the Homeowners' 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 Homeowners' Association; or
 - 2. if copies of identified books and records are requested, the Homeowners' Association will, to the extent those books and records are in the possession, custody, or control of the Homeowners' Association, produce the requested books and records for the requesting party on or before the tenth (10th) business day after the date the Homeowners' Association receives the request.
- D. If the Homeowners' Association is unable to produce the books or records requested that are in its possession or custody on or before the tenth (10th) business day after the date the Homeowners' Association receives the request, the Homeowners' Association must provide to the requestor written notice that:
 - 1. informs the Owner that the Homeowners' Association is unable to produce the information on or before the tenth (10th) business day after the date the Homeowners' 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 fifteenth (15th) business day after the date notice under this subsection is given.

- E. If an inspection is requested or required, the inspection will take place at a mutually agreeable time during normal business hours, and the Owner will identify the books and records for the Homeowners' Association to copy and forward to the Owner.
- F. The Homeowners' Association may produce copies of the requested information in paper copy, electronic, or other format reasonably available to the Homeowners' Association.
- G. Before starting work on an Owner's request, the Homeowners' Association must provide the Owner with a written, itemized statement of estimated Charges for examining and copying records related to the Owner's request, using amounts prescribed in this policy when the estimated Charges exceed \$40. Owners may modify the request in response to the itemized statement.
- H. Within ten (10) business days of the date the Homeowners' 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.
- I. Owners are responsible for Charges related to the compilation, production, and reproduction of the requested information in the amounts stated in this policy. The Homeowners' Association may require advance payment of the estimated Charges of compilation, production, and reproduction of the requested information.
- J. If the estimated Charges are less or more than the actual Charges, the Homeowners' Association must submit a final invoice to the Owner on or before the thirtieth (13th) 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 Homeowners' Association before the thirtieth (13th) 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 Charges exceeded the final invoice amount, the Owner is entitled to a refund, and the refund will be issued to the Owner not later than the thirtieth (13th) business day after the date the invoice is sent to the Owner.
- K. Capitalized terms used but not defined in this document have the meaning set forth in the Declaration of Covenants, Conditions and Restrictions of or ROSEWOOD SPRINGS HOMEOWNERS' ASSOCIATION, a Texas nonprofit property owners' association, and of Rosewood Springs, a subdivision in Bell County, Texas, or in the Bylaws of ROSEWOOD SPRINGS HOMEOWNERS' ASSOCIATION, a Texas nonprofit property owners' association.

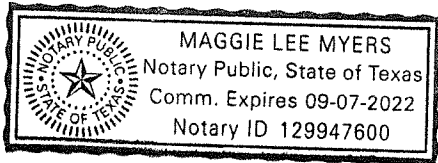
ROSEWOOD SPRINGS HOMEOWNERS' ASSOCIATION,
 A Texas Nonprofit Property Owners' Association

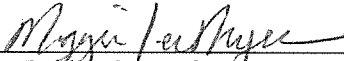
By: *Kristin Sears*
 Kristin Sears, Secretary

ACKNOWLEDGMENT

State of Texas
County of Bell

This instrument was acknowledged before me on June 29, 2022, by Kristin Sears in her capacity as Secretary of ROSEWOOD SPRINGS HOMEOWNERS' ASSOCIATION, a Texas nonprofit property owners' association, on behalf of said property owners' association.





Notary Public, State of Texas

PREPARED IN THE LAW OFFICE OF:
Baird, Crews, Schiller & Whitaker, P.C.
Attn: Taylor Fitzner/sma
15 North Main Street
Temple, Texas 76501
www.bcswlaw.com

Exhibit A
Charges for Examining and Copying
Property Owners' Association Information

Labor Charge for Computer Programming

If a particular request requires the services of a computer programmer to execute an existing program or to create a new program so that requested information may be accessed and copied, the Homeowners' Association will charge \$28.50 an hour for the programmer's time spent on the request.

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

- A. The charge for labor costs incurred in processing an Owner's request for Homeowners' 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.
- B. A labor charge will not be billed in connection with complying with requests that are for 50 or fewer pages of paper records, unless the documents to be copied are located in (a) 2 or more separate buildings that are not physically connected with each other or (b) a remote storage facility.
- C. 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.
- D. 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. The Homeowners' Association will not charge for redacting confidential or privileged information for requests of 50 or fewer pages unless the request also qualifies for a labor charge under section 552.261(a)(1) or 552.261(a)(2) of the Texas Government Code.

Overhead Charge

- A. Whenever any labor charge is applicable to a request, the Homeowners' 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 Homeowners' Association chooses to recover such costs, the overhead charge will be computed at 20% of the charge made to cover any labor costs associated with a particular request.

For example, if 1 hour of labor is used for a particular request, the formula would be as follows:

- 1. Labor charge for locating, compiling, and reproducing: $\$15.00 \times .20 = \3.00 .
- 2. Labor charge for computer programming: $\$28.50 \times .20 = \5.70 .

If a request requires a charge for 1 hour of labor for locating, compiling, and reproducing information (\$15.00 per hour) and one hour of programming (\$28.50 per hour), the combined overhead would be $\$15.00 + \$28.50 = \$43.50 \times .20 = \8.70 .

- B. An overhead charge will not be made for requests for copies of 50 or fewer pages of standard paper records.

Microfiche and Microfilm Charge

If the Homeowners' Association already has the requested information on microfiche or microfilm, the charge for a copy must not exceed the cost of reproducing the information on microfiche or microfilm or ten cents per page for standard size paper copies of the information on microfiche or microfilm, plus any applicable labor and overhead charge for more than 50 copies.

Remote Document Retrieval Charge

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

Copy Charges

- A. 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 2 copies. Standard paper copy is a copy of Homeowners' Association information that is a printed impression on one side of a piece of paper that measures up to 8-1/2 inches by 14 inches.
- B. A "nonstandard" copy includes everything but a copy of a piece of paper measuring up to 8-1/2 inches by 14 inches. Microfiche, microfilm, diskettes, magnetic tapes, and 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. The charges for nonstandard copies are:
1. diskette: \$1.00;
 2. magnetic tape: actual cost;
 3. data cartridge: actual cost;
 4. tape cartridge: actual cost;
 5. rewritable CD (CD-RW): 1.00;
 6. non-rewritable CD (CD-R): \$1.00;
 7. digital video disc (DVD): \$3.00;
 8. JAZ drive: actual cost;
 9. other electronic media: actual cost;
 10. VHS video cassette: \$2.50;
 11. audio cassette: \$1.00;
 12. oversize paper copy (e.g., larger than 8 inches by 14 inches, greenbar, bluebar, not including maps and photographs using specialty paper): \$0.50; and
 13. specialty paper (e.g., Mylar, blueprint, blue-line, map, photographic): actual cost.