

RECORDS REQUEST POLICY

Chapter 209.005 of the Teaxs Property Code

**An owner must submit a written request for access or copies of
Records**

**The letter must be sent certified mail to the Association's address
Sufficient detail to identify the specific Records requested must be
provided in the letter**

The Association has 10 business days to provide the requested records

COST

8 1/2 x 11 single sided copy.....\$0.10
8 1/2 x 11 double sided copy.....\$0.10 each side
Labor.....\$15.00 per hour
Overhead.....\$3.00 per hour
Minimum labor and overhead charge...\$3.00
Any related postage may also be charged

LMSOA requires advance payment



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[INTERNAL & EXTERNAL] - Records Production and Copying Policy

Lake Medina Shores Owners Association (LMSOA)

Records Production and Copying Policy

WHEREAS, Lake Medina Shores Owners Association ("LMSOA") constitutes a property owners association under the provisions of Chapter 209 of the Texas Property Code (the "Code");

WHEREAS, section 209.005(i) of the code requires LMSOA to adopt a records production and copying policy the prescribes the costs LMSOA will charge for the compilation, production and reproduction of the information requested by a member of LMSOA (hereinafter referred to as a "Member") in accordance with the terms of Section 209.005 of the Code; and

WHEREAS, the Board of Directors of LMSOA (the Board) desires to adopt such a records production and copying policy as required under Section 209.005(i) of the code.

NOW, THEREFORE, the Board hereby adopts the Records Production and Copying Policy (the "Policy"), as set forth below.

1. Books and Records Subject to Production

Subject to the terms of this Policy and /section 209.005 of the Texas Property Code (any amendment thereto), LMSOA will make its books and records, including financial records, to the extent such books and records are in the possession, custody, or control of LMSOA, open to and reasonableness for examination by a Member of LMSOA or a person designated in a written instrument signed by the Member as the Member's agent, attorney, or certified public account, in accordance with section 209.005 of the Code (hereinafter referred to as the "Requesting Party"). A Requesting Party is also entitled to obtain copies of the information contained in LMSOA books and records.

Except as provided by Sections 209.005(d) of the Code, an attorney's files and records relating to LMSOA are not records of LMSOA and are not subject to inspection by a Requesting Party or subject to production in a legal proceeding.

In accordance with the provisions of Section 209.005(k) of the Code, and except as otherwise authorized or required pursuant to Section 209.005(l) of the Code, LMSOA shall not allow inspection of any books or records that identify the dedicatory instrument violation history of an individual Member, a Member's personal financial information, including records of payment or nonpayment of amounts due to LMSOA, a Member's contact information, other



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than his or her address, or information related to an employee of LMSOA, including personnel files.

At no time, shall anyone other than a current Board Member have unfettered access or self-serve access to any LMSOA records. Current Board Members shall have access to all documents needed to do their job barring any potential or actual conflict of interest.

2. Procedures for Requesting Inspection and/or Copying of LMSOA's Records

(A) Request for Information

To inspect or obtain copies of LMSOA's records, a Requesting Party must submit a written request for information by certified mail to LMSOA at its or its designated representative's mailing address as reflected on the most current recorded management certificate for LMSOA.

The written request for information must describe with sufficient detail LMSOA's books and records being requested and contain an election to either to inspect the books and records before obtaining copies or to have LMSOA forward copies of the requested books and records to the Requesting Party without any advance inspection.

(B) Inspection of LMSOA's Books and Records

If an advance inspection of LMSOA's books and records is requested, within ten (10) business days from the date LMSOA receives the written requests for information, LMSOA will send to the Requesting Party a written notice specifying the location and alternative dates that such person may inspect during normal business hours the requested books and records to the extent those books and records are in the possession, custody, or control of LMSOA. The inspection of the requested books and records shall take place at a mutually agreed upon time during normal business hours.

The alternative inspection dates proposed by LMSOA will be within ten (10) business days from its receipt of the request for information, unless LMSOA is unable to produce copies of the requested books and records and make them available for inspection within ten (10) business days from receipt of the request for information. In such event, LMSOA's written notice to the Requesting Party will state that LMSOA is unable to produce the information within ten (10) business days from the date it received the request for information and it will specify alternative inspection dates that will occur no later than fifteen (15) business days after the date of LMSOA's written notice to the Requesting Party.



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If the Requesting Party wants to obtain copies of any of the books and records produced for inspection, the Requesting Party must identify the books and records at the inspection that LMSOA is to copy and make available to the Requesting Party.

(C) Copying of LMSOA's Books and Records

If copies of identified books and records are requested without an advance inspection of such books and records or are requested following an inspection of such books and records, within ten (10) business days from date LMSOA receives the written request or the date of the inspection (as applicable), it will to the extent such books and records are in its possession, custody, or control, produce copies of the requested books and records for the Requesting Party.

If LMSOA is unable to produce copies of such requested books or records within ten (10) business days from the written request or inspection, it will provide written notice to the Requesting Party of its inability to produce the requested books and records within ten (10) business days and will state a date by which such copies of such requested books and records will be produced to the Requesting Party, which may not be more than fifteen (15) business days after the date of such notice.

LMSOA reserves the right to produce copies of the requested books and records in hard copy, electronic, or any format reasonably available to it, and the manner of production shall be determined by LMSOA in its sole discretion.

3. Responsibility for Records Production and Copying Charges

A Member of LMSOA who, or whose designated representative, submits a request for information to LMSOA (the "Requesting Member") shall be responsible for the cost, expenses, and charges incurred by LMSOA in responding to such request for information from such member or his or her designated representative in accordance with the terms of the Texas Administrative Code Title 1, Section 70.3 (and any amendment, modification, update, or increase of such terms) (the Production and Copying Charges). As of the effective date of the adoption of this Records Production and Copying Policy, the allowable Production and Copying Charges under Texas Administrative Code Title 1, Section 70.3 are as follows:

(A) Copy Charges

(i) Standard paper copy. Standard paper copy charges consist of the charges for reproducing requested information and records on standard size paper by means of an office machine copier or computer printer. The charge for standard paper copies is \$.10 per



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page or part of a page. Each side that has recorded information is considered a separate page.

(ii) Nonstandard copy. LMSOA will not furnish records in a form other than hard copies on standard paper or by linking the Requester to documents available online.

(B) Labor Charges

Labor charges consist of the labor costs incurred in processing a request for information or records, and includes the actual time to locate, manipulate data and reproduce the requested information or record. The charge for labor costs incurred in the processing of a request for information is \$15 per hour.

(C) Overhead Charge

Whenever a labor charges incurred in processing a request for information or records, LMSOA shall also charge a Requesting Member for any other direct and indirect costs incurred in processing a request for information, including an overhead charge to cover such costs as depreciation of capital assess, rent, maintenance and repairs, utilities, and administrative overhead. The overhead charge is computed at twenty percent (20%) of the labor charge made to cover any labor costs associated with a particular request. By way of example, if one hour of labor is expended in processing a particular request for information, the overhead charge would be \$3.00 (\$15.00 for one hour of labor multiplied by 20% or .20).

(D) Miscellaneous Supplies

LMSOA shall also charge a Requesting Member for the cost of miscellaneous supplies, such as labels, boxes and other supplies used to produce the requested information to the Requesting Party.

(E) Postal and Shipping Charges

LMSOA shall also charge a Requesting Member for any related postal or shipping expenses that are necessary to transmit the reproduced information to the Requesting Party.

4. Advance Payment of Production and Copying Charges

LMSOA requires advance payment by the Requesting Member of the estimated amount of Production and Copying Charges to be incurred in responding to a request for information, which will be estimated by using the amounts prescribed by this Policy. Within thirty (30) business days from the date copies of the requested information are delivered to the Requesting Party, LMSOA will submit a final invoice to the Requesting Member for the



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actual amount of Production and Copying Incurred by LMSOA in responding to such request for information ("Final Invoice").

If the estimated amount of Production and Copying Charge exceeds the actual amount of such charges, as reflected in the Final Invoice, the Requesting Member shall be entitled to a refund of the excess amount, and LMSOA will send payment of such excess amount to the Requesting Member within thirty (30) business days from date of Final Invoice is sent to the Requesting Member. If the actual amount of Production and Copying Charges, as reflected in the Final Invoice, exceeds the estimated amount of such charges, the additional amount of Production and Copying Charges incurred by LMSOA must be paid by the Requesting Member within thirty (30) business days from the date the Final Invoice is sent to the Requesting Member. If the Requesting Member does not timely pay LMSOA the additional amount of Production and Copying Charges, such amount shall be added to the Requesting Member's account as an assessment.

CERTIFICATION

IN WITNESS WHEREOF, the undersigned, ERIN MASSEY, as the duly elected, qualified, and acting Secretary of the Lake Medina Shores Owners Association, Inc. (LMSOA), a Texas nonprofit corporation, hereby certifies on behalf of the Association that this Document Retention Policy was duly adopted by the Board of Directors of the Association at a meeting of the Board held on 10/10/23, and shall take effect and supersede any prior document retention policies upon its recording in the Official Public Records of Bandera County, Texas.

Lake Medina Shores Owners Association, Inc. (LMSOA)

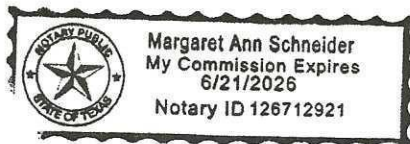
A Texas nonprofit corporation

Erin Massey
BY: ERIN MASSEY, ACTING SECRETARY

STATE OF TEXAS §

COUNTY OF BANDERA §

This document retention policy was acknowledged before me on the 7 day of December 2023, by ERIN MASSEY, acting Secretary of Lake Medina Shores Owners Association, Inc. (LMSOA), a Texas nonprofit corporation.



Margaret Ann Schneider
NOTARY PUBLIC SIGNATURE
Margaret Ann Schneider
NOTARY PUBLIC PRINTED NAME

END