

Walden on Lake Conroe Community Improvement Association, Inc.

Records Production and Copying Policy



I. Purpose:

It is the intention of the Board of Trustees to establish a policy that will allow property owners, or their representative, to view and/or receive copies of the books and records of the Walden on Lake Conroe Community Improvement Association, Inc. (WCIA) on a reasonable and consistent basis. This policy has been written to comply with the Texas Property Code Section 209.005, as effective January 1, 2012.

II. General:

The Board of Trustees will allow property owners, or their representatives, to view and/or receive copies of the books and records of the WCIA. In order to protect the privacy of property owners and staff, the records that are to be made available should not include any information that would disclose a specific individual's information. All books and records will be made available at the WCIA Administrative Offices, currently located at 13301 Walden Road, Montgomery, Texas 77356 during normal business hours. If copies are requested, the charge for the copies will be calculated in accordance with 1 T.A.C. Section 70.3, as specified under Property Code Section 209.005.

III. Policy:

1. WCIA Records shall be reasonably available to every property owner. A property owner may also provide access to Records to any other person (such as an attorney, CPA or agent) they designate in writing as their proxy for this purpose. To ensure a written proxy is actually from the owner, the property owner must include a copy of his/her photo ID or have the proxy notarized.
2. A property owner, or their proxy as described in section 1, must submit a written request for access to or copies of Records. The letter must:
 - a. be sent by certified mail to the WCIA's address, 13301 Walden Road, Montgomery, Texas 77356, and
 - b. contain sufficient detail to identify the specific Records being requested; and
 - c. indicate whether the property owner or proxy would like to inspect the Records before possibly obtaining copies or if the specified Records should be forwarded. If forwarded, the letter must indicate the format, delivery method and address:
 - (1) format: electronic files, compact disk or paper copies
 - (2) delivery method: email, certified mail or pick-up
3. Within ten (10) business days of receipt of the request specified in section 2 above, the WCIA shall provide:



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- a. the requested Records, if copies were requested and any required advance payment has been made; or
 - b. a written notice that the Records are available and offer dates and times when the Records may be inspected by the property owner or their proxy during normal business hours at the office of the WCIA; or
 - c. a written notice that the requested Records are available for delivery once a payment of the cost to produce the records is made and stating the cost thereof; or
 - d. a written notice that a request for delivery does not contain sufficient information to specify the Records desired, the format, the delivery method and the delivery address; or
 - e. a written notice that the requested Records cannot be produced within ten (10) business days but will be available within fifteen (15) additional business days from the date of this notice and payment of the cost to produce the records is made and stating the cost thereof.
4. The following WCIA Records are not available for inspection by property owners or their proxies:
- a. the financial records associated with an individual owner or staff member; and
 - b. deed restriction violation details for an individual owner; and
 - c. personal information, including contact information other than an address for an individual owner; and
 - d. information related to an employee of the Association, including personnel files; and
 - e. attorney files and records, including work product, in the possession of the attorney; and
 - f. attorney-client privileged information in the possession of the Association.
- The information in a, b and c above will be released if the WCIA receives express written approval from the property owner whose records are the subject of the request for inspection. The WCIA will not be responsible for obtaining such approval.
5. WCIA Records may be maintained in paper format or in an electronic format. If a request is made to inspect Records and certain Records are maintained in electronic format, the property owner or their proxy will be given access to equipment to view the electronic records. WCIA shall not be required to transfer such electronic records to paper format unless the property owner or their proxy agrees to pay the cost of producing such copies.
6. If a property owner or their proxy inspecting Records requests copies of certain Records during the inspection, WCIA shall provide them promptly, if possible, but no later than ten (10) business days after the inspection or payment of costs, whichever is later.

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7. The property owner is responsible for all costs associated with a request under this Policy, including but not limited to copies, postage, supplies, labor, overhead and third party fees (such as archive document retrieval fees from off-site storage locations) as listed below:
 - a. black and white 8½"x11" single sided copies ... \$0.10 each
 - b. black and white 8½"x11" double sided copies ... \$0.20 each
 - c. color 8½"x11" single sided copies ... \$0.50 each
 - d. color 8½"x11" double sided copies ... \$1.00 each
 - e. PDF images of documents ... \$0.10 per page
 - f. compact disk ... \$1.00 each
 - g. labor and overhead ... \$18.00 per hour
 - h. mailing supplies ... \$1.00 per mailing
 - i. postage ... at cost
 - j. other supplies ... at cost
 - k. third party fees ... at cost
8. Any costs associated with a Records request must be paid in advance of delivery by the property owner or their proxy. A property owner who makes a request for Records and subsequently declines to accept delivery will be liable for payment of all costs under this Policy.
9. On a case-by-case basis, in the absolute discretion of the Association, the WCIA may agree to invoice the cost of the Records request to the property owner's account. Property owner agrees to pay the total amount invoiced within thirty (30) days after the date a statement is mailed to the property owner. Any unpaid balance will accrue interest as an assessment as allowed under the Declarations.
10. On a case-by-case basis where a property owner request for Records is deemed to be minimal, the WCIA reserves the right to waive notice under section 2 and/or fees under section 4.

This Policy is effective upon the later of recordation in the Public Records of Montgomery County and January 1, 2012, and supersedes any policy regarding records production which may have previously been in effect. Except as affected by Section 209.005 and/or by this Policy, all other provisions contained in the Declarations or any other dedicatory instruments of the WCIA shall remain in full force and effect.

DEDICATORY INSTRUMENTS
OF
WALDEN ON LAKE CONROE COMMUNITY IMPROVEMENT
ASSOCIATION, INC.

BEFORE ME, the undersigned authority, on this day personally appeared the below named person, who, being by me first duly sworn, states the following:

My name is Scott Sustman. I am over 21 years of age and of sound mind. I am capable of making, and authorized to make, this affidavit. I am personally acquainted with the facts herein stated. I am the agent and General Manager of Walden on Lake Conroe Community Improvement Association, Inc. Pursuant to the Texas Property Code, Section 202.006, the attached documents are the originals, or true and correct copies of the originals, of the governing instruments of the Association:

Walden on Lake Conroe Board Policy -- Records Production and Copying Policy

Dated this the 27th day of October, 2011

WALDEN ON LAKE CONROE COMMUNITY IMPROVEMENT ASSOCIATION, INC.

By: Scott Sustman
Agent and General Manager

Print Name: Scott Sustman

**THE STATE OF TEXAS
COUNTY OF MONTGOMERY**

THIS affidavit was acknowledged before me on the 24th day of OCTOBER, 2011 by Scott Sustman who stated that he is the agent and General Manager for Walden on Lake Conroe Community Improvement Association, Inc.




Cynthia Keasling
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AFTER RECORDING RETURN TO:
Scott Sustman, General Manager
Walden on Lake Conroe
Community Improvement Association, Inc.
13301 Walden Road,
Montgomery, Texas 77356
936-582-1622

FILED FOR RECORD

11/03/2011 4:40PM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in file number
sequence on the date and at the time stamped herein
by me and was duly RECORDED in the Official Public
Records of Montgomery County, Texas.

11/03/2011



County Clerk
Montgomery County, Texas