

NOTICE

H

**TIMBER LANE COMMUNITY IMPROVEMENT ASSOCIATION**  
**DOCUMENT RETENTION, ACCESS, PRODUCTION AND COPYING POLICY**

STATE OF TEXAS                   §  
   §  
 COUNTY OF HARRIS           §

WHEREAS, the property encumbered by this Document Retention, Access, Production and Copying Policy ("Policy") is that property included in the Timber Lane subdivision, a subdivision located in Harris County, Texas and consisting of multiple sections, the first of which was recorded under Harris County Map Records Volume 163, Page 55, and any other sections which have been or may be made subject to the authority of the Timber Lane Community Improvement Association (the "Association"); and

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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 identifying the retention periods for the books, records, and/or other documents of the Association and prescribing 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 retention, production and copying of information, books, and records of the Association.

NOW, THEREFORE, BE IT RESOLVED THAT the Association does hereby adopt this Document Retention, 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 on January 1, 2012. 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 209.008(d) of the Texas Property Code are not records of the

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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 (10<sup>th</sup>) 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 (10<sup>th</sup>) 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 (10<sup>th</sup>) 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 fifteen (15) 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; information that is privileged or confidential.

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

The costs of compiling information and making copies shall not exceed those set forth in 1 TAC §70.3. The following fee schedules and explanations comply with this code section.

The following are the costs of materials, labor, and overhead which shall be charged to the owner requesting. 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 30<sup>th</sup> 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 30<sup>th</sup> 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 30<sup>th</sup> 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 is \$.10 per page or part of a page. Each side that has recorded information is considered a page.
- (2) Nonstandard copy: covers materials onto which information is copied and does not reflect any additional charges, including labor that may be associated with a particular request. Charges for nonstandard copies are:
  - (A) Diskette - \$1.00
  - (B) Magnetic tape – actual cost
  - (C) Data cartridge – actual cost
  - (D) Tape cartridge – actual cost
  - (E) Rewritable & non-rewritable CD - \$1.00
  - (F) Digital video disc - \$3.00
  - (G) JAZ drive – actual cost
  - (H) Other electronic media – actual cost
  - (I) VHS video cassette - \$2.50
  - (J) Audio cassette - \$1.00
- (3) Oversize paper copy (e.g. 11 x 17, green bar, blue bar, not including maps and photographs using specialty paper - \$.50
- (4) Specialty paper (e.g. Mylar, blueprint, blue-line, map, photographic) – actual cost

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

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

- (1) Labor charge - \$15.00/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.

### **6. DOCUMENT RETENTION POLICY**

This Section 6 provides for the future systematic review, retention, and destruction of documents received or created by the Association in connection with the transaction of the Association's business. This policy covers all records and documents, regardless of physical form, and contains guidelines for how long certain documents should be kept and how records

should be destroyed. This Document Retention Policy shall be effective on January 1, 2012, and shall apply to records generated on or after January 1, 2012.

The Association retains specific documents for the time periods outlined in the attached Exhibit "A." Documents that may not be specifically listed will be retained for the time period of the documents most closely related to those listed in the schedule. Electronic documents will be retained as if they were paper documents. Therefore, any electronic files that fall into one of the document types on the attached Exhibit "A" will be maintained for the identified time period.

The Custodian of the Records of Association is responsible for the ongoing process of identifying the Association's records which have met the required retention period and overseeing their destruction. Destruction of any physical documents will be accomplished by shredding. Destruction of any electronic records of the Association shall be made via a reasonable attempt to remove the electronic records from all known electronic locations and/or repositories.

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COPY UNOFFICIAL

**CERTIFICATE OF SECRETARY**

I hereby certify that, as Secretary of the Timber Lane Community Improvement Association, the foregoing Document Retention, Access, Production and Copying Policy was approved on the 23 day of December, 2011, at a meeting of the Board of Directors at which a quorum was present.

DATED this the 23 day of December, 2011.

Print Name: Gail Schenck  
Title: Secretary

STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

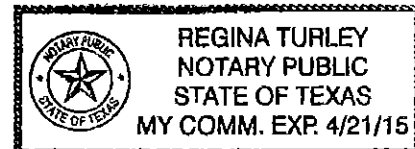
BEFORE ME, on this day personally appeared Gail Schenck the Secretary of the Timber Lane Community Improvement Association, known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

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Given under my hand and seal of office, this 23 day of December, 2011.

Regina Turley  
Notary Public - State of Texas

After Recording Return To:  
Stephanie Quade  
Roberts Markel  
2800 Post Oak Blvd., 57<sup>th</sup> Floor  
Houston, TX 77056



<b>EXHIBIT "A"</b> <b>DOCUMENT RETENTION POLICY</b>			
<b>DOCUMENT TYPE</b>	<b>DEFINED</b>	<b>TIME PERIOD</b>	<b>EXCEPTION</b>
<b>ACCOUNTS PAYABLE/ RECEIVABLE</b>	Accounts payable, accounts receivable support ledgers	Seven (7) years	
<b>ACCIDENT / SAFETY REPORTS (CLAIMS SETTLED)</b>	Accident reports and insurance claims	Seven (7) years	Claims of minors should be retained 7 years or at until the minor turns 21, whichever is longer
<b>ACCIDENT REPORTS (WORKERS COMP)</b>	Accident reports and insurance claims for workers compensation injuries	Seven (7) years	Unless employee is disabled, for longer period of time in which case a period of disability plus 4 years.
<b>ASSESSMENT RECORDS</b>	Member assessment records	Period of ownership plus two (2) years	Unless period of ownership exceeds five (5) years, then retain last five (5) years.
<b>AUDIT RECORDS</b>	Independent Audit Records	Seven (7) years	
<b>BANK STATEMENTS</b>	Statement of financial accounts, deposit tickets, cancelled checks, reconciliation statements.	Seven (7) years	
<b>BOARD PACKAGES</b>	Documentation delivered to the Board prior to meetings. Temporary, intermediate documents used to develop final deliverable documents.	After Meeting	
<b>BUDGETS</b>	Association budgets	Seven (7) years	
<b>COMMITTEE CHARTERS</b>	Committee charters,	Indefinitely	

<b>EXHIBIT "A"</b> <b>DOCUMENT RETENTION POLICY</b>			
<b>DOCUMENT TYPE</b>	<b>DEFINED</b>	<b>TIME PERIOD</b>	<b>EXCEPTION</b>
<b>COMMITTEE REPORTS</b>	Committee reports	Four (4) years	
<b>CONTRACTS</b>	Final contracts between the Association and another entity.	Later of completion of performance or expiration of the contract term plus four (4) years	
<b>CONTRACT BID PROPOSALS/ SPECIFICATIONS</b>	For contract proposals not entered into by the Association.	Two (2) years	
<b>CORPORATE FINANCIAL RECORDS AND BOOKS</b>	Year End Financial Records and supporting documents	Seven (7) years	
<b>CORPORATE GOVERNANCE DOCUMENTS</b>	Plats, Articles of Incorporation, By Laws, Restrictions, Rules, Regulations, Policies and Guidelines and all amendments thereto, deeds, easements.	Indefinitely	
<b>CORRESPONDENCE</b>	Correspondence relating to general matters	Four (4) years	
<b>CORRESPONDENCE-MEMBERS</b>	Correspondence to/from members – kept in member file	Two (2) years	
<b>DEEDS</b>	Deed records relating to common areas which are recorded in the real property records.	Indefinitely	
<b>DEED RESTRICTION ACTIVITY RECORDS</b>	Member deed restriction activity records	Period of ownership plus two (2) years	Unless period of ownership exceeds five (5) years, then retain last five (5) years.
<b>DEPRECIATION SCHEDULES</b>		Life of asset plus four (4) years	In any event not less than seven (7) years



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<b>DOCUMENT TYPE</b>	<b>DEFINED</b>	<b>TIME PERIOD</b>	<b>EXCEPTION</b>
<b>EASEMENT AGREEMENTS</b>	Easements between the association and another entity.	Indefinitely	
<b>EMPLOYEE APPLICATIONS</b>	Applications from employees who were not hired.	Four (4) years	
<b>EMPLOYEE RECORDS</b>	Payroll records, application, tests, performance appraisals, rate position changes, transfer, promotions, demotions, disciplinary actions, job descriptions, employee benefit plan documents, time records, employment retirement income security act, personnel records and records relevant to employee claims of discrimination.	Employee's employment period plus six (6) years	
<b>ENTERTAINMENT RECORDS</b>		Seven (7) years	
<b>ENVIRONMENTAL RECORDS</b>	Permits, authorizations, safety data, material disposal, waste disposal.	Discard on a case-by-case basis upon consultation with the Association's attorney	
<b>EXPENSE REPORTS</b>		Seven (7) years	
<b>FINAL DOCUMENTS</b>	Final deliverable documents which are not superseded or incorporated into later documents.	See Document Type	Contract drafts have benefit as they can help clarify contract terms negotiated which may later be disputed.
<b>INSURANCE RECORDS – POLICIES &amp; CLAIM RECORDS</b>	All insurance policies and records of claims.	Indefinitely	

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<b>DOCUMENT TYPE</b>	<b>DEFINED</b>	<b>TIME PERIOD</b>	<b>EXCEPTION</b>
<b>IRA, KEOGH PLAN</b>	Contributions, rollovers, transfers and distributions	Indefinitely	
<b>JUDGMENTS</b>	Court Judgments	Until judgment amount is paid in full. Judgments can be renewed every ten (10) years.	
<b>LABOR CONTRACTS</b>	Contract for labor or employment	Contract period plus four (4) years	
<b>LEASES</b>	Leases relating to equipment	Lease term plus four (4) years	
<b>LOAN DOCUMENTS</b>	Documents relating to loans plus security agreements	Until the loan is fully discharged plus four (4) years	
<b>MEETING TAPE OR VIDEO RECORDS</b>	Video or audio tape of meetings-strongly advise against these	If made, destroy prior to next meeting	See Meeting Minutes if used as same
<b>MEMBER OR OWNER RECORDS</b>	Member or Owner voting lists or Name, address, telephone, and email address.	Period of ownership plus two (2) years	Unless period of ownership exceeds five (5) years, then retain last five (5) years
<b>MINUTES - BOARD OF DIRECTORS</b>	Board minutes and written consents in lieu of a meeting.	Seven (7) years	
<b>MINUTES – COMMITTEES</b>	No committee minutes should be taken only reports to the board	See Committee Reports	
<b>MINUTES – MEMBER MEETINGS</b>	Annual member meetings	Seven (7) years	
<b>MINUTES - EXECUTIVE SESSION MEETINGS</b>	Executive session meeting minutes	Seven (7) years	
<b>NEWSLETTERS</b>	Newsletter or inserts sent to association members	Five (5) years	

<b>EXHIBIT "A"</b> <b>DOCUMENT RETENTION POLICY</b>			
<b>DOCUMENT TYPE</b>	<b>DEFINED</b>	<b>TIME PERIOD</b>	<b>EXCEPTION</b>
<b>OPINION LETTERS OR REPORTS</b>	Prepared by professionals including attorney, accountant, engineer	Indefinitely	
<b>OWNER INFORMATION</b>	Current name and address of each owner	Updated continually	
<b>PURCHASE ORDERS</b>		Four (4) years	
<b>REPORTS</b>	Reports relating to property damage and accidents	Seven (7) years	Claims of minors should be retained for the later of seven (7) years or at until the minor turns 21
<b>RESERVE STUDIES</b>	Documents relating to study of common area and amount of funds necessary to fund upkeep, maintenance and replacement	Time period for which the reserve study covers, plus four (4) years statute of limitations period	
<b>TAX RETURNS</b>	Federal and State Income, Franchise Tax Returns and supporting documentation	Seven (7) years	
<b>TEMPORARY DOCUMENTS</b>	Intermediate documents used to develop final deliverable documents	Until final deliverable documents are completed	Contract drafts may be beneficial to help clarify later disputed negotiated contract terms
<b>TRADEMARKS</b>	Documents relating to the first use of the trademarks should be retained as long as they are used. Registered trademarks can be renewed every ten years.	Indefinitely, so long as trademarks are still in use	

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<b>DOCUMENT TYPE</b>	<b>DEFINED</b>	<b>TIME PERIOD</b>	<b>EXCEPTION</b>
<b>VENDOR INVOICES</b>	Invoices associated with final contracts between the Association and another entity	Later of completion of performance or expiration of the contract term plus four (4) years for statute of limitations for any action relating to a breach of contract.	
<b>VOTING RECORDS</b>	Association board member election records including proxies and ballots	One (1) year	Unless election is contested, then retain for period of contest
<b>WATER WELL-RELATED</b>	Well reports, etc.	Two (2) years	
<b>WORKERS COMPENSATION RECORDS</b>	Covered employees are eligible for lifetime benefits	Indefinitely	

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# Pages 13  
01/03/2012 10:39:16 AM  
e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
STAN STANART  
COUNTY CLERK  
Fees 60.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically  
and any blackouts, additions or changes were present  
at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or  
use of the described real property because of color or  
race is invalid and unenforceable under federal law.

THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in  
File Number Sequence on the date and at the time stamped  
hereon by me; and was duly RECORDED in the Official  
Public Records of Real Property of Harris County, Texas.



*Stan Stanart*

COUNTY CLERK  
HARRIS COUNTY, TEXAS