

**CCF, SECTION 12, PROPERTY OWNERS' ASSOCIATION, INC.**  
**DOCUMENT RETENTION, ACCESS, PRODUCTION AND COPYING POLICY**

STATE OF TEXAS                   §  
  §  
COUNTY OF MONTGOMERY       §

WHEREAS, the property encumbered by this Document Retention, Access, Production and Copying Policy ("Policy") is that property initially restricted by the Restrictions for Restrictions for Clear Creek Forest Subdivision Section 12 recorded under Montgomery County Clerk's File No. 8119103, as same has been or may be amended from time to time ("Declaration"), and any other property which has been or may be annexed thereto and made subject to the authority of the CCF, Section 12, Property Owners' Association, Inc. ("Association"); 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 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 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, or the person designated by 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 thirtieth (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 thirtieth (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 thirtieth (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 fifty (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 fifty (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 twenty percent (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.

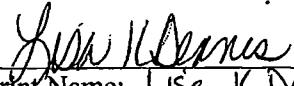
The Association retains specific documents for the time periods outlined in the attached Exhibit "A." Documents that may not be specifically listed will be retained for the time period of the documents most closely related to those listed in the schedule. Electronic documents will be retained as if they 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.

#### CERTIFICATE OF SECRETARY

I hereby certify that, as Secretary of the CCF, Section 12, Property Owners' Association, Inc., the foregoing Document Retention, Access, Production and Copying Policy was approved on the 9<sup>th</sup> day of December, 2011, at a meeting of the Board of Directors at which a quorum was present.

DATED this the 9<sup>th</sup> day of December, 2011.

  
Print Name: Lisa K. Dennis  
Title: Secretary

STATE OF TEXAS           §  
   §  
COUNTY OF MONTGOMERY   §

BEFORE ME, on this day personally appeared Lisa Dennis, the Secretary of the CCF, Section 12, Property Owners' Association, Inc., 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.

Given under my hand and seal of office, this 9<sup>th</sup> day of December, 2011.



Notary



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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|---|--|---|--|
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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  |  |

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| <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  |   |

**E-FILED FOR RECORD**  
**12/19/2011 12:30PM**



COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

**STATE OF TEXAS**  
**COUNTY OF MONTGOMERY**

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

**12/19/2011**



County Clerk  
Montgomery County, Texas