

LANTANA RIDGE PROPERTY OWNERS ASSOCIATION

Policies for Records Requests

Right to inspect and copy

Association records are available for inspection and photocopying by members of the Association, as provided by Section 209.005(a) of the Texas Residential Property Owners Protection Act and Article 1396-2.23, Texas Civil Statutes (a copy of which is at the end of these policies). Members may authorize, in writing, another person to inspect or request copies on their behalf. By statute the request needs to be for a “proper” purpose. A proper purpose does not include information relating to pending or anticipated litigation or contract negotiations or employment, promotion, discipline, or dismissal of a specific board member or employee.

Written request

To save everyone’s time, requests for inspection or photocopying of Association records must be made to the Association’s secretary or manager on the attached form and mailed to the association address filled in on the form by the association manager. The request needs to state the purpose of the request and include pertinent dates or time periods whenever possible. The request needs to be sufficiently detailed to allow the Association to retrieve the records requested. Due to Association staffing limitations, no member may submit more than one request for inspection and/or copying in a 30-day period. Members should try to make their initial request as encompassing as reasonably possible to avoid multiple requests.

Procedures

All inspections shall take place at the Association’s office or at such other location as the Association designates in the policy. Original records may not be removed from the Association’s control and possession. Members may not make copies of the records themselves or alter any records. The Association will make records available for inspection on or before the fifth working day after the Association receives a written inspection request. This time frame may be reasonably extended upon the member’s written request or upon the Association’s request if the records being requested are voluminous or otherwise in such condition as to render this time frame unreasonable. The Association will notify the member by telephone, in person, or in writing that the records are available, and specify the time, date, and place for the inspection. Inspections shall be by appointment during the normal business hours of the Association’s office. Association managers will try to accommodate the scheduling needs of both the Association representative and the member. If the initial inspection session does not afford the member sufficient time, the member may make written request(s) for additional sessions until the member has inspected all the records originally requested. Requests for additional sessions to inspect that information initially requested are subject to these policies except that the member does not have to wait 30 days for the additional session(s).

Copy costs

If a member wants a photocopy of a record, the member must designate the record by using Post-It notes or clips on the page(s) desired. The Association manager or representative will copy the record(s) and make them available to the member within 10 working days unless the voluminous nature or condition of the records make this time frame impractical. In such cases, the copies

will be made available as soon as is practical. The photocopy charge is 30 cents per page for regular-or-legal-size photocopies, which needs to be paid in cash or by personal check at the time the copies are delivered to the member. If the request is voluminous, the Association representative may require advance payment. Costs of Association employee or manager time in complying with voluminous requests may be charged to the member, in the reasonable judgment of the Association manager or representative.

Manner of inspection or copying

In the process of inspecting or requesting copies, members may not use uncivil language or harass Association representatives. Inspections and requests are to be conducted in a businesslike manner and must not interfere with the operation of the Association office or such other location where the inspection or copying is taking place. The Association office or other place of inspection will assign one staff person to assist in the inspection. All requests for further assistance and copying during an inspection shall be directed only to that staff person. The Association shall maintain a log containing: (1) the date the written request was received; (2) the name of the requesting party; (3) a list of the requested records; (4) the date the Association notified the member that the records were available for inspection; (5) the date the records were made available; (6) the date of actual inspection; (7) a short description of the documents that were requested to be photocopied; and (8) the member's signature acknowledging that he or she was given access to the records. Every person inspecting or receiving copies of records shall sign the log or a comparable receipt prior to inspection or receipt of copies.

Enforcement and relevant statutes

Violation of these policies will result in suspension of inspection and/or copying rights until the violator complies with the policies. The Association is not obligated to honor any requests for inspection or copying that do not comply with these policies. Within five working days of receiving a noncompliant request, the Association will send a written notice to the person making the request indicating the nature of any noncompliance. Any Association representative who receives an oral request for inspection or copying shall refer the person making the request to this policy, and the Association will have no further obligation to respond until it receives a written request in compliance with the policies. Serious violations of these rules, such as unwarranted disruption of business or uncivil language during inspection, can subject the member to suspension of inspection and photocopying rights, fines, or other appropriate legal action. The relevant statutes are as follows:

Texas Residential Property Owners Protection Act, Sec. 209.005. ASSOCIATION RECORDS.

(a) A property owners' Association shall make the books and records of the Association, including financial records, reasonably available to an owner in accordance with Section B, Article 2.23, Texas Non-Profit Corporation Act (Article 1396-2.23, Vernon's Texas Civil Statutes).

(b) An attorney's files and records relating to the Association, excluding invoices requested by an owner under Section 209.008(d), are not: (1) records of the Association; (2) subject to inspection by the owner; or (3) subject to production in a legal proceeding.

Texas Non-profit Corporation Act, Article 1396-2.23. BOOKS AND RECORDS.

A. Each corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any authority of the board of directors and shall keep at its registered office or principal office in this State a record of the names and addresses of its members entitled to vote.

B. A member of a corporation, on written demand stating the purpose of the demand, has the right to examine and copy, in person or by agent, accountant, or attorney, at any reasonable time, for any proper purpose, the books and records of the corporation relevant to that purpose, at the expense of the member.

LANTANA RIDGE PROPERTY OWNERS ASSOCIATION

**REQUEST FOR INSPECTION OR PHOTOCOPYING OF
ASSOCIATION BOOKS AND RECORDS**

Member name: _____ Date: _____

Address: _____

Telephone No: _____ Fax and/or email (optional) _____

Mailing address to which all
requests are to be submitted is: _____

I have read the attached Association's "Policies for Records Requests". Pursuant to those policies and Section 209.005(a) of the Texas Residential Property Owners Protection Act, I request that the Association provide to me or my representative designated below, access to the books and records of the Association for inspection and/or copying:

1. The purpose of requesting the records is: (The applicable statute requires a statement of "proper" purpose. The purpose cannot be related to pending or anticipated litigation or to employment, discipline, or dismissal of a board member or Association member.)

2. The Association books and records that I wish to inspect are: (attach separate list if insufficient room below) If dates or time windows are known, please state them.

3. I understand that my rights of inspection and photocopying are as stated in the Association policies and are limited by statute. I agree to pay for any copy costs, mailing costs, and labor costs as provided in the Association policies.

4. If I would like someone other than myself to inspect the records and make any copy requests for me, that person's name and contact information are:

Member Signature _____ Date _____

FileServer:CLIENTS:LantanaRidge:RecordsPolicyFnl.doc

After recording, please return to:
Niemann & Niemann, L.L.P.
1122 Colorado St., Suite 313
Austin, Texas 78701