

SUNBURY ESTATES COMMUNITY IMPROVEMENT ASSOCIATION, INC.
BOOKS AND RECORDS PRODUCTION POLICY

WHEREAS, the Sunbury Estates Community Improvement Association, Inc., a Texas non-profit corporation (the “**Association**”), which is governed by its Board of Directors (the “**Board**”), is the governing entity of the Post Wood, Section Five (5) Subdivision and authorized to enact this policy; and

WHEREAS, this Books and Records Production Policy (the “**Policy**”) applies to the operation and utilization of property within the Post Wood, Section Five (5) Subdivision, an addition in Harris County, Texas, under Harris County Clerk’s File Number F959955, and as amended under Clerk’s File Number G941180 and as according to the maps or plats thereof recorded under Volume 285, Page 57, and as amended under Volume 301, Page 116, of the Map Records of Harris County, Texas; and

WHEREAS, Chapter 209 of the Texas Property Code requires the Association to adopt and record a policy regarding guidelines for production of Association Books and Records to those holding record title to property in a residential subdivision; and

WHEREAS, in order to remain in compliance with Section 209.005 of the Texas Property Code, the Board desires to revise and update such guidelines to replace and supersede the prior Books and Records Production Policy which was adopted October 10, 2011 and recorded December 16, 2011; and

NOW THEREFORE, the Board of the Association hereby adopts the following Books and Records Production Policy pursuant to and in compliance with Chapter 209 of the Texas Property Code and the authority granted to the Board by the provisions of its By-Laws:

This Books and Records Production Policy was approved by the Board of Directors for the Sunbury Estates Community Improvement Association, Inc. on the 3rd day of April, 2025, to be effective upon recording by the Harris County Clerk.

I. Categories of books and records available for production:

- a. certificates of formation, bylaws, restrictive covenants, and all amendments to the certificates of formation, bylaws, and restrictive covenants;
- b. financial books and records such as monthly and annual revenue and expense statements, invoices, bank statements, etc.;
- c. written contracts with a term of one (1) year or more;
- d. minutes of meetings of the members and of the Board; and
- e. tax returns and audits.

II. Categories of books and records NOT available for production:

- a. books and/or records that identify the dedicatory instrument violation history of an owner, deed restriction violations, an owner's personal financial information (including records of payment, delinquency or nonpayment of amounts due the Association), and an owner's contact information (other than the owner's property address);
- b. information related to an employee or contractor of the Association (including contact information and personnel files) other than the name of the employee or contractor;
- c. documents and communications which are subject to attorney-client privilege and/or constitute attorney work product;
- d. an attorney's files and records relating to the Association (excluding invoices);
- e. books and records that are dated and/or were prepared or created prior to an owner obtaining record title to property in the subdivision; and
- f. books and records which are not in the possession, custody, or control of the Association.

III. Inspection of Association books and records:

An owner is entitled to *inspect* Association books and records upon submission of a proper request and at their own expense, paid in advance of inspection to the Association. A proper request must be:

- a. sent certified mail to the Association's address as reflected in its most recent management certificate;
- b. from a record owner of the Association (according to the Association's records), or an owner's agent, attorney, or certified public accountant, provided the owner provides advance written authorization to the Association for the identified agent, attorney or certified public accountant to inspect the books and records on the owner's behalf; and
- c. sufficiently detailed to identify the specific books and records that are being requested for inspection (reference to general categories or broad generalized descriptions are insufficient to identify the specific books and records which are requested).

If an owner makes a proper request to inspect the books and records, then the Association will respond within ten (10) business days of receiving the request. The Association's response shall include:

- a. whether or not all of the specifically identified books and records requested are in the possession, custody, or control of the Association, and if not, which requested books and records are not in the possession, custody, or control of the Association;
- b. whether any of the specifically identified books and records requested are not available for inspection as prohibited under Section II of this Policy;

- c. proposed dates and times the specifically identified books and records requested will be made available for inspection and the location of the inspection; and
- d. the estimated cost the owner must pay in advance of the inspection for the Association to locate, compile and reproduce the specifically identified books and records requested.

Prior to inspecting the specifically identified books and records requested, the owner must submit payment to the Association in certified funds (*i.e.*, money order, cashier's check or as otherwise acceptable to the Association) the estimated costs for the Association to locate, compile, and reproduce the specifically identified books and records requested.

A request to *inspect* Association books and records is not and does not constitute a request to *copy* or *obtain copies* of Association books and records. Therefore, no copies or reproductions of Association books and records may be obtained during any inspection. In the event an owner desires to copy or obtain copies of Association books and records, a separate proper request must be submitted to the Association as described in Section IV of this Policy.

IV. Copies of Association books and records:

An owner is entitled to *obtain copies* of Association books and records upon submission of a proper request and at their own expense, paid in advance to the Association. A proper request must be:

- a. sent certified mail to the Association's address as reflected in its most recent management certificate;
- b. from a record owner of the Association (according to the Association's records), or an owner's agent, attorney, or certified public accountant, provided the owner provides advance written authorization to the Association for the identified agent, attorney or certified public accountant to obtain copies of the books and records on the owner's behalf; and
- c. sufficiently detailed to identify the specific books and records that are being requested for copying (reference to general categories or broad generalized descriptions are insufficient to identify the specific books and records which are requested).

If an owner makes a request to obtain copies of the books and records, then the Association will respond within ten (10) business days of receiving the request. The Association's response shall include:

- a. whether or not all of the identified books and records requested are in the possession, custody, or control of the Association, and if not, which requested books and records are not in the possession, custody, or control of the Association;

- b. whether any of the identified books and records requested are not available for copying as prohibited under Section II of this Policy;
- c. the proposed date and time the identified books and records requested will be made available for collection; and
 NOTE: Copies of the identified books and records requested will be made available for collection within fifteen (15) business days after the Association receives the request.
- d. the estimated cost the owner must pay in advance for the Association to locate, compile, and produce copies of the identified books and records requested.

V. Schedule of Costs:

LABOR Labor to locate, compile and reproduce and/or copy identified books and records requested shall be \$100 per hour

OVERHEAD Overhead costs shall be equal to twenty percent (20%) of the Labor charge

<u>COPIES</u>	For black and white 8.5" x 11"	\$0.50 per page
	For black and white greater than 8.5" x 11"	\$1.00 per page
	For color 8.5" x 11"	\$1.00 per page
	For color greater than 8.5" x 11"	\$2.00 per page
	For specialty paper (photograph, map, etc.)	Actual cost


<u>MATERIALS</u>	Postage	Actual Cost
	Labels, boxes, folders, etc.	Actual Cost
	Binder clips, staples, paper clips, etc.	Actual Cost

NOTE: THE ASSOCIATION MAY INCREASE THE ABOVE COSTS BY UP TO THREE PERCENT (3%) ANNUALLY IN ORDER TO ACCOUNT FOR INFLATION OVER TIME.

If the estimated cost provided to the owner is more or less than the actual cost of locating, compiling, reproducing and/or copying the identified Books and Records requested, then the Association shall, within thirty (30) days after the inspection or production of copies, submit to the owner either a refund for the overage paid or an invoice for additional amounts owed by the owner. Any such additional amounts owed must be paid by the owner to the Association in certified funds within thirty (30) days of receiving an invoice from the Association.

SUNBURY ESTATES COMMUNITY IMPROVEMENT ASSOCIATION, INC.
CERTIFICATION

I, the undersigned, being the President of the Sunbury Estates Community Improvement Association, Inc., hereby certify that the forgoing Books and Records Production Policy was adopted unanimously by the Association's Board of Directors on the 3rd day of April, 2025.

By:  _____

Printed Name: James Spencer

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day, personally appeared James Spencer, whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same as the act of the Association for the purpose and consideration therein expressed and in the capacity therein stated.

Give under my hand and seal of office this 3 day of April, 2025.



Jesus A. Maldonado
Notary Public, State of Texas