

BRAZOS GARDENS OWNERS ASSOCIATION, INC.  
BOOKS AND RECORDS PRODUCTION POLICY

WHEREAS, the Brazos Gardens Owners 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 Brazos Gardens Subdivision and authorized to enact these Regulations; and

WHEREAS, this Books and Records Policy applies to the operation and utilization of property within the Brazos Gardens Subdivision, an addition in Fort Bend County, Texas, as follows:

Lots 1 through 43, Block 1 and all Lots 1 through 49, Block 2, located in Brazos Gardens Section 1, a subdivision in Fort Bend County, Texas according to the map or plat thereof recorded under Film Code #2293A and #2293 B, of the map records of Fort Bend County, Texas, and to any other properties subsequently annexed to or brought under the jurisdiction of the Brazos Gardens Owners' Association, Inc.; and any subsequent amendments, supplements, corrections or replats thereto (the "Subdivision"); and

WHEREAS, Chapter 209 of the Texas Property Code was amended, effective January 1, 2012, to add Section 209.005, which requires the Association to adopt and record a policy regarding guidelines for production of Association Books and Records to owners and the Board of Directors of the Association desires to establish guidelines in compliance with Chapter 209.005 of the Texas Property Code; and

NOW THEREFORE, the Board of Directors of the Association hereby adopts the following Records Production Policy pursuant to Chapter 209 of the Texas Property Code and the authority granted to the Board by the provisions of the By-laws:

This Books and Records Production Policy was approved by the Board of Directors for the Brazos Gardens Owners Association, Inc., on the 18 day of OCTOBER, 2011, to be effective January 1, 2012.

- I. Copies of Association Books and Records will be available to all Owners upon their proper request and at their own expense. A proper request:**
- a. is sent certified mail to the Association's address as reflected in its most recent management certificate;
  - b. is from an Owner, the Owner's agent, attorney, or certified public accountant; and
  - c. contains sufficient detail to identify the Books and Records being requested.
- II. Owners may request to inspect the Books and Records OR may request copies of specific Books and Records.**

If the owner makes a request to *inspect* the Books and Records, then the Association will respond within **10 business days** of the request, providing the dates and times the Books and Records will be made available and the location of the Books and Records. The Association and the owner shall arrange for a mutually agreeable time to conduct the inspection. The Association shall provide the owner with copies of specific documents requested during the inspection upon the owner paying the Association the cost thereof.

If the owner makes a request for *copies of specific Books and Records*, the Association shall, within 10 days of the owner's request, send a response letter advising on the date that the requested copies will be made available (within **15 business days**) and the cost the owner must pay before the requested copies will be provided. Upon paying the cost of producing the requested copies, the Association shall provide the requested copies to the owner.

**III. The Association hereby adopts the following schedule of costs:**

<u>COPIES</u>	10 cents per page, for a regular 8.5" x 11" page 50 cents per page, for pages 11" x 17" or greater Actual cost, for specialty paper (color, photograph, map, etc...) \$1.00 for each CD or audio cassette and \$3.00 for each DVD
<u>LABOR</u>	\$15.00 per hour, actual time to locate, compile and reproduce the Books and Records (can only charge if request is greater than 50 pages in length)
<u>OVERHEAD</u>	20% of the total labor charge (can only charge if request is greater than 50 pages in length)
<u>MATERIALS</u>	actual costs of labels, boxes, folders, and other supplies used in producing the Books and Records, along with postage for mailing the Books and Records

**IV. The Association hereby adopts the following form of response to Owners who request to inspect the Association Books and Records:**

BRAZOS GARDENS OWNERS ASSOCIATION, INC.  
RESPONSE TO REQUEST FOR ASSOCIATION RECORDS

April 11, 2012

Dear Homeowner:

On April 1, 2012, the Brazos Gardens Owners Association, Inc. received your request to inspect the books and records of the Association. The books and records of the Association can be made available for you to inspect on regular business days, between the hours of 9:00 a.m. and 5:00 p.m., at Texas Community Management, Inc., 11011 Richmond Ave., Suite 615, Houston, Texas 77042.

Please contact the Association Manager at 832-660-0700 to arrange for a mutually agreeable time for you to come and inspect the books and records. Please be advised that if you desire copies of specific records during or after the inspection, you must first pay the associated costs before the copies will be provided to you. A schedule of costs is included with this response.

Very Truly Yours,  
Brazos Gardens Owners Association, Inc.

**V. The Association hereby adopts the following form of response to Owners who request copies of specific records:**

BRAZOS GARDENS OWNERS ASSOCIATION, INC.  
RESPONSE TO REQUEST FOR ASSOCIATION RECORDS

April 11, 2012

Dear Homeowner:

On April 1, 2012, the Brazos Gardens Owners Association, Inc. received your request for copies of specific Association records. We are unable to provide you with the requested records within 10 business days of your request. However, the requested records will be available to you no later than 15 business days after the date of this response.

In order to obtain the records you must first pay the Association the cost of providing the records to you. The estimated cost to obtain the records you requested is \$ \_\_\_\_\_. Upon receiving payment, the Association will mail the requested documents to you. You may also make payment and pick up the documents in person at Texas Community Management, Inc., 11011 Richmond Ave., Suite 615, Houston, Texas 77042; 832-660-0700.

Very Truly Yours,  
Brazos Gardens Owners Association, Inc.

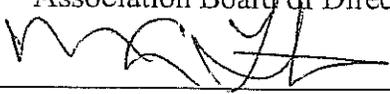
**VI. If the estimated cost provided to the Owner is more or less than the actual cost of producing the documents, the Association shall, within 30 days after providing the records, submit to the owner either an invoice for additional amounts owed or a refund of the overages paid by the Owner.**

**VII. Unless authorized in writing or by court order, the Association will not provide copies of any records that contain the personal information of an owner, including restriction violations, delinquent assessments, financial information, and contact information.**

The Association, through its Board of Directors, shall have and may exercise discretionary authority concerning the restrictive covenants contained herein.

BRAZOS GARDENS OWNERS ASSOCIATION, INC.  
CERTIFICATION

"I, the undersigned, being the President of the Brazos Gardens Owners Association, Inc., hereby certify that the foregoing Resolution was adopted by at least a majority of the Association Board of Directors on the 18 day of OCTOBER, 2011."

By:  \_\_\_\_\_, President

Print name: M. L. FEDDERKE

ACKNOWLEDGEMENT

STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND   §

BEFORE ME, the undersigned authority, on this day, personally appeared the person 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.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public, State of Texas

After Recording Return to:  
HOLT & YOUNG, P.C.  
11200 Richmond Ave., Ste. 450  
Houston, Texas 77082