

195469

**HAWG HEAVEN PROPERTY OWNERS ASSOCIATION, INC.**  
**RECORDS PRODUCTION AND COPYING POLICY**

STATE OF TEXAS                   §  
                                           §  
 COUNTY OF TRINITY           §

WHEREAS, Hawg Heaven Property Owners Association, Inc. (the "Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Restated and Amended Restrictions for the Hawg Heaven Subdivision (hereafter collectively referred to as the "Deed Restrictions"); and

WHEREAS, Chapter 209 of the Texas Property Code was amended effective January 1, 2012, to amend Section 209.005 ("Section 209.005") thereto regarding owner access to Association documents and records ("Records"); and

WHEREAS, the Board of Directors of the Association ("Board") desires to establish a policy for records production consistent with Section 209.005 and to provide clear and definitive guidance to property owners.

NOW, THEREFORE, the Board has duly adopted the following *Records Production and Copying Policy*.

1. Association Records shall be reasonably available to every owner. An owner may also provide access to Records to any other person (such as an attorney, CPA or agent) they designate in writing as their proxy for this purpose. To ensure a written proxy is actually from the owner, the owner must include a copy of his/her photo ID or have the proxy notarized.
2. An owner, or their proxy as described in Section 1, must submit a written request for access to or copies of Records. The letter must:
  - a. be sent by certified mail to the Association's address as reflected in its most recent Management Certificate filed in the County public records; and
  - b. contain sufficient detail to identify the specific Records being requested; and
  - c. indicate whether the owner or proxy would like to inspect the Records before possibly obtaining copies or if the specified Records should be forwarded. If forwarded, the letter must indicate the format, delivery method and address:
    - (1) format: electronic files, compact disk or paper copies
    - (2) delivery method: email, certified mail or pick-up
3. Within ten (10) business days of receipt of the request specified in Section 2 above, the Association shall provide:
  - a. the requested Records, if copies were requested and any required advance payment had been made; or
  - b. a written notice that the Records are available and offer dates and times when the Records may be inspected by the owner or their proxy during normal business hours at the office of the Association; or

- c. a written notice that the requested Records are available for delivery once a payment of the cost to produce the records is made and stating the cost thereof; or
  - d. a written notice that a request for delivery does not contain sufficient information to specify the Records desired, the format, the delivery method and the delivery address; or
  - e. a written notice that the requested Records cannot be produced within ten (10) business days but will be available within fifteen (15) additional business days from the date of the notice and payment of the cost to produce the records is made and stating the cost thereof.
4. The following Association Records are not available for inspection by owners or their proxies:
- a. the financial records associated with an individual owner; and
  - b. deed restriction violation details for an individual owner; and
  - c. personal information, including contact information other than an address for an individual owner; and
  - d. attorney files and records in the possession of the attorney; and
  - e. attorney-client privileged information in the possession of the Association.

The information in a, b and c above will be released if the Association receives express written approval from the owner whose records are the subject of the request for inspection.

5. Association Records may be maintained in paper format or in an electronic format. If a request is made to inspect Records and certain Records are maintained in electronic format, the owner or their proxy will be given access to equipment to view the electronic records. Association shall not be required to transfer such electronic records to paper format unless the owner or their proxy agrees to pay the cost of producing such copies.
6. If an owner or their proxy inspecting Records requests copies of certain Records during the inspection, Association shall provide them promptly, if possible, but no later than ten (10) business days after the inspection or payment of costs, whichever is later.
7. The owner is responsible for all costs associated with a request under this Policy, including but not limited to copies, postage, supplies, labor, overhead and third-party fees (such as archive document retrieval fees from off-site storage locations) as listed below:
- a. black and white 8½"x11" single sided copies ... \$0.20 each
  - b. black and white 8½"x11" double sided copies ... \$0.40 each
  - c. color 8½"x11" single sided copies ... \$0.65 each
  - d. color 8½"x11" double sided copies ... \$1.30 each
  - e. oversized paper copies ... \$1.50 each
  - f. specialty paper (e.g. mylar, photo, blueprint) ... actual cost
  - g. PDF images of documents ... \$0.10 per page
  - h. compact disk/ rewritable CD (CD-R) ... \$5.00 each

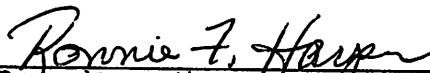
- i. labor and overhead ... \$38.50 per hour
  - j. mailing supplies ... \$1.00 per mailing
  - k. postage ... at cost
  - l. other supplies ... at cost
  - m. third party fees ... at cost
8. Any costs associated with a Records request must be paid in advance of delivery by the owner or their proxy. An owner who makes a request for Records and subsequently declines to accept delivery will be liable for payment of all costs under this Policy.
  9. On a case-by-case basis, in the absolute discretion of the Association, and with concurrence of the owner, the Association may agree to invoice the cost of the Records request to the owner's account. Owner agrees to pay the total amount invoiced within thirty (30) days after the date a statement is mailed to the Owner. Any unpaid balance will accrue interest as an assessment as allowed under the Deed Restrictions.
  10. On a case-by-case basis where an owner request for Records is deemed to be minimal, the Association or its managing agent reserves the right to waive notice under Section 2 and/or fees under Section 4.
  11. All costs associated with fulfilling the request under this Policy will be paid by the Association's Managing Agent. All fees paid to the Association under this Policy will be reimbursed to the Association's Managing Agent or paid directly to the Association's Managing Agent.

This Policy is effective upon recordation in the Public Records of Trinity County and supersedes any policy regarding records production that may have previously been in effect. Except as affected by Section 209.005 and/or by this Policy, all other provisions contained in the Deed Restrictions or any other dedicatory instruments of the Association shall remain in full force and effect.

#### CERTIFICATION

I, the undersigned, being the President of the Hawg Heaven Property Owners Association, Inc., hereby certify that the foregoing Policy was adopted by at least a majority of the Hawg Heaven Property Owners Association, Inc.'s Board of Directors.

Approved and adopted by the Board of Directors on the 13 day of January 2023.

  
RONNIE F. HARPER, President of Hawg  
 Heaven Property Owners Association, Inc.

STATE OF TEXAS                   §  
                                                  §  
COUNTY OF TRINITY           §

Before me, the undersigned authority, on this day personally appeared Ronnie F. Happer President of Hawg Heaven Property Owners Association, Inc., a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that s/he had executed the same as the act of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

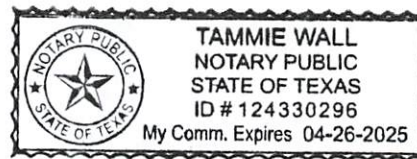
Given under my hand and seal of office this 13<sup>th</sup> day of January 2023.

Tammie Wall  
Notary Public, State of Texas

RECORDED BY:

**ESG** SEARS  
BENNETT  
& GERDES, LLP

6548 GREATWOOD PKWY.  
SUGAR LAND, TX 77479



**FILED**  
at 8:40 o'clock A M

MAR 07 2023

SHASTA BEROMAN  
COUNTY CLERK, TRINITY CO., TEXAS  
Shasta Beroman

THE STATE OF TEXAS  
COUNTY OF TRINITY

I hereby certify that the instrument was FILED on the date and at the time specified herein by me and was duly RECORDED in the Official Public Records of Trinity County, Texas in the Volume and Page as noted herein by me.

Shasta Beroman  
County Clerk, Trinity County  
BY: Shasta Beroman 