

NOTICE
A

FALL CREEK HOMEOWNERS ASSOCIATION, INC.'S
DOCUMENT RETENTION, ACCESS, PRODUCTION AND COPYING POLICY

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS, the property encumbered by this Document Retention, Access, Production and Copying Policy ("Policy") is that property initially restricted by the Declaration of Covenants, Conditions and Restrictions for Fall Creek Single Family Residential Areas, recorded under Harris County Clerk's File No. V338181, as same has been and may be amended from time to time ("Declaration"), and any other subdivisions which have been and may be subsequently annexed thereto and made subject to the authority of the Fall Creek Homeowners Association, Inc. (the "Association"); and

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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 the following Document Retention, Access, Production and Copying Policy. This Policy replaces 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

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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 (10th) 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 (10th) 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 (10th) 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 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 30th 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 30th 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 30th 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 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 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 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 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.

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.

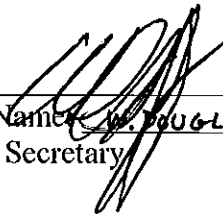
The Custodian of the Records of Association is responsible for the ongoing process of identifying the Association's records which have met the required retention period and overseeing their destruction. Destruction of any physical documents will be accomplished by shredding. Destruction of any electronic 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 Fall Creek Homeowners Association, Inc., the foregoing Document Retention, Access, Production and Copying Policy was approved on the 10th day of NOVEMBER, 2011, at a meeting of the Board of Directors at which a quorum was present.

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DATED this the 10th day of NOVEMBER, 2011.



Print Name: W. DOUGLAS GOFF
Title: Secretary

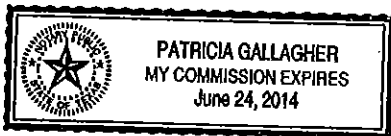
STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, on this day personally appeared W. DOUGLAS GOFF, the Secretary of the Fall Creek Homeowners 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 10th day of November, 2011.



Notary Public – State of Texas



After Recording Return To:
Stephanie Quade
Roberts Markel
2800 Post Oak Blvd., 57th Floor
Houston, TX 77056

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EXHIBIT "A"			
DOCUMENT RETENTION POLICY			
DOCUMENT TYPE	DEFINED	TIME PERIOD	EXCEPTION
ACCOUNTS PAYABLE/ RECEIVABLE	Accounts payable, accounts receivable support ledgers	Seven (7) years	
ACCIDENT / SAFETY REPORTS (CLAIMS SETTLED)	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
ACCIDENT REPORTS (WORKERS COMP)	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.
ASSESSMENT RECORDS	Member assessment records	Period of ownership plus two (2) years	Unless period of ownership exceeds five (5) years, then retain last five (5) years.
AUDIT RECORDS	Independent Audit Records	Seven (7) years	
BANK STATEMENTS	Statement of financial accounts, deposit tickets, cancelled checks, reconciliation statements.	Seven (7) years	
BOARD PACKAGES	Documentation delivered to the Board prior to meetings. Temporary, intermediate documents used to develop final deliverable documents.	After Meeting	
BUDGETS	Association budgets	Seven (7) years	
COMMITTEE CHARTERS	Committee charters,	Indefinitely	

EXHIBIT "A"			
DOCUMENT RETENTION POLICY			
DOCUMENT TYPE	DEFINED	TIME PERIOD	EXCEPTION
COMMITTEE REPORTS	Committee reports	Four (4) years	
CONTRACTS	Final contracts between the Association and another entity.	Later of completion of performance or expiration of the contract term plus four (4) years	
CONTRACT BID PROPOSALS/ SPECIFICATIONS	For contract proposals not entered into by the Association.	Two (2) years	
CORPORATE FINANCIAL RECORDS AND BOOKS	Year End Financial Records and supporting documents	Seven (7) years	
CORPORATE GOVERNANCE DOCUMENTS	Plats, Articles of Incorporation, By Laws, Restrictions, Rules, Regulations, Policies and Guidelines and all amendments thereto, deeds, easements.	Indefinitely	
CORRESPONDENCE	Correspondence relating to general matters	Four (4) years	
CORRESPONDENCE-MEMBERS	Correspondence to/from members – kept in member file	Two (2) years	
DEEDS	Deed records relating to common areas which are recorded in the real property records.	Indefinitely	
DEED RESTRICTION ACTIVITY RECORDS	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.
DEPRECIATION SCHEDULES		Life of asset plus four (4) years	In any event not less than seven (7) years

EXHIBIT "A"			
DOCUMENT RETENTION POLICY			
DOCUMENT TYPE	DEFINED	TIME PERIOD	EXCEPTION
EASEMENT AGREEMENTS	Easements between the association and another entity.	Indefinitely	
EMPLOYEE APPLICATIONS	Applications from employees who were not hired.	Four (4) years	
EMPLOYEE RECORDS	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	
ENTERTAINMENT RECORDS		Seven (7) years	
ENVIRONMENTAL RECORDS	Permits, authorizations, safety data, material disposal, waste disposal.	Discard on a case-by-case basis upon consultation with the Association's attorney	
EXPENSE REPORTS		Seven (7) years	
FINAL DOCUMENTS	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.
INSURANCE RECORDS – POLICIES & CLAIM RECORDS	All insurance policies and records of claims.	Indefinitely	

EXHIBIT "A"			
DOCUMENT RETENTION POLICY			
DOCUMENT TYPE	DEFINED	TIME PERIOD	EXCEPTION
IRA, KEOGH PLAN	Contributions, rollovers, transfers and distributions	Indefinitely	
JUDGMENTS	Court Judgments	Until judgment amount is paid in full. Judgments can be renewed every ten (10) years.	
LABOR CONTRACTS	Contract for labor or employment	Contract period plus four (4) years	
LEASES	Leases relating to equipment	Lease term plus four (4) years	
LOAN DOCUMENTS	Documents relating to loans plus security agreements	Until the loan is fully discharged plus four (4) years	
MEETING TAPE OR VIDEO RECORDS	Video or audio tape of meetings-strongly advise against these	If made, destroy prior to next meeting	See Meeting Minutes if used as same
MEMBER OR OWNER RECORDS	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
MINUTES - BOARD OF DIRECTORS	Board minutes and written consents in lieu of a meeting.	Seven (7) years	
MINUTES - COMMITTEES	No committee minutes should be taken only reports to the board	See Committee Reports	
MINUTES - MEMBER MEETINGS	Annual member meetings	Seven (7) years	
MINUTES - EXECUTIVE SESSION MEETINGS	Executive session meeting minutes	Seven (7) years	
NEWSLETTERS	Newsletter or inserts sent to association members	Five (5) years	

EXHIBIT "A"			
DOCUMENT RETENTION POLICY			
DOCUMENT TYPE	DEFINED	TIME PERIOD	EXCEPTION
OPINION LETTERS OR REPORTS	Prepared by professionals including attorney, accountant, engineer	Indefinitely	
OWNER INFORMATION	Current name and address of each owner	Updated continually	
PURCHASE ORDERS		Four (4) years	
REPORTS	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
RESERVE STUDIES	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	
TAX RETURNS	Federal and State Income, Franchise Tax Returns and supporting documentation	Seven (7) years	
TEMPORARY DOCUMENTS	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
TRADEMARKS	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	

EXHIBIT "A"			
DOCUMENT RETENTION POLICY			
DOCUMENT TYPE	DEFINED	TIME PERIOD	EXCEPTION
VENDOR INVOICES	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.	
VOTING RECORDS	Association board member election records including proxies and ballots	One (1) year	Unless election is contested, then retain for period of contest
WATER WELL-RELATED	Well reports, etc.	Two (2) years	
WORKERS COMPENSATION RECORDS	Covered employees are eligible for lifetime benefits	Indefinitely	

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e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees 56.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Stan Stanart

COUNTY CLERK
HARRIS COUNTY, TEXAS