

**CERTIFICATION  
BTV NO. 3 HOMEOWNERS' ASSOCIATION  
[Records Production and Copying Policy]**

I, the undersigned, do hereby certify:

1. That I am the duly elected and acting Secretary of BTV No. 3 Homeowners' Association, a Texas non-corporation (the "Association") established pursuant to that certain Declaration of Covenants, Conditions and Restrictions for Bent Tree Village No. 3, dated August 28, 1979, and recorded in Volume 79201, Page 1477, of the Deed Records of Dallas County, Texas; as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions for Bent Tree Village No. 3 dated April 18, 1980, recorded in Volume 80082, Page 281, of the Deed Records of Dallas County, Texas; as further amended by Second Amendment to Declaration of Covenants, Conditions and Restrictions for Bent Tree Village No. 3 dated May 15, 1989, recorded in Volume 89133, Page 803 *et. seq.*, of the Deed Records of Dallas County, Texas; and as further amended by Third Amendment to Declaration of Covenants, Conditions and Restrictions for Bent Tree Village No. 3 dated December 10, 2005, as Instrument No. 200503618414, in the Official Public Records of Dallas County (as amended, the "Declaration"), regarding certain real properties more particularly described in the Declaration, reference to which is hereby made for all purposes; and

2. That the attached Records Production and Copying Policy was duly adopted at a meeting of the Board of Directors of the Association, where a quorum was present, held on the 16<sup>th</sup> day of JANUARY, 2013.

IN WITNESS WHEREOF, I have hereunto subscribed my name this the 16<sup>th</sup> day of May, 2013.

Marcia Messinger  
Name: MARCIA MESSINGER  
Title: Secretary

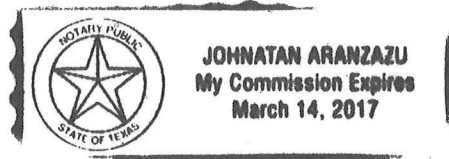
STATE OF TEXAS §  
COUNTY OF DALLAS §

BEFORE ME, on this day personally appeared Marcia B. Messinger the Secretary of BTV No. 3 Homeowners' Association, a Texas non-profit corporation known by me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this 16 day of May, 2013.

J. Andrus  
Notary Public – State of Texas

After Recording Return To:  
Thomas L. Staley, Esq.  
GEARY, PORTER & DONOVAN, P.C.  
16475 Dallas Parkway, Suite 400  
Addison, Texas 75001



## **RECORDS PRODUCTION AND COPYING POLICY**

A. **Production of Records.** The Association will make the books and records of the Association, including financial records, open to and reasonably available for examination by an owner, or a person designated in a writing signed by the owner as the owner's agent, attorney, or certified public accountant, in accordance with this section. An owner is entitled to obtain from the Association copies of information contained in the books and records.

B. **Attorney's Files.** Except as provided by this section, an attorney's files and records relating to the property owners' 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 produced by using the copy from the attorney's files and records if the Association has not maintained a separate copy of the document. This subsection does not require production of a document that constitutes attorney work product or that is privileged as an attorney-client communication.

C. **Request Must be in Writing.** An owner or the owner's authorized representative described by Subsection (c) must submit a written request for access or information under Subsection B above, by certified mail, with sufficient detail describing the property owners' Association's books and records requested, to the mailing address of the Association or authorized representative as reflected on the most current management certificate filed under Section 209.004 of the Texas Property Code. The request must contain an election either to inspect the books and records before obtaining copies or to have the property owners' Association forward copies of the requested books and records and:

(1) if an inspection is requested, the Association, on or before the 10th business day after the date the Association receives the request, shall send written notice of dates during normal business hours that the owner may inspect the requested books and records to the extent those books and records are in the possession, custody, or control of the Association; or

(2) if copies of identified books and records are requested, the Association shall, to the extent those books and records are in the possession, custody, or control of the Association, produce the requested books and records for the requesting party on or before the 10th business day after the date the Association receives the request, except as otherwise provided by this section.

D. **Delay in Production of Records.** If the Association is unable to produce the books or records requested under Subsection C on or before the 10th business day after the date the Association receives the request, the Association will provide to the requestor written notice that:

(1) Informs the requestor that the Association is unable to produce the information on or before the 10th business day after the date the Association received the request; and

(2) States a date by which the information will be sent or made available for inspection to the requesting party that is not later than the 15th business day after the date notice under this subsection is given.

E. **Place of Inspection.** If an inspection is requested or required, the inspection shall take place at a mutually agreed on time during normal business hours, and the requesting party shall identify the books and records for the Association to copy and forward to the requesting party.

F. **Form of Records**. A property owners' Association may produce books and records requested in hard copy, electronic, or other format reasonably available to the Association.

G. **Charges for Production**. The Association will charge for the compilation, production, and reproduction of information requested. The prescribed charges may include all reasonable costs of materials, labor, and overhead but may not exceed costs that would be applicable for an item under Section 70.3 of Title 1 of the Texas Administrative Code.

H. **Advance Payment May Be Required**. 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.

I. **Release of Personal Financial Information**. Except otherwise provided in Chapter 209 of the Texas Property Code, and to the extent the information is provided in the meeting minutes, the Association will not release or allow inspection of any books or records that identify the dedicatory instrument violation history of an individual owner of an Association, an owner's personal financial information, including records of payment or 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.