



CERTIFICATE OF CORPORATE RESOLUTION OF  
BOARD OF DIRECTORS  
SETTLERS PARK HOMEOWNERS ASSOCIATION, INC.  
(RECORD RETENTION, INSPECTION, PRODUCTION AND COPYING)

The undersigned Secretary of SETTLERS PARK HOMEOWNERS ASSOCIATION, INC. a Texas non-profit corporation (the "Association"), does hereby certify, that at a regular meeting of the Board of Directors of the Association held on August 18, 2020, with at least a majority of the Board of Directors being present, the following resolution was duly made and approved by the Board of Directors:

WHEREAS, pursuant to that certain "Declaration of Covenants, Conditions and Restrictions for Settlers Park Homeowners Association" recorded in Volume 754, Page 646 of the Deed Records of Fort Bend County, Texas; (ii) the "Declaration of Covenants, Conditions and Restrictions for Settlers Park Section Two (2)" recorded in Volume 983, Page 163 of the Deed Records of Fort Bend County, Texas; (iii) the "Declaration of Covenants, Conditions and Restrictions for Settlers Park Section Three (3)" recorded in Volume 983, Page 132 of the Deed Records of Fort Bend County, Texas; (iv) the "Declaration of Covenants, Conditions and Restrictions for Settlers Park Section Four (4)" recorded in Volume 1078, Page 330 of the Deed Records of Fort Bend County, Texas; (v) the "Declaration of Covenants, Conditions and Restrictions for Settlers Park Section V" recorded under County Clerk's File No. 2005074576 of Fort Bend County, Texas, as modified "Ratification of Declaration of Covenants, Conditions and Restrictions" recorded under County Clerk's File No. 2006031158 of Fort Bend County, Texas; (vi) the "Declaration of Covenants, Conditions and Restrictions for Settlers Grove Section One (1)" recorded in Volume 1079, Page 509 of the Deed Records of Fort Bend County, Texas; and any and all amendments thereto (collectively referred to herein as the "Declaration"), the Association is responsible for the administration and operation of the residential subdivision known as SETTLERS PARK (the "Property") and the restrictive covenants set forth therein; and

WHEREAS, by this resolution, the Board of Directors wishes to adopt a policy governing the retention of documents consistent with the provisions of Section 209.005(m) of the TEXAS PROPERTY CODE; and

WHEREAS, by this resolution, the Board of Directors wishes to adopt a policy governing the production and copying documents consistent with the provisions of Section 209.005(i) of the TEXAS PROPERTY CODE, and to provide disclosure of such policy to current and future owners of lots at the Property as to same.

NOW THEREFORE, formal notice is hereby given to all current and future owners of lots at the Property as to the policy of the Association, as follows:

ASSOCIATION POLICY AS TO  
DOCUMENT RETENTION

It shall be the policy of the Association to retain the following documents in accordance with the stated requirements.

1. Certificates of formation, bylaws, restrictive covenants, and all amendments to the foregoing shall be retained permanently;
2. Financial books and records shall be retained for at least seven (7) years;
3. Account records of current owners shall be retained for at least five (5) years;
4. Contracts with a term of one year or more shall be retained for at least four (4) years after the expiration of the contract term;
5. Minutes of meetings of the owners and the board shall be retained for at least seven (7) years; and
6. Tax returns and audit records shall be retained for at least seven (7) years.
7. Ballots from elections and member votes shall be retained for one (1) year after the date of the meeting at which the votes were taken, or for votes taken by written consent, for one (1) year after the election or vote results were announced.
8. Account records of former owners shall be retained as a courtesy to that former owner for one (1) year after they no longer have an ownership interest in the property.
9. Decisions of the Architectural Control Committee (ACC) or Board regarding applications, variances, waivers or related matters associated with individual properties shall be retained for seven (7) years from the decision date.

ASSOCIATION POLICY AS TO  
RECORD PRODUCTION AND COPYING

I. BOOKS AND RECORDS.

- A. The Association shall 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 writing signed by the owner as the owner's agent, attorney or certified public accountant in accordance with Section 209.005 of the Texas Property Code. An owner is entitled to obtain from the Association copies of information contained in the books and records.
- B. The files of the Association's attorney are not subject to inspection by an owner or production in a legal proceeding. However, attorney fee invoices for which the Association is seeking reimbursement from the owner may be requested by said owner in accordance with Section 209.008(d) of the Texas Property Code.
- C. The Association is not required to release or allow inspection of any books or records that identify the dedicatory instrument violation history of an individual owner, an owner's personal financial information (including records of payment or non-payment of amounts due to 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.
- D. The Association may release or allow inspection of any of the books and records described in Section I.C. if (1) the express written approval of the owner whose records are the subject of the request for inspection is provided to the Association; or (2) a court orders the release of the books and records or orders that the books and records be made available for inspection.

- E. The Association may produce books and records in hard copy, electronic or other format reasonably available to the Association.

II. WRITTEN REQUEST AND NOTICES.

- A. An owner or the owner's authorized representative must submit a written request for access or information by certified mail to the mailing address of the Association or authorized representative as reflected in the most current management certificate of the Association recorded in the Official Public Records of Fort Bend County, Texas. Such written request must contain sufficient detail describing the Association's books and records being requested. The written request must contain an election to either inspect the books and records before obtaining copies or to have the Association forward copies of the requested books and records.

1. If an owner or the owner's representative requests an inspection, the Association shall on or before the tenth (10<sup>th</sup>) business after the date the Association receives the written request send written notice of dates during normal business hours that the owner or the owner's representative may inspect the books and records to the extent those books and records are in the possession, custody or control of the Association.
2. If an owner or the owner's representative requests copies of the identified books and records, 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 tenth (10<sup>th</sup>) business day after the date the Association receives the written request, except as otherwise provided in this policy.

- B. If the Association is unable to produce the books and records requested on or before the tenth (10<sup>th</sup>) business day after the date the Association receives the written request, the Association must provide to the requestor a written notice that (1) informs the requestor that the Association is unable to produce the information on or before the tenth (10<sup>th</sup>) business day after the date the Association receives the written 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 fifteenth (15<sup>th</sup>) business day after the date notice under this section is given.
  
- C. If an inspection is requested or required, the inspection shall take place at a mutually agreed upon time and place during normal business hours. The requesting party shall identify the books and records for the Association to copy and forward to the requesting party. The requesting party shall pay, in advance of the inspection, the costs for labor to supervise the inspection in accordance with Section III. After the inspection, the requesting party shall pay, in advance, the costs to copy and forward the identified documents in accordance with Section III.

III. COSTS AND EXPENSES.

- A. The Association will charge the requesting party the costs associated with the compilation, production and reproduction of information requested pursuant to this policy. Such costs shall include all reasonable costs of materials, labor, overhead, and postage. Such costs shall be charged at an amount equal to the maximum charges allowed under the Texas Administrative Code, as same may change from time to time hereafter; as of the date of this Policy, such charges are as follow:

COPY COSTS	\$0.10 per page for 8 ½ x 11 pages \$0.50 per page for pages 11 x 17 or greater Actual costs for specialty paper (color, photographs, maps, etc.) \$1.00 for each CD or audio cassette \$3.00 for each DVD
LABOR	\$15.00 per hour for actual time to locate, compile, and reproduce books and records (if copy request is more than 50 pages)
OVERHEAD	20% of total labor charge (if copy request is more than 50 pages)
MATERIALS	Actual cost of labels, boxes, folders, envelopes and other supplies used locate, compile, and reproduce books and records
POSTAGE	Actual cost

- B. An owner must pay, in advance, 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 thirtieth (30<sup>th</sup>) 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 thirtieth (30<sup>th</sup>) business day after the date the final invoice is sent to the owner, may be added to the owner's account with the Association as an assessment. If the estimated costs exceed the final invoice amount, the owner is entitled to a refund. The refund shall be issued to the owner not later than the thirtieth (30<sup>th</sup>) business day after the date the final invoice is sent to the owner. The Association shall determine estimated costs of compilation, production and reproduction based upon the amounts shown

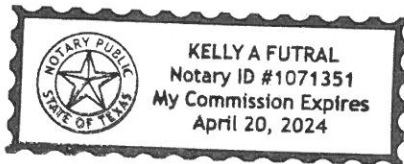
in Section III.A. hereinabove.

SETTLERS PARK HOMEOWNERS ASSOCIATION,  
INC., a Texas non-profit corporation

By: Bill Sargent  
BILL SARGENT, Secretary

STATE OF TEXAS §  
§  
COUNTY OF FORT BEND §

This instrument was acknowledged before me on this 18<sup>th</sup> day of August 2020 by BILL SARGENT, Secretary of THE SETTLERS PARK HOMEOWNERS ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.



Kelly Futral  
Notary Public - State of Texas

RECORD AND RETURN TO:  
Frank, Elmore, Lievens,  
Slaughter & Turet, L.L.P.  
Attn: Kennard D. Piggee  
9225 Katy Freeway, Suite 250  
Houston, Texas 77024

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

Laura Richard

Laura Richard, County Clerk  
Fort Bend County Texas

September 08, 2020 04:05:54 PM

FEE: \$40.00 DP2

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