

Hays County
Liz Q. Gonzalez
County Clerk
San Marcos, Texas 78666



70 2011 11029545

Instrument Number: 2011-11029545

As

Recorded On: December 20, 2011

OPR RECORDINGS

Parties: ELLIOTT RANCH HOMEOWNERS ASSOCIATION INC

Billable Pages: 6

To

Number of Pages: 7

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

OPR RECORDINGS	36.00
Total Recording:	36.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

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.

File Information:

Document Number: 2011-11029545
Receipt Number: 291759
Recorded Date/Time: December 20, 2011 01:38:10P
Book-Vol/Pg: BK-OPR VL-4245 PG-754
User / Station: S Breland - Cashiering #5

Record and Return To:

GREGORY S CAGLE
4330 GAINES RANCH LOOP STE 150
AUSTIN TX 78735



State of Texas |
County of Hays

I hereby certify that this instrument was filed for record in my office on the date and time stamped hereon and was recorded on the volume and page of the named records of Hays County, Texas

Liz Q. Gonzalez
Liz Q. Gonzalez, County Clerk

**CERTIFIED RESOLUTIONS OF THE BOARD OF DIRECTORS
OF THE ELLIOTT RANCH HOMEOWNERS ASSOCIATION, INC.
ADOPTING RECORDS PRODUCTION AND COPYING POLICY**

The undersigned, Koma Donworth, as the duly elected, qualified and acting Secretary of the Elliott Ranch Homeowners Association, Inc., a Texas nonprofit corporation (the "Association"), hereby certifies on behalf of the Association that the following resolutions were duly adopted by the Board of Directors of the Association (the "Board") at a meeting of the Board held on November 28, 2011, and that such preamble and resolutions have not been amended or rescinded and are in full force and effect on the date hereof.

ADOPTION OF RECORDS PRODUCTION AND COPYING POLICY

WHEREAS, Section 209.005(i) of the Texas Property Code (the "Code") provides that the Association must adopt a records production and copying policy that prescribes the costs the Association will charge for the compilation, production, and reproduction of information required by the Association's members in accordance with the terms of Section 209.005 of the Code; and

WHEREAS, the Board desires to adopt such a records production and copying policy as required under Section 209.005(i) of the Code.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the records production and copying policy set forth on Exhibit "A", attached hereto and incorporated herein by reference.

BE IT RESOLVED, FURTHER, that, the Secretary of the Association is hereby authorized and empowered, in the name and on behalf of the Association, from time to time to do and perform all such further acts and things and to execute and deliver all such further instruments as he may deem necessary or advisable to carry out and effectuate the intent and purposes of the foregoing resolutions and of the actions referred to therein.

BE IT RESOLVED, FURTHER, that any actions taken by the officers or directors of the Association prior to the date of this action or hereafter that are within the authority conferred hereby are hereby ratified, confirmed and approved as the act and deed of the Association.

[SIGNATURE PAGE FOLLOWS]

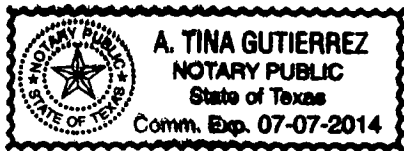
IN WITNESS WHEREOF, the undersigned has executed this Certificate as Secretary on behalf of the Association to be effective as of January 1, 2012.

By: Koma Donworth
Printed Name: Koma Donworth
Title: Secretary

STATE OF TEXAS §

COUNTY OF HAYS §

This instrument was acknowledged before me on December 6 20 11, by Koma Donworth, Secretary of the Elliott Ranch Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said non-profit corporation.



A. Tina Gutierrez
Notary Public Signature

AFTER RECORDING PLEASE RETURN TO:

Gregory S. Cagle
4330 Gaines Ranch Loop, Ste. 150
Austin, Texas 78735

ELLIOTT RANCH HOMEOWNERS ASSOCIATION, INC.

RECORDS PRODUCTION AND COPYING POLICY

1. Books and Records subject to Production

Elliott Ranch Homeowners Association, Inc. (the "**Association**") will make its books and records, including financial records, to the extent such books and records are in the possession, custody, or control of the Association, open to and reasonably available for examination by a member of the Association or a person designated in a writing signed by the member as the member's agent, attorney, or certified public accountant, in accordance with Section 209.005 of the Texas Property Code (the "**Code**"). A member is also entitled to obtain copies of the information contained in the Association's books and records.

Except as provided by Section 209.005(d) of the Code, an attorney's files and records relating to the Association are not records of the Association and are not subject to inspection by a member or subject to production in a legal proceeding.

In accordance with the provisions of Section 209.005(k) of the Code, and except as otherwise authorized or required pursuant to Section 209.005(l) of the Code, the Association shall not 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 nonpayment 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.

2. Procedures for Requesting Inspection and/or Copying of Associations Records

(A) Request for Information:

To inspect or obtain copies of the Association's records, a member of the Association or his or her designated representative (collectively, "**Requesting Party**") must submit a written request for information by certified mail to the Association at its or its designated representative's mailing address as reflected on the most current management certificate for the Association.

The written request for information must describe with sufficient detail the Association's books and records being requested and 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 without any advance inspection.

(B) Inspection of Association's Books and Records:

If an advance inspection of the Association's books and records is requested, within 10 business days from the date the Association receives the written request for information, the Association will send to the requesting party a written notice specifying the location and alternative dates that such party may inspect during normal business hours the requested books and records to the extent those books and records are in the possession, custody, or control of the Association. The inspection of the requested books and records shall take place at a mutually agreed upon time during normal business hours.

The alternative inspection dates proposed by the Association will be within 10 business days from its receipt of a request of information, unless the Association is unable to produce copies of the requested books and records and make them available for inspection within 10 business days from receipt of the request for information. In such event, the Association's written notice to the requesting party will notify the requesting party that the Association is unable to produce the information within 10 business days

from the date it received the request for information and it will specify alternative inspection dates that will occur no later than 15 business days after the date of the Association's written notice to the requesting party.

If the requesting party wants to obtain copies of any of the books and records produced for inspection, the requesting party must identify the books and records at the inspection that the Association is to copy and forward to the requesting party.

(C) Copying of Association's Books and Records:

If copies of identified books and records are requested without an advance inspection of such books and records or are requested following an inspection of such books and records, within 10 business days from the date the Association receives the written request or the date of the inspection (as applicable), it will, to the extent such books and records are in its possession, custody, or control, produce copies of the requested books and records for the requesting party.

If the Association is unable to produce copies of such requested books or records within 10 business days from the written request or inspection, it will provide written notice to the requesting party of its inability to produce the requested books and records within 10 business days and will state a date by which such copies of such requested books and records will be produced to the requesting party, which may not be more than 15 business days after the date of such notice.

The Association reserves the right to produce the requested books and records in hard copy, electronic form, or any other format reasonably available to it, and the manner of production shall be determined by the Association in its sole discretion.

3. Responsibility for Records Production and Copying Charges

A member of the Association who, or whose designated representative, submits a request for information to the Association (the "**Requesting Member**") shall be responsible for the costs, expenses and charges incurred by the Association in responding to such request for information from such member or his or her designated representative in accordance with the terms of this Records Production and Copying Policy (the "**Production and Copying Charges**"). The Production and Copying Charges are as follows:

(A) Copy Charges:

(i) *Standard paper copy.* The charge for standard 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.

(ii) *Nonstandard copy.* The charges in this subsection are to cover the materials onto which information is copied and do not reflect any additional charges, including labor, that may be associated with a particular request. The 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)	CD:	\$1.00;
(f)	DVD:	\$3.00;
(g)	JAZ drive:	actual cost;
(h)	other electronic media:	actual cost;
(i)	VHS video cassette:	\$2.50;
(j)	audio cassette:	\$1.00;
(k)	oversize paper copy:	\$.50;
(l)	specialty paper:	actual cost.

(B) Labor Charges:

The charge for labor costs incurred in processing a request for information is \$15 an hour. The labor charge includes the actual time to locate, compile, manipulate data, and reproduce the requested information.

(C) Overhead Charge:

Whenever any labor charge is applicable to a request, the Association may include in the charges direct and indirect costs, 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. The overhead charge shall be computed at 20% of the charge made to cover any labor costs associated with a particular request. Example: if one hour of labor is used for a particular request, the formula would be as follows: labor charge for locating, compiling, and reproducing, \$15.00 x .20 = \$3.00.

(D) Remote Document Retrieval Charge:

If the Association has a contract with a commercial records storage company, whereby the private company charges a fee to locate, retrieve, deliver, and return to storage the needed record(s), no additional labor charge shall be factored in for time spent locating documents at the storage location by the private company's personnel. If after delivery to the Association, the boxes must still be searched for records that are responsive to the request, a labor charge may be charged as provided above.

(E) 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 for public information.

(F) Postal and Shipping Charges:

The Association may add any related postal or shipping expenses which are necessary to transmit the reproduced information to the requesting party.

4. Advance Payment of Production and Copying Charges

The Association requires advance payment of the estimated amount of Production and Copying Charges to be incurred in responding to a request for information, which will be estimated by using the amounts prescribed by the Records Production and Copying Policy. Within 30 business days from the date the requested information is delivered to the requesting party, the Association will submit a final invoice to the Requesting Member for the actual amount of Production and Copying Charges incurred by the Association in responding to such request for information ("**Final Invoice**").

If the estimated amount of Production and Copying Charges exceeds the actual amount of such charges, as reflected in the Final Invoice, the Requesting Member shall be entitled to a refund of the excess amount, and the Association will send payment of such excess amount to the Requesting Member within 30 business days from the date the Final Invoice is sent to the Requesting Member.

If the actual amount of Production and Copying Charges, as reflected in the Final Invoice, exceeds the estimated amount of such charges, the additional amount of Production and Copying Charges incurred by the Association must be reimbursed by the Requesting Member within 30 business days from the date the Final Invoice is sent to the Requesting Member. If the Requesting Member does not timely reimburse the Association the additional amount of Production and Copying Charges, such amount shall be added to the Requesting Member's account as an assessment.