



*Handwritten initials*

**SECRETARY'S CERTIFICATE**

STATE OF TEXAS                   §  
  §  
COUNTY OF TRAVIS               §

The undersigned hereby certifies that he is the duly elected, qualified and acting Secretary of The Hills of Lakeway Property Owners' Association, Inc., a Texas non-profit corporation ("Association") and that:

- 1. Attached hereto as Exhibit "A" and made a part hereof is a true and correct copy of The Hills of Lakeway Property Owners' Association, Inc. Records Retention Schedule; and
- 2. Attached hereto as Exhibit "B" and made a part hereof is a true and correct copy of The Hills of Lakeway Property Owners' Association, Inc. Records Production Policy; and
- 3. Attached hereto as Exhibit "C" and made a part hereof is a true and correct copy of The Hills of Lakeway Property Owners' Association, Inc. Alternative Payment Plan Policy.

IN WITNESS WHEREOF, the undersigned has executed this certificate on the 16<sup>th</sup> day of November, 2011.

By: \_\_\_\_\_  
Joel Pafford, Secretary  
Board of Directors of The Hills of Lakeway  
Property Owners' Association, Inc.

STATE OF TEXAS                   §  
  §  
COUNTY OF TRAVIS               §

This instrument was acknowledged before me on the 16<sup>th</sup> day of November, 2011, by Joel Pafford, Secretary of the Board of Directors of The Hills of Lakeway Property Owners' Association, Inc., on behalf of said non-profit corporation.

[SEAL]

*Angela Thielemans*  
\_\_\_\_\_  
Notary Public, State of Texas  
My Commission Expires: 7-29-14

**AFTER RECORDING RETURN TO:**

Bill Flickinger  
Willatt & Flickinger  
2001 North Lamar  
Austin, Texas 78705

# HILLS OF LAKEWAY PROPERTY OWNERS' ASSOCIATION, INC.

## Records Retention Schedule

Adopted October 25, 2011, to be effective January 1, 2012

The Board of Directors of the Hills of Lakeway Property Owners' Association, Inc. adopts the following document retention policy in compliance with Section 209.005(m), Texas Property Code:

### **Governing Documents**

Master and Development Area Declarations with amendments, Articles of Incorporation, Bylaws, Guidelines, Rules, Restrictions, Policies, Procedures, and all amendments variances, easements, licenses, plats.....perm

Homeowner, Board and Committee Meeting Minutes, Resolutions, Unanimous Actions.....CY+7

### **Financial Records**

Audits and supporting documents.....CY+7

Financial Statements and supporting documents.....CY+7

Tax returns and supporting documents.....CY+7

Owner Account Information.....CY+5

### **Terminated/Inactive Contracts**

Management Contracts.....CY+4

Maintenance Contracts.....CY+4

Settlement Agreements.....Perm

Other contracts, agreements, warranties, etc.....CY+4

**Insurance Policies.....CY+7**

### **Correspondence/General Files**

Disputes.....perm

Other.....CY+2

### **Architectural Control Committee**

Site plans, elevations, pools, landscape plans, variances, additions, issues needing correction, resale certificates.....Perm

Other construction plans.....CY+5

Correspondence.....CY+5

Other.....CY+5

**Litigation Files**

Active.....perm

Closed.....perm or as advised by counsel



# HILLS OF LAKEWAY PROPERTY OWNERS' ASSOCIATION, INC.

## RECORDS PRODUCTION POLICY

*ADOPTED OCTOBER 25, 2011, TO BE EFFECTIVE JANUARY 1, 2012*

The following Records Production Policy has been approved by the Board of Directors:

- I. **Copies of Association records will be available to all Owners upon proper request and at their own expense. A proper request:**
  - a. is sent certified mail to the Association's address as reflected in its most recent management certificate;
  - b. is from an Owner, or the Owner's agent, attorney or certified public accountant; and
  - c. contains sufficient detail to identify the records being requested.
  
- II. **Owners may request to inspect the books and records or may request copies of specific records.**
  - a. If the owner makes a request to inspect the books and records, then the Association will respond within **10 business days** of the request, providing the dates and times the records will be made available and the location of the records. The Association and the owner shall arrange for a mutually agreeable time to conduct the inspection. The Association shall provide the owner with copies of specific documents upon the owner paying the Association the cost thereof.
  - b. If an owner makes a request for copies of specific records, and the Association can provide the records easily or with no cost, then the Association will provide the records to the owner within 10 business days of the owner's request.
  - c. If the owner makes a request for copies of specific records, the Association shall send a response letter advising on the date that the records will be made available (**within 15 business days**) and the cost the owner must pay before the records will be provided. Upon paying the cost to provide the records, the Association shall provide the records to the owner.
  
- III. **The Association hereby adopts the following schedule of costs:**

<u>COPIES</u>	10 cents per page, for a regular 8.5" x 11" page 50 cents per page, for pages 11" x 17" or greater Actual cost, for specialty paper (color, photograph, map, etc.) \$1.00 for each CD or audio cassette \$3.00 for each DVD
<u>LABOR</u>	\$15.00 per hour for actual time to locate, compile and reproduce the records (can only charge if request is greater than 50 pages in length)
<u>OVERHEAD</u>	20% of the total labor charge (can only charge if request is greater than 50 pages in length)

**MATERIALS** Actual costs of labels, boxes, folders, and other supplies used in producing the records, along with postage for mailing the records

- IV. The Association hereby adopts the following form of response to Owners who request to inspect the Association's Books and Records:

**HILLS OF LAKEWAY PROPERTY OWNERS' ASSOCIATION, INC.**  
**RESPONSE TO REQUEST TO INSPECT ASSOCIATION RECORDS**

\_\_\_\_\_ (date)

Dear Homeowner:

On \_\_\_\_\_, the Association received your request to inspect the books and records of the Association. The books and records of the Association are available for you to inspect on regular business days, between the hours of 9 a.m. and 5 p.m., at the office of \_\_\_\_\_, located at \_\_\_\_\_, Austin, Texas \_\_\_\_\_.

Please contact the Association's manager at \_\_\_\_\_ (phone number) to arrange for a mutually agreeable time for you to come and inspect the books and records. Please be advised that if you desire copies of specific records during or after the inspection, you must first pay the associated costs before the copies will be provided to you. A schedule of costs is included with this response.

Very truly yours,

Hills of Lakeway Property Owners' Association, Inc.

- V. The Association hereby adopts the following form of response to Owners who request copies of specific records:

**HILLS OF LAKEWAY PROPERTY OWNERS' ASSOCIATION, INC.**  
**RESPONSE TO REQUEST FOR ASSOCIATION RECORDS**

\_\_\_\_\_ (date)

Dear Homeowner:

On \_\_\_\_\_, the Association received your request for copies of specific Association records. We are unable to provide you with the requested records within 10 business days of your request. However, the requested records will be available to you no later than 15 business days after the date of this response.

In order to obtain the records, you must first pay the Association the cost of providing the records to you. The estimated cost to obtain the records you requested is \$\_\_\_\_\_. Upon receiving payment, the Association will mail the requested documents to you. You may also make payment and pick up the documents in person at the office of \_\_\_\_\_, located at \_\_\_\_\_, Austin, Texas \_\_\_\_\_.

Very truly yours,

Hills of Lakeway Property Owners' Association, Inc.

- VI. If the estimated cost provided to the Owner is more or less than the actual cost of producing the documents, the Association shall, within 30 days after providing the records, submit to the owner either an invoice for additional amounts owed or a refund of the overages paid by the Owner.**
- VII. Unless authorized in writing or by court order, the Association will not provide copies of any records that contain the personal information of an owner, including restriction violations, delinquent assessments, financial information and contact information (other than an owner's address); additionally, no privileged attorney-client communications or attorney work product documents will be provided; and no employee information (including personnel file) will be released.**
- VIII. With regards to the inspection of ballots, only persons who tabulate ballots under 209.00594, Texas Property Code may be given access to the ballots cast in an election or vote.**

**HILLS OF LAKEWAY PROPERTY OWNERS' ASSOCIATION, INC.**  
**ALTERNATE PAYMENT SCHEDULE AND PAYMENT PLAN POLICY**

The Board of Directors of the Hills of Lakeway Property Owners' Association, Inc. hereby adopts this Alternate Payment Schedule and Payment Plan Policy ("Policy") to comply with Section 209.0062, Texas Property Code directs the Property Manager to implement the following:

1. Members are entitled to pay their delinquent assessments according to the terms of this approved Policy, as long as a Member has not failed to honor the terms of a previous payment plan during the past two (2) years;
2. The Association cannot charge late fees during the course of a payment plan, but can charge interest at the rate it is entitled to under its Governing Documents and can charge reasonable costs of administering the payment plan (the "Administrative Costs"). The Administrative Costs for the payment plan described in paragraph 3 shall not exceed \$175. The Board may adjust the actual Administrative Costs from time to time;
3. Upon request and prepayment of the Administrative Costs, all Members are automatically approved for a payment plan of three (3) months which shall include all amounts owed by the Member, shall include all amounts that will come due during the term of the payment plan, shall account for the prepaid costs of the administration of the payment plan, and each payment shall be equal. Administrative Costs shall be nonrefundable even if the Member pays in full prior to the scheduled dates for payment in the payment plan. The deadline for requesting the payment plan, for all past due accounts not already referred to the Association's attorney, shall be 30 days after the date of the final collection letter from the Property Manager. For all past due accounts currently with the Association's attorney, such deadline shall be 30 days after the date of notice of availability of the payment plan.;
4. If a Member defaults on any payment plan, the payment plan is automatically terminated and the Association is not obligated to make another payment plan with the owner for the next two (2) years;
5. All payments received pursuant to the approved payment plan shall be applied in the order required by Section 209.0063, Texas Property Code. The Association is not required to provide notice of any default under the terms of a payment plan. If a Member defaults in payment of the approved plan will be subject to further collection efforts, including possible referral to the Association's attorney.
6. To the extent this Policy conflicts with any other policy or procedure of the Association, this Policy shall prevail;

ADOPTED on the 16th day of November, 2011 to be effective January 1, 2012.

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

Nov 21, 2011 09:01 AM

2011169816

SCOTTR: \$44.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS