BAHIA POINT SUBDIVISION, PHASE II HOMEOWNERS ASSOCIATION, INC.:

Records Production and Copying and Document Retention Policy

Date:	February 1, 2024
Property Owners Association:	**BAHIA POINT SUBDIVISION, PHASE II HOMEOWNERS ASSOCIATION, INC.**, a Texas non-profit corporation
Property Owners Association's Address:	5701 W. Expressway 83, Harlingen, Texas 78552
Charges:	Charges for examining and copying Property Owners' Association information are set out in Exhibit A.
Subdivision:	Bahia Point Subdivision, Phase II, per map or plat recorded in the Map Records of the Cameron County, Texas, Document No. 14517, AND 14518.

RECORDS PRODUCTION AND COPYING

Except for information deemed confidential by law or court order, the Property Owners' Association will make its books and records open to and reasonably available for examination by an owner of property in the Subdivision or a person designated in a writing signed by the owner as the owner's agent, attorney, or certified public accountant, in accordance with Texas Property Code section 209.005. Owners are also entitled to obtain copies of information in the Property Owners' Association's books and records on payment of the Charges for the copies. To the extent the Charges in this policy exceed the charges in section 70.3 of title 1 of the Texas Administrative Code, the amounts in section 70.3 of title 1 of the Texas Administrative Code govern.

Information not subject to inspection by owners includes but is not limited to—

1. any document that constitutes the work product of the Property Owners' Association's attorney or that is privileged as an attorney-client communication;

2. files and records of the Property Owners' Association's attorney relating to the Property Owners' Association, excluding invoices requested by an owner under Texas Property Code section 209.008(d); and

3. except to the extent the information is provided in the meeting minutes or as authorized by Texas Property Code section 209.005(*l*), (a) information that identifies the

dedicatory instrument violation history of an individual owner; (b) an owner's personal financial information, including records of payment or nonpayment of amounts due the Property Owners' Association; (c) an owner's contact information, other than the owner's address; and (d) information related to an employee of the Property Owners' Association, including personnel files.

If a document in the Property Owners' Association's attorney's files and records relating to the Property Owners' Association would be subject to a request by an owner to inspect or copy Property Owners' Association documents, the document will be produced by using the copy from the attorney's files and records if the Property Owners' Association has not maintained a separate copy of the document.

Procedures for Inspecting Information or Obtaining Copies

1. An owner or the owner's agent must submit a written request for access or information by certified mail, with sufficient detail describing the Property Owners' Association's books and records requested, to the mailing address of the Property Owners' Association or authorized representative as reflected on the most current management certificate filed with the county clerk of Cameron County, Texas.

2. The request must include enough description and detail about the information requested to enable the Property Owners' Association to accurately identify and locate the information requested. Owners' must cooperate with the Property Owners' Association's reasonable efforts to clarify the type or amount of information requested.

3. 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—

   a. if an inspection is requested, the Property Owners' Association, on or before the tenth business day after the date the Property Owners' Association receives the request, will 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 Property Owners' Association; or

   b. if copies of identified books and records are requested, the Property Owners' Association will, to the extent those books and records are in the possession, custody, or control of the Property Owners' Association, produce the requested books and records for the requesting party on or before the tenth business day after the date the Property Owners' Association receives the request.

4. If the Property Owners' Association is unable to produce the books or records requested that are in its possession or custody on or before the tenth business day after the date the

Property Owners' Association receives the request, the Property Owners' Association must provide to the requestor written notice that—

a. informs the owner that the Property Owners' Association is unable to produce the information on or before the tenth business day after the date the Property Owners' Association received the request; and

b. 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 business day after the date notice under this subsection is given.

5. If an inspection is requested or required, the inspection will take place at a mutually agreeable time during normal business hours, and the owner will identify the books and records for the Property Owners' Association to copy and forward to the owner.

6. The Property Owners' Association may produce copies of the requested information in paper copy, electronic, or other format reasonably available to the Property Owners' Association.

7. Before starting work on an owner's request, the Property Owners' Association must provide the owner with a written, itemized statement of estimated Charges for examining and copying records related to the owner's request, using amounts prescribed in this policy when the estimated Charges exceed $40. Owners' may modify the request in response to the itemized statement.

8. Within ten business days of the date the Property Owners' Association sent the estimate of Charges, the owner must respond in writing to the written estimate, or the request is considered automatically withdrawn. The response must state whether the owner (a) accepts the estimate per the request, (b) modifies the request, or (c) withdraws the request.

9. Owners are responsible for Charges related to the compilation, production, and reproduction of the requested information in the amounts stated in this policy. The Property Owners' Association may require advance payment of the estimated Charges of compilation, production, and reproduction of the requested information.

10. If the estimated Charges are less or more than the actual Charges, the Property Owners' Association must submit a final invoice to the owner on or before the thirtieth 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 Property Owners' Association before the thirtieth 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 Charges exceeded the final invoice amount, the owner is entitled to a refund, and the refund will be issued to the owner not later than the thirtieth business day after the date the invoice is sent to the owner.

RECORDS PRODUCTION AND COPYING.

The Association hereby adopts a document retention policy as follows:

A. certificates of formation, bylaws, restrictive covenants, and all amendments to the certificates of formation, bylaws, and covenants shall be retained permanently;

B. financial books and records shall be retained for seven years;

C. account records of current owners shall be retained for five years;

D. contracts with a term of one year or more shall be retained for four years after the expiration of the contract term;

E. minutes of meetings of the owners and the board shall be retained for seven years;

F. ballots from meetings of the owners shall be retained for ninety days, and

G. tax returns and audit records shall be retained for seven years.

[SIGNATURE PAGE FOLLOWS]

BAHIA POINT SUBDIVISION, PHASE II HOMEOWNERS ASSOCIATION, INC.

By: _____
Patricia C. Baugh, Director

By: _____
Kevin Campbell, Director

By: _____
Irma Leal, Director

STATE OF TEXAS §

COUNTY OF CAMERON §

This instrument was acknowledged before me on February 28, 2024 by Patricia C. Baugh, as Director, of BAHIA POINT SUBDIVISION, PHASE II HOMEOWNERS ASSOCIATION, INC., a Texas nonprofit corporation, on behalf of said nonprofit corporation.

JANELY CAROLINE MARTINEZ
Notary Public, State of Texas
Comm. Expires 03-30-2024
Notary ID 132420780

_____
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF CAMERON §

This instrument was acknowledged before me on February 28, 2024 by Kevin Campbell, as Director, of BAHIA POINT SUBDIVISION, PHASE II HOMEOWNERS ASSOCIATION, INC., a Texas nonprofit corporation, on behalf of said nonprofit corporation.

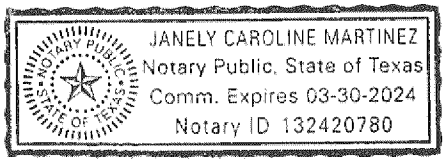
JANELY CAROLINE MARTINEZ
Notary Public, State of Texas
Comm. Expires 03-30-2024
Notary ID 132420780

_____
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF CAMERON §

This instrument was acknowledged before me on February 28, 2024 by Irma Leal, as Director, of BAHIA POINT SUBDIVISION, PHASE II HOMEOWNERS ASSOCIATION, INC., a Texas nonprofit corporation, on behalf of said nonprofit corporation.



Janely Martinez
Notary Public, State of Texas

Exhibit A
Charges for Examining and Copying Property Owners' Association Information

A. Labor Charge for Computer Programming

If a particular request requires the services of a computer programmer to execute an existing program or to create a new program so that requested information may be accessed and copied, the Property Owners' Association will charge $28.50 an hour for the programmer's time spent on the request.

B. Labor Charge for Locating, Compiling, Manipulating, and Reproducing Data and Information

1. The charge for labor costs incurred in processing an owner's request for Property Owners' Association information is $15.00 an hour. The labor charge will be calculated based on the actual time to locate, compile, manipulate, and reproduce the requested data and information.

2. A labor charge will not be billed in connection with complying with requests that are for fifty 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. A labor charge will not be billed for any time spent by an attorney, legal assistant, or any other person who reviews the requested information to determine whether it is confidential or privileged under Texas law.

4. When confidential or privileged information is mixed with public information in the same page, a labor charge may be recovered for time spent to redact, black out, or otherwise obscure the confidential or privileged information in order to comply with the owner's request. The Property Owners' Association will not charge for redacting confidential or privileged information for requests of fifty or fewer pages unless the request also qualifies for a labor charge under section 552.261(a)(1) or 552.261(a)(2) of the Texas Government Code.

C. Overhead Charge

1. Whenever any labor charge is applicable to a request, the Property Owners' 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. If the Property Owners' Association chooses to recover such costs, the overhead charge will be computed at 20 percent of the charge made to cover any labor costs associated with a particular request.

For example, if one hour of labor is used for a particular request, the formula would be as follows:

a. Labor charge for locating, compiling, and reproducing—$15.00 x .20 = $3.00.

b. Labor charge for computer programming—$28.50 x .20 = $5.70.

If a request requires a charge for one hour of labor for locating, compiling, and reproducing information ($15.00 per hour) and one hour of programming ($28.50 per hour), the combined overhead would be $15.00 + $28.50 = $43.50 x .20 = $8.70.

2. An overhead charge will not be made for requests for copies of fifty or fewer pages of standard paper records.

D. Microfiche and Microfilm Charge

If the Property Owners' Association already has the requested information on microfiche or microfilm, the charge for a copy must not exceed the cost of reproducing the information on microfiche or microfilm or ten cents per page for standard size paper copies of the information on microfiche or microfilm, plus any applicable labor and overhead charge for more than fifty copies.

E. Remote Document Retrieval Charge

To the extent that the retrieval of documents stored on the Property Owners' Association's property results in a charge to comply with a request, the Property Owners' Association will charge the actual cost of the retrieval.

F. Copy Charges

1. The charge for standard paper copies reproduced by means of an office machine copier or a computer printer is ten cents per page or part of a page. Each side of a piece of paper on which information is recorded is counted as a single copy. A piece of paper that has information recorded on both sides is counted as two copies. Standard paper copy is a copy of Property Owners' Association information that is a printed impression on one side of a piece of paper that measures up to eight and one-half by fourteen inches.

2. A "nonstandard" copy includes everything but a copy of a piece of paper measuring up to eight and one-half by fourteen inches. Microfiche, microfilm, diskettes, magnetic tapes, and CD-ROM are examples of nonstandard copies. 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. rewritable CD (CD-RW)—$1.00;

f. nonrewritable CD (CD-R)—$1.00;

g. digital video disc (DVD)—$3.00;

h. JAZ drive—actual cost;

i. other electronic media—actual cost;

j. VHS video cassette—$2.50;

k. audio cassette—$1.00;

l. oversize paper copy (e.g., larger than eight and one-half by fourteen inches, greenbar, bluebar, not including maps and photographs using specialty paper)—$0.50; and

m. specialty paper (e.g., Mylar, blueprint, blueline, map, photographic)—actual cost.

Cameron County
Sylvia Garza-Perez
Cameron County Clerk

Instrument Number: 2024-7605

eRecording - Real Property

Recorded On: March 04, 2024 04:17 PM

Number of Pages: 10

" Examined and Charged as Follows: "

Total Recording: $67.00

********** **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:	7605
Receipt Number:	20240304000188
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User:	Destinee R
Station:	CCLERK19_10

Record and Return To:

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STATE OF TEXAS
COUNTY OF CAMERON

I hereby certify that this Instrument was FILED **In the File Number sequence on the date/time printed hereon, and was duly** RECORDED **in the Official Records of County, Texas.**

Sylvia Garza-Perez
Cameron County Clerk
Cameron County, TX

