

**OPEN RECORDS PRODUCTION AND COPYING POLICY  
NB CREEKSIDE CROSSING HOA, INC.**

NB CREEKSIDE CROSSING HOA, INC. ("Association"), is the governing body which manages and regulates the subdivision known as CREEKSIDE CROSSING, which contains approximately 37.24 acres of land described on *Exhibit "A"* attached.

Pursuant to Texas Property Code §209.005, if an Open Records request is made, the Association may charge the requestor all reasonable costs of materials, labor and overhead for compelling, producing and reproducing the requested information. The Association's charges to an owner are tied to the rates published in §70.3 of the Texas Administration Code (Title 1, Part 3, Chapter 70), which cannot be exceeded, but which are periodically evaluated and updated by the State of Texas.

The charges shown on *Exhibit "B"* hereto are in effect on the date this policy is adopted, and will change automatically with changes in the State's maximum rate for Public Information requests.

Notwithstanding anything to the contrary in any writing or communication made by the Association, the Association will not in any event be entitled to receive or collect Open Records charges from an owner in amounts greater than the maximum charges permitted by applicable law. If from any circumstances whatsoever the Association charges or receives an amount in excess of the maximum charges permitted by law, the excess amount will be reimbursed.


The Association may reduce or waive some or all of the charges addressed by this policy on an *ad hoc* basis without waiving the right to charge such fees on future requests.

The Association may require advance payment of the estimated charges addressed by this policy. Within 30 business days after delivering the requested information, the Association will provide the owner with an invoice of the actual charges. If the actual costs are less than the prepaid estimated costs, the Association will refund the difference to the owner within 30 business days after sending the invoice. If the actual costs are greater than the prepaid estimated cost, the difference is due and payable to the Association by the owners within 30 business days after the invoice was sent to the owner, after which time the Association may add the unpaid amount to the owner's assessment account.

The Board of Directors adopted this Policy to ensure that the Association complies with requirements of applicable state law, and instructed the undersigned to execute this Policy and to effect its recording.

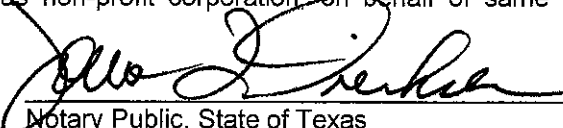
SIGNED and effective on May 10, 2013, to ensure compliance with requirements of State Law.

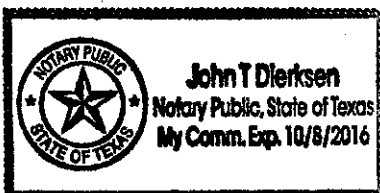
**NB CREEKSIDE CROSSING HOA, INC.**

By:   
Name: W. M. Norris  
Title: President

THE STATE OF TEXAS       §  
COUNTY OF COMAL       §

This instrument was acknowledged before me on May 10, 2013, by W. M. Norris, President of NB CREEKSIDE CROSSING HOA, INC., a Texas non-profit corporation, on behalf of same and in the capacity herein stated.

  
Notary Public, State of Texas



## **EXHIBIT "A"**

A tract of land containing 37.24 acres out of the A.M. Esnaurizar Eleven League Grant, Abstract No. 20, Comal County, Texas, as shown on the Vacating Plat of Lot 1, EBERT SUBDIVISION, UNIT 2 and Lot 1, EBERT SUBDIVISION, UNIT 3, recorded as Document #201206043423, Map and Plat Records of Comal County, Texas.

## **EXHIBIT "B"**

### **Prescribed Costs To Owner**

#### **Copy Charges:**

Electronic image transmitted by email – no copy charge

Electronic image downloaded to USB drive – actual cost of drive

Standard paper copy or scan (letter or legal size) - \$0.10 per page (double sided is 2 pages)

Oversize paper copy or scan (such as 11x17) - \$0.50 per page

Diskette or CD - \$1.00

DVD \$3.00

#### **Labor Charge:**

No labor charge if the request is for 50 or fewer pages of information, unless the records must be retrieved from a storage facility that is remote from the processor's office.

\$15.00 per hour, in ¼ hour increments, for actual time to locate, compile, manipulate data, reproduce information, and (if necessary) redact confidential information, for requests of more than 50 pages and for records in remote storage.

No labor charge for time spent to review the requested information to determine if the information qualifies for an exemption from Open Records.

#### **Overhead Charge:**

No overhead charge if the request is for 50 or fewer pages of information. Otherwise, the overhead charge is 20 percent of the labor charge.

#### **Remote Document Retrieval Charge:**

If the requested information is stored with a commercial records storage company that charges a fee to deliver and return stored records, the Association may seek reimbursement of the third-party fee from the owner if the request otherwise qualifies for a labor charge.

#### **Other Charges:**

Actual postage and shipping charges if necessary to transmit the reproduced information to the owner. Actual cost of miscellaneous supplies, such as boxes, if used to produce the requested information. If the Association accepts payment by credit card, the Association may recoup the amount of any actual transaction fee charged by the credit card company for the privilege.

No sales tax.