

After Recording Return to:

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**RECORDS RETENTION AND PRODUCTION POLICIES AND PROCEDURES
FOR
THE RENAISSANCE ON TURTLE CREEK CONDOMINIUM**

This Records Retention and Production Policy (the "Records Policy") is adopted by the Board of Directors of The Renaissance on Turtle Creek Condominium Association, Inc., a Texas nonprofit corporation (the "Association") according to Section 82.1141 of the Act, hereinafter defined, and will be effective upon recordation in the Official Public Records of Dallas County, Texas (the "Effective Date"). Section 82.114 of the Act, as supplemented by Section 82.1141, applies to the Association and the Condominium, hereinafter defined, according to Section 82.002(c) of the Act. In the event of a conflict of interpretation between the provisions set forth in the Governing Documents, hereinafter defined, and specifically including the Bylaws, hereinafter defined, and this Records Policy, this Records Policy shall govern as the conflict relates to the retention, inspection, production and other matters directly related to records of the Association. If the Act, TNCL, or other Legal Requirements are amended after the Effective Date, this Records Policy shall be interpreted in a manner that conforms to the current provisions in the Act, TNCL, or other Legal Requirements which apply to the retention, inspection, production and other matters directly related to Association Records. Any capitalized terms not defined herein shall have the meanings given to such terms in the Bylaws.

Section 1.1 Defined Terms.

"Act." The Uniform Condominium Act, Texas Property Code, Chapter 82, Section 82.001 et seq., as amended from time to time.

"Association Records." The books, records, and other information and documentation listed in Section 1.2(a) of this Records Policy.

"Bylaws." The Bylaws for The Renaissance on Turtle Creek Condominium Association, Inc., a Texas nonprofit corporation recorded on November 25, 2002, together with the Declaration under Deed Book 230 at Page 06012 in the Official Public Records of Dallas County, Texas, as amended and supplemented.

"Business Day." A day other than Saturday, Sunday, or a United States bank holiday.

"Condominium." The Renaissance on Turtle Creek Condominium established by the Declaration.

"County." Dallas County, Texas.

"Declaration." That certain Condominium Declaration for The Renaissance on Turtle Creek Condominium, recorded on November 25, 2002, under Deed Book 230 at Page 06012 in the Official Public Records of Dallas County, Texas, as amended and supplemented.

"Governing Documents." The Act, TNCL, the Articles of Incorporation, the Bylaws, the Declaration, the Regulations, the Owner Claims Policy, this Records Policy, and any other restrictions, covenants, rules, regulations, policies, and dedicatory instruments recorded in the Official Public Records of Dallas County, Texas for the Condominium and Association and in effect as of or after the Effective Date, as each may be amended and supplemented.

"Governmental Authority." Any and all applicable courts, Board of Directors, agencies, commissions, offices, or authorities for any governmental entity (federal, State, County, district, municipal, city, or otherwise) whether now or hereafter in existence.

"Legal Requirements." All current judicial decisions, statutes, rulings, rules, regulations, or ordinances of any Governmental Authority applicable to the Association Records and matters included in this Records Policy.

"Manager." Any Person with whom the Association contracts for the management of the Property and/or the Condominium and administration of the Association.

"Membership." The rights and obligations associated with being a Member of the Association.

"Minute Book." The record-keeping mechanism utilized by the Association, as may be further described in the Bylaws of the Association, which contains records, information, and documentation for the Members, Board of Directors, and the Association according to the Governing Documents, including but not limited to, the notices sent for and minutes taken at all annual and special meetings of the Members and the Board of Directors, and any resolutions and consents of the Members and Board of Directors.

"TNCL." The Texas Nonprofit Corporation Law, as amended from time to time, including Chapter 8 and Chapter 22 of the Texas Business Organizations Code, as applicable.

Section 1.2 Record Retention.

(a) Association Records: Retention Period. The Association will retain the below listed Association Records for the applicable time periods.

(i) Governing Documents – The Governing Documents of the Association shall be kept permanently and may be kept in electronic format, in the Minute Book, and in any other suitable manner as determined by the Board of Directors.

(ii) Books and Records under Section 82.1141 – According to Section 82.1141 of the Act, the Association shall keep:

A. Detailed financial records that comply with generally accepted accounting principles and are sufficiently detailed to enable the Association to prepare a resale certificate under Section 82.157 of the Act will be kept for seven (7) consecutive years;

B. The plans and specifications used to construct the Condominium shall be kept permanently;

C. Voting records and proxies collected by the Association and Association correspondence relating to amendments to the Declaration shall be kept permanently; and,

D. Meeting minutes of all Member and Board of Directors meetings shall be kept for at least seven (7) consecutive years and will be kept in the Minute Book, in electronic format, and any other manner suitable in the determination of the Board of Directors.

(iii) Account Records – Account records of current Owners will be kept for at least five (5) consecutive years in electronic format and any other manner suitable in the determination of the Board of Directors.

(iv) Contracts – Association contracts with a term of one (1) or more years shall be retained for at least four (4) consecutive years after the expiration of the contract term and may be kept in electronic format and any other manner suitable in the determination of the Board of Directors.

(v) Tax Returns – Annual tax returns filed for the Association shall be retained for at least seven (7) consecutive years and may be kept in electronic format, in the Minute Book, and any other manner suitable in the determination of the Board of Directors.

(vi) Membership List – Per TNCL, the current list of Members and each of their last known addresses as provided by each such Member to the Association in the form and containing such other information as required by TNCL. The Membership List will be kept in the Minute Book, in electronic format, and any other manner suitable in the determination of the Board of Directors.

(vii) Other Lists – Although not mandatory according to the Act, the Association will also keep a current list of directors and officers serving on the Board of Directors, committee members, if any, serving on established committees, and each of such person's last known addresses as they appear in the Association Records.

(b) Attorney Files are Not Association Records. **Per Section 82.114(b) of the Act, attorney files and records relating to or arising from representation of the Association (collectively, "Attorney Files") are not records of the Association and are not subject to inspection by Owners under this Records Policy or production in a legal proceeding.** Notwithstanding the foregoing and per Section 82.114(c) of the Act, Attorney Files do not include invoices for attorney's fees requested by an Owner following this Records Policy for the limited purposes of disclosing to such Owner attorney's fees and other costs which directly relate to a matter for which the Association is currently seeking reimbursement of fees and costs from such Owner. Nothing in this Section 1.2(b) or in the Act shall require the production of Attorney Files that constitute attorney work product or which are privileged as attorney-client communications.

(c) Owner and Employee Information. Except as otherwise provided in Section 82.1141(k) of the Act, the Association is not required to release or allow the inspection of the violation history of any Owner, any Owner's personal financial information (including records of payment or nonpayment of fines, Assessments or any other amounts due to the Association by any Owner), any Owner's contact information, or information about employees of the Association (including personnel files).

Section 1.3 Requests for Record Inspection. The Association shall make the Association Records open and reasonably available for inspection by Owners according to this Records Policy.

(a) Requests. All Owner requests to inspect and/or copy Association Records (the "Production Notice") must: 1) be in writing and signed by the requesting Owner or by a person designated in a writing signed by such Owner designating such person as the Owner's agent, attorney or certified public accountant; 2) contain sufficient detail of the Association Records Owner is requesting to inspect; 3) be mailed by certified mail to the mailing address of the Association as reflected on the most current management certificate recorded for the Association in the County; 4) elect to inspect the Association Records before obtaining copies or have the Association forward copies of the requested Association Records to the Owner. The Association shall respond as appropriate to the Owner according to the Production Notice following this Records Policy on or before the tenth (10th) Business Day after the Association receives the Production Notice.

(b) Inspection Location and Time. If an Owner requires or requests an inspection of the Association Records in the Production Notice, the inspection shall take place at the Condominium or such

other location which is mutually agreed to by the Board of Directors and the requesting Owner during normal business hours which shall be 9:00 a.m. to 5:00 p.m. Central Standard time ("Normal Business Hours").

(c) Owner Remedies. An Owner who is denied access to or copies of Association Records requested in a Production Notice according to this Records Policy will be entitled to exercise rights and remedies granted to Owners in connection with record inspection requests as further described in Section 82.1141(m) of the Act.

Section 1.4 Record Production and Costs

(a) Inspection and Production. If the Association Records requested by an Owner in his or her Production Notice are in the possession, custody, or control of the Association, the Association shall produce such requested Association Records on or before the tenth (10th) Business Day after the date the Association receives the Production Notice. If an inspection of the requested Association Records is required, then on or before the tenth (10th) Business Day after the date the Association receives the Production Notice, the Association will send written notice to the requesting Owner containing dates on which the Owner may inspect the requested Association Records during Normal Business Hours, to the extent such records are in the possession, custody, and control of the Association. If the Association is unable to produce the requested Association Records before the expiration of the requisite ten-day period, then the Association must notify the Owner that the Association is unable to produce the requested Association Records on or before the tenth (10th) Business Day after the date the Association received the written Production Notice (the "Record Response Notice") and set forth a date in the Record Response Notice by which the Association will send, or make available for inspection, the requested Association Records, which date shall not be later than the fifteenth (15th) Business Day after the date the Record Response Notice is given to the respective Owner.

(b) Format. The Association may produce requested Association Records in hard copy or electronic format (which must prohibit alteration of such records), or in another format reasonably available to the Association and accessible by the respective Owner.

(c) Costs of Production. The Association reserves the right to charge, and the Owner is responsible for paying all of such charges, for the compilation, production, and reproduction of Association Records for an Owner, including all reasonable costs for materials, labor, and overhead up to the maximum amounts outlined in Title 1, Section 70.3 of the Texas Administrative Code, as may be amended, a copy of which is attached to this Records Policy as Exhibit A and incorporated herein by reference. The Association may require advance payment of the estimated charges to produce Association Records requested in a Production Notice. If the estimated costs are more or less than the actual costs, the Association will submit a final invoice to the Owner on or before the thirtieth (30th) Business Day after the date the Association Records are produced and delivered for inspection to such Owner. If the invoice reflects additional amounts owed to the Association by the Owner for producing the Association Records, then the Owner must pay such additional amounts to the Association on or before the thirtieth (30th) Business Day after the date the Association sent the invoice to the Owner. If the Owner fails to timely pay such additional amounts, then these amounts may be added to the Owner's account as an Assessment. If the estimated costs exceed actual costs, then the Owner is entitled to a refund of such excess amounts. The Association will issue a refund to the Owner in an amount equal to the excess amounts shown in the invoice no later than the thirtieth (30th) Business Day after the date the Association sent such invoice to the Owner.

(d) Privacy. Except as otherwise provided by the Act or this Records Policy, the Association is not required to release or allow inspection of the information or documentation identified in Section 1.2(b) and Section 1.2(c) of this Records Policy. Where information concerning an Owner is required by Section

82.1141(k) of the Act to be disclosed, the Association may provide such information in a summary manner to protect the privacy of an Owner and requested Association Records may be redacted at any time to protect confidential, privileged, personal, and/or protected information that is not required to be disclosed by the Act. **Notwithstanding the foregoing, the Association and Board of Directors, and each of their respective members, officers, directors, employees, agents, and representatives shall not be liable for damages to an Owner, to his or her authorized agent, or any other Person as the result of identity theft or other breaches of privacy resulting because of any failure to withhold or redact such Owner's information in the production process of Association Records contemplated hereunder unless such failure to withhold or redact confidential, privileged, personal, and/or protected information was intentional, willful, or grossly negligent.**

(e) Limitations on Use. The Association Records provided to an Owner according to this Records Policy may not be sold, used for any commercial purposes, or for any other purpose which is not directly related to an Owner's genuine interest in, and limited to such Owner's status as, a Member of the Association and an Owner of a Unit in the Condominium. The Association may bring an action against any Owner or other Person who violates this Section 1.4(e) for injunctive relief and actual damages to the Association caused by such violation(s) and may recover reasonable costs and expenses, including reasonable attorney's fees, in a successful action by the Association to enforce its rights hereunder. Nothing in this Section 1.4(e) is intended to or will limit the Association's rights and remedies available to it under the Governing Documents or at law or in equity, all of which rights and remedies are hereby expressly reserved.

Section 1.5 Other Matters.

(a) Amendments to Records Policy. This Records Policy will remain in effect until the Board of Directors amends such it in the same manner as required or permitted for an amendment to the Bylaws of the Association and records such amendment in the Official Public Records of the County.

(b) Effective Date. This Records Policy shall be effective on the Effective Date set forth on page 1 hereof.

(c) No Changes to Governing Documents; Conflicts. This Records Policy shall not modify or change any provisions of the Governing Documents concerning Association Records except as expressly set forth in this Records Policy. In the event of a conflict of interpretation between the provisions set forth in the Governing Documents, hereinafter defined, and specifically including the Bylaws, hereinafter defined, and this Records Policy, this Records Policy shall govern as the conflict relates to the retention, inspection, production and other matters directly related to records of the Association.

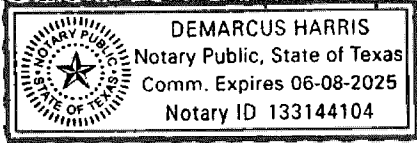
Adopted by the Board of Directors of Directors by a unanimous vote taken at the certain meeting of the Board of Directors held on September 28, 2021, at which a quorum of Directors was present in person, a record of which vote shall be kept in the Association Records per this Records Policy.

The Renaissance on Turtle Creek Condominium Association, Inc.,
a Texas nonprofit corporation

By: *Keith Head*
Keith Head, President

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 29 day of September, 2021, by Keith Head, Director and President of the Board of Directors of The Renaissance on Turtle Creek Condominium Association, a Texas nonprofit corporation, on behalf of said corporation.



Demarcus Harris
Notary Public - State of Texas

(SEAL)

EXHIBIT A
TO
RECORDS POLICY

COSTS FOR RECORD PRODUCTION UNDER THE RECORDS POLICY

Title 1, Section 70.3 of the Texas Administrative Code

A. The charges in this section to recover costs associated with providing copies of public information are based on estimated average costs to governmental bodies across the state. When actual costs are 25% higher than those used in these rules, governmental bodies other than agencies of the state, may request an exemption in accordance with §70.4 of this title (relating to Requesting an Exemption).

B. Copy charge.

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.

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:

Diskette--\$1.00;

Magnetic tape--actual cost;

Data cartridge--actual cost;

Tape cartridge--actual cost;

Rewritable CD (CD-RW)--\$1.00;

Non-rewritable CD (CD-R)--\$1.00;

Digital video disc (DVD)--\$3.00;

JAZ drive--actual cost;

Other electronic media--actual cost;

VHS video cassette--\$2.50;

Audio cassette--\$1.00;

Oversize paper copy (e.g.: 11 inches by 17 inches, greenbar, bluebar, not including maps and photographs using specialty paper--See also §70.9 of this title)--\$.50; or

Specialty paper (e.g.: Mylar, blueprint, blueline, map, photographic--actual cost.

C. Labor charge for programming. If a particular request requires the services of a programmer in order to execute an existing program or to create a new program so that requested information may be accessed and copied, the governmental body may charge for the programmer's time.

The hourly charge for a programmer is \$28.50 an hour. Only programming services shall be charged at this hourly rate.

Governmental bodies that do not have in-house programming capabilities shall comply with requests in accordance with §552.231 of the Texas Government Code.

If the charge for providing a copy of public information includes costs of labor, a governmental body shall comply with the requirements of §552.261(b) of the Texas Government Code.

D. Labor charge for locating, compiling, manipulating data, and reproducing public information.

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

A labor charge shall not be billed in connection with complying with requests that are for 50 or fewer pages of paper records, unless the documents to be copied are located in:

Two or more separate buildings that are not physically connected with each other; or

A remote storage facility.

A labor charge shall not be recovered for any time spent by an attorney, legal assistant, or any other person who reviews the requested information:

To determine whether the governmental body will raise any exceptions to disclosure of the requested information under the Texas Government Code, Subchapter C, Chapter 552; or

To research or prepare a request for a ruling by the attorney general's office pursuant to §552.301 of the Texas Government Code.

When confidential information pursuant to a mandatory exception of the Act is mixed with public information in the same page, a labor charge may be recovered for time spent to redact, blackout, or otherwise obscure confidential information in order to release the public information. A labor charge shall not be made for redacting confidential information for requests of 50 or fewer pages, unless the request also qualifies for a labor charge pursuant to Texas Government Code, §552.261(a)(1) or (2).

If the charge for providing a copy of public information includes costs of labor, a governmental body shall comply with the requirements of Texas Government Code, Chapter 552, §552.261(b).

For purposes of paragraph (2)(A) of this subsection, two buildings connected by a covered or open sidewalk, an elevated or underground passageway, or a similar facility, are not considered to be separate buildings.

E. Overhead charge.

Whenever any labor charge is applicable to a request, a governmental body 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 a governmental body chooses to recover such costs, a charge shall be made in accordance with the methodology described in paragraph (3) of this subsection. Although an exact calculation of costs will vary, the use of a standard charge will avoid complication in calculating such costs and will provide uniformity for charges made statewide.

An overhead charge shall not be made for requests for copies of 50 or fewer pages of standard paper records unless the request also qualifies for a labor charge pursuant to Texas Government Code, §552.261(a)(1) or (2).

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 \times .20 = \3.00 ; or Programming labor charge, $\$28.50 \times .20 = \5.70 . If a request requires one hour of labor charge for locating, compiling, and reproducing information ($\$15.00$ per hour); and one hour of programming labor charge ($\$28.50$ per hour), the combined overhead would be: $\$15.00 + \$28.50 = \$43.50 \times .20 = \8.70 .

F. Microfiche and microfilm charge.

If a governmental body already has information that exists on microfiche or microfilm and has copies available for sale or distribution, the charge for a copy must not exceed the cost of its reproduction. If no copies of the requested microfiche or microfilm are available and the information on the microfiche or microfilm can be released in its entirety, the governmental body should make a copy of the microfiche or microfilm. The charge for a copy shall not exceed the cost of its reproduction. The Texas State Library and Archives Commission has the capacity to reproduce microfiche and microfilm for governmental bodies. Governmental bodies that do not have in-house capability to reproduce microfiche or microfilm are encouraged to contact the Texas State Library before having the reproduction made commercially.

If only a master copy of information in microfilm is maintained, the charge is \$.10 per page for standard size paper copies, plus any applicable labor and overhead charge for more than 50 copies.

G. Remote document retrieval charge.

Due to limited on-site capacity of storage documents, it is frequently necessary to store information that is not in current use in remote storage locations. Every effort should be made by governmental bodies to store current records on-site. State agencies are encouraged to store inactive or non-current records with the Texas State Library and Archives Commission. To the extent that the retrieval of documents results in a charge to comply with a request, it is permissible to recover costs of such services for requests that qualify for labor charges under current law.

If a governmental body 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 governmental body, the boxes must still be searched for records that are responsive to the request, a labor charge is allowed according to subsection (d)(1) of this section.

H. Computer resource charge.

The computer resource charge is a utilization charge for computers based on the amortized cost of acquisition, lease, operation, and maintenance of computer resources, which might include, but is not limited to, some or all of the following: central processing units (CPUs), servers, disk drives, local area networks (LANs), printers, tape drives, other peripheral devices, communications devices, software, and system utilities.

These computer resource charges are not intended to substitute for cost recovery methodologies or charges made for purposes other than responding to public information requests.

The charges in this subsection are averages based on a survey of governmental bodies with a broad range of computer capabilities. Each governmental body using this cost recovery charge shall determine which category(ies) of computer system(s) used to fulfill the public information request most closely fits its existing system(s) and set its charge accordingly. Type of System--Rate: mainframe--\$10 per CPU minute; Midsize--\$1.50 per CPU minute; Client/Server--\$2.20 per clock hour; PC or LAN--\$1.00 per clock hour.

The charge made to recover the computer utilization cost is the actual time the computer takes to execute a particular program times the applicable rate. The CPU charge is not meant to apply to programming or printing time; rather it is solely to recover costs associated with the actual time required by the computer to execute a program. This time, called CPU time, can be read directly from the CPU clock, and most frequently will be a matter of seconds. If programming is required to comply with a particular request, the appropriate charge that may be recovered for programming time is set forth in subsection (d) of this section. No charge should be made for computer print-out time. Example: If a mainframe computer is used, and the processing time is 20 seconds, the charges would be as follows:

$\$10 / 3 = \3.33 ; or $\$10 / 60 \times 20 = \3.33 .

A governmental body that does not have in-house computer capabilities shall comply with requests in accordance with the §552.231 of the Texas Government Code.

I. 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.

J. Postal and shipping charges. Governmental bodies may add any related postal or shipping expenses which are necessary to transmit the reproduced information to the requesting party.

K. Sales tax. Pursuant to Office of the Comptroller of Public Accounts' rules sales tax shall not be added on charges for public information (34 TAC, Part 1, Chapter 3, Subchapter O, §3.341 and §3.342).

L. Miscellaneous charges: A governmental body that accepts payment by credit card for copies of public information and that is charged a "transaction fee" by the credit card company may recover that fee.

M. These charges are subject to periodic reevaluation and update.

**Dallas County
John F. Warren
Dallas County Clerk**

Instrument Number: 202100292137

eRecording - Real Property

Recorded On: September 29, 2021 03:40 PM

Number of Pages: 12

" Examined and Charged as Follows: "

Total Recording: \$66.00

******* 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: 202100292137
Receipt Number: 20210929001230
Recorded Date/Time: September 29, 2021 03:40 PM
User: Joshua C
Station: CC31

Record and Return To:

Simplifile



**STATE OF TEXAS
COUNTY OF DALLAS**

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 Dallas County, Texas.

John F. Warren
Dallas County Clerk
Dallas County, TX