



PHEASANT CREEK HOMEOWNERS ASSOCIATION, INC.

2204 Timberloch Place, Suite 245
The Woodlands, Texas 77380
Tel. No. (281) 296-9775 / Fax No. (281) 296-9788
conmgsvc@swbell.net

RECORDS PRODUCTION POLICY

- I. The name of the Subdivision is Pheasant Creek.
- II. The name of the Association is Pheasant Creek Homeowners Association.
- III. The recording data (i.e., Map or Plat reference) for each Section of the Subdivision, and the recording data for the Declaration (i.e., Deed Restrictions) for each Section of the Subdivision is as follows:

Map(s) or Plat(s) Records of Fort Bend County, Texas:

- (i) Pheasant Creek, Section One (1): Volume 22, Page 32 of the Plat Records of Fort Bend County, Texas; and
- (ii) Pheasant Creek, Section Two (2): Volume 31, Page 2; Volume 31, Page 12; and Volume 33, Page 8 of the Plat Records of Fort Bend County, Texas.

Deed Restrictions (Deed Records of Fort Bend County, Texas):

- (i) Declaration of Covenants, Conditions and Restrictions for Pheasant Creek, Section One - Fort Bend County Clerk's File No. 92546; and
- (ii) Declaration of Covenants, Conditions and Restrictions for Pheasant Creek, Section Two - Fort Bend County Clerk's File No. 48544.

IV. **PRODUCTION OF ASSOCIATION RECORDS:** This Records Production Policy was approved by at least a majority vote of the Board of Directors of PHEASANT CREEK HOMEOWNERS ASSOCIATION (the "Board"), at a duly called Meeting of the Board held on the 06th day of December, 2011, at which Meeting a quorum was present.

1. **Copies of Association records will be available to all Owners [i.e., the Owner(s) of any Lot within the Association's jurisdiction] upon the Owner's proper request and at the Owner's own expense. A proper request must:**

- a) Be sent Certified Mail (*note*: Return Receipt Requested is recommended) to the Association's address as reflected in its most recent Management Certificate;
- b) Be from an Owner(s), or the Owner's agent, attorney, or certified public accountant; and
- c) Contain sufficient detail to identify the Association records being requested.

2. **Owners may request to inspect the Association's books and records or, alternatively, Owners may request copies of specific records.**
- a) If an Owner(s) make(s) a request to inspect the books and records, then the Association will respond **within 10 business days after the Association's receipt 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(s) shall arrange for a mutually agreeable time to conduct the inspection. The Association shall provide the owner(s) with copies of specific documents upon the owner paying the Association the cost thereof.
- b) If an Owner(s) make(s) a request for copies of specific records, and the Association is reasonably able to provide the records easily or with no cost, then the Association will provide copies of the records to the owner **within ten (10) business days after the Association's receipt of the Owner's request.**
- c) If an Owner(s) make(s) a request for copies of specific records, and the Association is unable to provide such records within ten (10) business days after receipt of the request, the Association shall send a response letter advising the Owner that the requested records (excluding attorney work product and attorney/client privileged communications, and excluding books and records which are otherwise statutorily allowed to be withheld) will be made available to the requesting party no later than the fifteenth (15th) business day after the date of such notice letter, and specifying the cost the Owner(s) must pay before the records will be provided. Upon the Owner(s) paying the cost to provide the records, the Association shall provide the records to the Owner(s) who made the request.

V. **The Association hereby adopts the following schedule of costs:**

Copy Cost for a regular 8.5" x 11" page - 10 cents per page;
for pages 11" x 17" or greater - 50 cents per page;
for specialty paper (color, photograph, map, etc.) - actual cost;
for each CD or audio cassette - \$1.00; and
for each DVD - \$3.00.

Labor Cost \$15.00 per hour for actual time expended to locate, compile and reproduce the records [*note*: the Owner(s) may only be charged such labor cost if the copies requested by the Owner(s) exceed 50 pages in length].

Overhead 20% of the total labor charge [*note*: the Owner(s) may only be charged for such overhead cost if the copies requested by the Owner(s) exceed 50 pages in length].

Materials for labels, boxes, folders, and other supplies used in producing the records, along with postage for mailing the records - actual costs.

VI. **The Association hereby adopts the following form for response to an Owner(s) who request(s) to inspect the Association's Books and Records:**

"Date _____

Dear _____:

On _____, 201__, the Association received your written request to inspect certain books and records of the Association. The books and records of the Association (excluding attorney work product and attorney/client privileged communications, and excluding books and records which are otherwise statutorily allowed to be withheld) 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 Consolidated Management Service, located at 2204 Timberloch Place #245, The Woodlands, TX 77384

Please contact the Association's Manager Allison Malandrucolo (at tel. no. 281-296-9775 or e-mail address:cms.allison@gmail.com or 2204 Timberloch Place #245, The Woodland, TX 77384)to arrange for a mutually agreeable date and time for you to inspect the Association's books and records identified in your written request (excluding attorney work product and attorney/client privileged communications, and excluding books and records which are otherwise statutorily allowed to be withheld). You will also need to advise the Association whether you will personally attend such inspection and/or whether you intend to allow an Owner's agent, an Owner's attorney, or an Owner's certified public accountant to participate in such inspection. 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.

Sincerely,

Pheasant Creek Homeowners Association

VII. The Association hereby adopts the following form for response to an Owner(s) who request(s) copies of specific records:

"Date _____

Dear _____:

On _____, 201__, the Association received your written request for copies of specific Association records. Please be advised that the Association is unable to provide you with the copies of the requested records within ten (10) business days of your request; however, the copies of the requested records (excluding attorney work product and attorney/client privileged communications, and excluding books and records which are otherwise statutorily allowed to be withheld) will be made available to you no later than fifteen (15) business days after the date of this response.

A schedule of costs is included with 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 receipt of advance payment from you, the Association will mail the requested documents to you at the address specified in your request. You may also make payment and pick up the copies of the requested documents in person at the office of the Association's Manager located at

2204 Timberloch Place #245, The Woodland, TX 77384. Should you have any questions or comments, please contact the Association's Manager (at tel. no. 281-296-9775 or e-mail address: cms.allison@gmail.com).

Sincerely,

Pheasant Creek Homeowners Association."

- VIII. If the estimated cost provided to the Owner(s) is more or less than the actual cost of producing the documents, the Association shall, within thirty (30) business days after providing the records, submit to the owner either an invoice for the additional amount(s) owed or refund the overage(s) paid by the Owner. In the event of an invoice for additional amount(s) owed, if the Association does not receive reimbursement before the thirtieth (30th) business day after the date the invoice is sent to the Owner(s), the additional amount(s) may be added to the Owner(s)' account as an assessment.
- IX. Unless authorized in writing by the affected Owner(s) or authorized by Court Order, the Association will not provide copies of or allow inspection of any records that contain: (i) the personal information of an Owner, including restriction violations, delinquent assessments, financial information, and contact information (other than the Owner's address); or (ii) information related to an employee of the Association, including personnel files. Please note that information may be released in an aggregate or summary manner that does not identify an individual property Owner.

CERTIFICATION

"I, the undersigned, being the President of the Pheasant Creek Homeowners Association, hereby certify that the foregoing Records Production Policy Resolution was adopted by at least a majority of the Association's Board of Directors, and such Records Production Policy Resolution has never been modified or repealed, and is now in full force and effect."

Pheasant Creek Homeowners Association

By: 
President

Printed name: John T. Goodbee

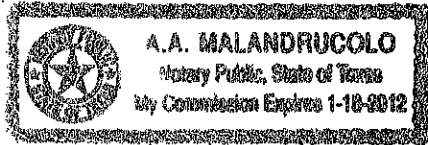
Date: 12-6-11

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

BEFORE ME, A NOTARY PUBLIC, on this day personally appeared John T. Godbee, President of Pheasant Creek Homeowners Association, a Texas Non-Profit Corporation, known to me to be the person whose name is subscribed to the foregoing instrument and, being by me first duly sworn and declared that he/she executed same in the capacity and for the consideration therein expressed, and as the act and deed of such Corporation.

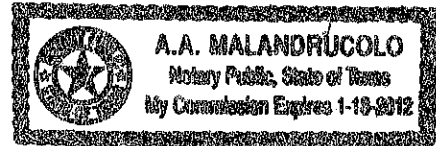
GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 06th day of December, 2011.



A.A. Malandrucolo

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Pheasant Creek Homeowners Association / Records Production Policy



Return to: Michael T. Krainer
Attorney at Law
9801 Westheimer, Ste 302
Houston, TX 77042
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RETURNED AT COUNTER TO:

Joe Donaldson
9801 Westheimer # 302
Houston, Tx 77042

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2011 Dec 30 03:51 PM

LJ \$32.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS

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