

RECORDS RETENTION & ACCESS POLICY
HUNTERS GLEN COMMUNITY ASSOCIATION

This Records and Retention & Access Policy is hereby adopted by the Hunters Glen Community Association effective this 29th day of February 2017.

1. **Association Records to be made available upon proper request.**

a. Written Request. The records of the Association are available for inspection by Owners upon receipt of a proper written request received by via U.S. Certified Mail, Return Receipt Requested, from an Owner. Emails or other communications by an Owners agent, attorney or certified public accountant, provided that the Owner makes such designation in writing. The written request must contain sufficient detail to identify the records requested.

b. Inspection of Association Records. Within ten (10) business days of receipt of a proper written request pursuant to 1 (a), *supra*, the Association will respond with the location and dates and times available for the inspection. The date and time for such inspection shall be mutually agreeable.

c. Association records not available for inspection.

Absent written authorization by the affected Owner, the Association will not permit the inspection of (1) individual Owners' deed violation histories; (2) individual Owner's financial information; (3) individual Owner contact information other than their address at the property; (4) information pertaining to Association employees; or (5) records and files of the Association's attorney(s).

d. Copies of Records. At the request of an Owner, the Association will provide copies of specific records, within ten (10) business days, upon receipt of copy charges for said records. The Association may produce copies of requested records in paper, electronic or other format. If copies of requested records cannot be produced within ten (10) business days, then the Association shall send a notice to the Owner within the original ten (10) day period. In such event, copies will be produced within fifteen (15) days of said notice.

e. Copy Charges. For paper copies, the following charges will apply:

<u>Item</u>	<u>Charge</u>
8 ½" x 11" paper	\$0.10 per page
11" x 17" paper	\$0.50 per page
Specialty Paper	Actual Cost
Audio CD or Cassette	\$1.00 each
DVD	\$3.00 each
Labor	\$15.00 per hour for actual time to locate, compile and reproduce records (if more than 50 pages, or if records must be retrieved from an offsite storage facility)
Overhead	20% of total labor charge (if more than 50 pages, or if records must be retrieved from an offsite storage facility)
Materials (labels, boxes folders, etc., including postage)	Actual Cost

The estimated total charge for copies of Association records will be due prior to any copies being made or released. Within thirty (30) business days of receipt, the Association will reconcile the actual cost to copy records with its estimate and return any excess amount.

2. **Association Records Retention Policy.** The Board of Directors adopts the following policy concerning retention of Association records, and directs its property manager to develop administer, and adhere to the following:

a. Governing Documents. Original and/or certified copies of the Declaration of Covenants, Conditions and Restrictions, Articles of Incorporation and By-Laws of the Association, Amendments thereto Policies passed by Board Resolution and/or Owners, other documents filed with the Secretary of State related to the Association, Rules and Regulations for the property and amendments thereto, shall be permanently kept in the offices of property management.

b. Association and Board Documents. Originals and/or copies of agendas, meeting minutes and proposals, meeting notices, sign in sheets, proxies, ballots and tally sheets pertaining to annual and special meetings of Association members, as well as agendas, meeting minutes, proposed and approved Board Resolutions, for all meetings of the Associations Board of Directors shall be kept in the offices of the property management company for a period of two (2) years, after which such records may be stored off-site at an appropriate location. After the expiration of seven (7) years, such documents may be destroyed.

c. Accounting and Deed History Records. Computerized accounting and deed restriction violation records for each Owner shall be maintained in electronic format by the property management company onsite for a period of two (2) years, after which such records may be stored off-site at an appropriate location. After the expiration of seven (7) years, such documents may be destroyed.

d. Other Association Files. Originals and/or copies of filed materials pertaining to an Owner's membership in the Association, including but not limited to maintenance assessment collection, deed restriction enforcement, correspondence, litigation matters. And other documents shall be kept in the offices of property management for two (2) years after such matter is closed, after which such records may be stored off-site at an appropriate location. After the expiration of seven (7) years, such documents may be destroyed.

e. Association Communications. Originals and/or copies of all communications sent and received by members of the Board of Directors on Association-owned computers, and those of agents of the Association conducting business on its behalf, shall be kept in their original format for five (5) years, after which such documents may be destroyed.

f. Litigation Hold. In the event the Association is involved in litigation, a "litigation hold" will be placed on all correspondence, electronic communications, voice mail, reports and other documents relevant to the matter forming the subject of the litigation. In such event, this provision supersedes subsections (a-e). Retention policies for matters in litigation will be established on a case-by-case basis.

CERTIFICATION

"I, Don Smith, being the president of Hunters Glen Comm Assoc ("the association"), hereby certify that the foregoing policy was adopted by at least a majority of the Association's Board of Directors.

By: [Signature]
President

ACKNOWLEDGMENT

The foregoing instrument, entitled "RECORDS RETENTION & ACCESS POLICY," was acknowledged by Don Smith, as President of the Hunters Glen Com. Assoc., on the 29th of February, 2012.

GIVEN UNDER MY HAND AND SEAL of office on the 29th day of February, 2012



Shunda R. Staten
NOTARY PUBLIC, STATE OF TEXAS

My Commission Expires: 2/8/14

Shunda R. Staten
(Printed Name of Notary Public)

BOARD POLICY RESOLUTION OF
HUNTERS GLEN COMMUNITY ASSOCIATION

Dated: February 29, 2012

WHEREAS, Hunters Glen Community Association, is a Texas Non-Profit Corporation governed by the Texas Property Code, and more specifically Chapter 202 *et seq.*; and

WHEREAS, Hunters Glen Community Association, (hereafter “Association”), is given authority to promulgate a Policy to regulate the installation, use, and display of Solar Energy Devices as authorized under Texas Property Code § 202, *et seq.* as well as by its By-laws and/or the Covenants and Restrictions applicable to the lots in Hunters Glen Subdivision;

WHEREAS, the Association, is given authority to promulgate a Policy to regulate the installation, use and display of certain Rainwater Harvesting System(s), as authorized under Texas Property Code § 202, *et seq.* as well its By-laws and/or the Covenants and Restrictions applicable to the lots in Hunters Glen Subdivision;

WHEREAS, the Association, is given authority to promulgate a Policy to regulate the installation, use and display of certain Flags, as authorized under Texas Property Code § 202, *et seq.* as well as by its By-laws and/or the Covenants and Restrictions applicable to the lots in Hunters Glen Subdivision;

WHEREAS, the Association, is given authority to promulgate a Policy to regulate the installation, use and display of certain Religious Items, as authorized under Texas Property Code § 202, *et seq.* as well as by its By-laws and/or the Covenants and Restrictions applicable to the lots in Hunters Glen Subdivision.

Said Policy regarding the aforementioned items and improvements stating as follows:

I. Policy Regarding Solar Energy Devices

1. A “Solar Energy Device” has the meaning assigned by Section 171.107 of the Texas Tax Code.
2. Subject to the restrictions below, a property owner within the Association, may at their own cost, install, maintain and utilize one or more Solar Energy Device(s) for the purpose of providing heating or cooling or to produce electrical or mechanical power by collection and transferring solar-generated energy.

3. Restrictions on Installation, Maintenance and Use of Solar Energy Devices:
- a) No owner may install, maintain or use a Solar Energy Device that, as determined by a court of competent jurisdiction, threatens the public health or safety, or violates a law.
 - b) No owner may install a Solar Energy Device on the property owned or maintained by The Association, including but not limited to general common elements or limited common elements.
 - c) No owner may install a solar Energy Device on the property owned in common by the members of the Association, including but not limited to general common elements or limited common elements.
 - d) A solar Energy Device installed upon the owner's own property may only be installed:
 - i. On the roof of the owner's home; or
 - ii. In a fenced yard or patio owned and maintained by the property owner.
 - e) Roof-Mounted Solar Energy Devices must not:
 - i. Extend higher than or beyond the roof line;
 - ii. Fail to conform to the slope of the roof;
 - iii. Include a top edge that is not parallel to the roof line;
 - iv. Include a frame, support bracket or visible piping or wiring in a color other than silver, bronze or black.
 - f) Solar Energy Devices located in a fenced yard or patio owned or maintained by the property owner must not:
 - i. Extend beyond or above the fence line.

- g) No Solar Energy Device, regardless of location or type, may void material warranties, as installed.
- h) Owner must submit an ACC application to the Association prior to the installation, maintenance or use of any Solar Energy Device, regardless of location or type. Procedures for approval will conform with those procedures already in place pursuant to the Architectural control guidelines of each section of the Association
- i) The Association retains the right to withhold approval of any Solar Energy Device if, in the written opinion of the Association, the placement of the device as proposed by the property owner constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The Association shall be the sole arbiter to determine whether a proposed Solar Energy Device constitutes such a condition, save and except that the written approval of all homeowners adjacent to the proposed Device shall create a rebuttable presumption that such a condition did not exist.

II. Policy Regarding Certain Roof Materials

- 1. An Owner who has already sought and received ACC approval to install shingles on the roof of their home, pursuant to the Architectural Control guidelines of each section of the Association, and who chooses to install specialized shingles designed primarily (1) to be wind resistant; (2) provide heating and cooling efficiencies greater than those provided by customary shingles; (3) provide solar generation capabilities, may install said specialty shingles, subject to the following restrictions:
 - a. The color and appearance of the shingles must be submitted to the ACC for approval, to ensure that said shingles resemble the shingles used or otherwise authorized by the Association for use in the subdivision;
 - b. The shingles must be of equal or superior quality and durability to standard roofing shingles otherwise authorized by the Association for use in the subdivision;
 - c. The singles must, within the determination of the Association match the aesthetics of properties adjacent to Owner's property;

- d. No owner may install specialized shingles on the property owned or maintained by the Association, including but not limited to general common elements or limited common elements;
- e. No owners may install specialized shingles on the property owned in common by the members of the Association including but not limited to general common elements or limited common elements;
- f. Owner must submit an ACC application to the Association prior to the installation, maintenance or use of any specialized shingles, regardless of location or type. Procedures for approval will conform with those procedures already in place pursuant to the Architectural Control guidelines for each section of the Association;
- g. The Association retains the right to withhold approval of any specialized shingles if, in the written opinion of the Association, the placement of the shingle as proposed by the property owner constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The Association shall be the sole arbiter to determine whether a proposed specialized shingle constitutes such a condition.

III. Policy Regarding Rain Barrels and Rainwater Harvesting Systems

- 1. An Owner who has already sought and received ACC approval to install a Rain Barrel or other approved Rainwater Harvesting System on their property, pursuant to the Architectural Control guidelines for each section of the Association may install said Rain Barrel or other approved Rainwater Harvesting System, subject to the following restrictions:
 - a) No owner may install, maintain or use a rain barrel or other approved rainwater harvesting system that, as determined by a court of competent jurisdiction, threatens the public health or safety, or violates the law.
 - b) No owner may install a rain barrel or other approved rainwater harvesting system on the property owned or maintained by the Association, including but not limited to general common elements or limited common elements.

- c) No owner may install a rain barrel or other approved rainwater harvesting system on the property owned in common by the members of the Association, including but not limited to general common elements or limited common elements.
- d) A rain barrel or other approved rainwater harvesting system may be installed in a fully enclosed and fenced yard or patio owned and maintained by the property owner.
- e) Rain barrel or other approved rainwater harvesting systems located in a fenced yard or patio owned or maintained by the property owner must not:
 - i. Extend beyond or above the fence line;
 - ii. Be located between the front of the Owner's property and adjoining or adjacent street.
- f) A rain barrel or other approved rainwater harvesting system may only be installed at the side of a house, or in a location visible from a street another lot or a common area subject to the following requirements:
 - i. Reasonable sufficient area on the owner's property exists in which to install the rain barrel or other approved rainwater harvesting device. The Association shall be the sole arbiter to determine whether reasonable sufficient area exists on the owner's property;
 - ii. Any rain barrel or other approved rainwater harvesting device must be of a color consistent with the color scheme of the property;
 - iii. No rain barrel or other rainwater harvesting device may display language or other content that is not typically displayed by such a device or system as it is manufactured.
- g) No rain barrel or other approved rainwater harvesting system, regardless of location or type, may void material warranties, as installed;
- h) Owner must submit an ACC application to the Association prior to the installation, maintenance or use of any rain barrel or other approved rainwater harvesting device, regardless of location or type. Procedures for approval will

conform with those procedures already in place pursuant to the Architectural Control guidelines for each section of the Association;

- i) The Association retains the right to withhold approval of any rain barrel or other approved rainwater harvesting device if, in the written opinion of the Association, the placement of rain barrel or other approved rainwater harvesting device as proposed by the property owner constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The Association shall be the sole arbiter to determine whether a proposed rain barrel or other approved rainwater harvesting device constitutes such a condition.

IV. Policy Regarding Display of Certain Religious Items

1. An Owner may display certain religious items on the entry to owner's property subject to the following restriction:

- a) Any religious item displayed must be motivated by the owner or resident's sincere religious belief.
- b) No displayed religious item may:
 - i. Threaten the public health or safety in any manner whatsoever;
 - ii. Violate any federal, state or local laws;
 - iii. Contain language, graphics, or depictions that are patently offensive to a passerby;
 - iv. Be displayed in any location other than the entry door or door frame of the property;
 - v. Extend past the outer edge of the door frame of the owner's or resident's dwelling;
 - vi. Exceed a total area of twenty-five (25) square inches.
- c) The Association reserves all rights given to it by Statute or by the Restrictions to cause to be removed any item so displayed that, in the judgment of the

Association, violates one or more of the limitations included herein. The Association shall be the sole arbiter to determine whether such a violation exists.

- d) This policy is not intended to apply to holiday decoration thirty (30) days prior or (15) days after said holiday.

V. Policy Regarding Display of Flags

- 1. An Owner may display(1) the flag of the United States of America; (2) the flag of the state of Texas; (3) an official flag or replica flag of any branch of the United States Armed Forces; (4) school spirit flag or (5) holiday seasonal decorative flags on their property, subject to the following restrictions;

General Restrictions

- a) In addition to the requirements set forth herein below, display of the flag of the United States of America must conform with the requirements under the United States Code, Section 5-10;
- b) In addition to the requirements set forth herein below, display of the flag of the State of Texas must conform with the requirements under the Texas Government Code Section 3100;
- c) Only one (1) freestanding flagpole or mounted flagpole brackets may be utilized by any owner or resident, three (3) mounted flagpoles per residence. No more than one (1) flag, of each of the approved types delineated above may be displayed simultaneously;
- d) No flag may be displayed or maintained in any manner other than on a freestanding flagpole, or via a mounted flagpole bracket;
- e) All displayed flags, flagpoles and flagpole brackets must be maintained in good condition. In the event that any displayed flag, flagpole or flagpole bracket which is not, in the judgment of the Association, maintained in good condition, the owner shall be responsible for repairing, replacing or removing said displayed flag, flagpole, or flagpole bracket, upon written request of the Association. The Association shall be the sole arbiter to determine whether such a condition exists;
- f) No displayed flags shall exceed three (3) feet in height, and five (5) feet in length;

- g) No owner may install a flag on the property owned or maintained by the Association, including but not limited to general common elements or limited common elements, with the exception of a wholly enclosed, fenced yard or patio area;
- h) No owner may install a flag on the property owned, in common by the members of the Association, including but not limited to general common elements or limited common elements, with the exception of a wholly enclosed, fenced yard or patio area.

Restrictions of Freestanding Flags

- a) No flagpole located in or on an owner's property may exceed twenty (20) feet in height;
- b) Any flagpole located in or on an owner's property must be constructed of a permanent, long-lasting material, with a finish appropriate to the material used in the construction of the flagpole and harmonious with the dwelling;
- c) No flagpole located in or on an owner's property may be located outside the applicable setback lines for that lot;
- d) If lights are to illuminate the flag during evening hours, said lights must be directed in such a manner, and utilized at an intensity that does not substantially interfere with the use and enjoyment of other owners or residents by causing unreasonable discomfort or annoyance to other persons of ordinary sensibilities. The Association shall be the sole arbiter to determine whether such a condition exists;
- e) No flagpole halyard, flagpole snap-hooks, or other fastening devices shall be allowed to generate noise of an intensity or frequency so as to substantially interfere with the use and enjoyment of others owners or residents by causing unreasonable discomfort or annoyance to other persons of ordinary sensibilities. The Association shall be the sole arbiter to determine whether such a condition exists;
- f) An owner or resident may be required to utilize flagpole snap-hook covers to eliminate flagpole noise at the request of the Association.

Restrictions of Flags Displayed in Flagpole Brackets

- a) No flagpole mounted in a flagpole bracket may exceed five (5) feet in length;
- b) If applicable, no flag displayed from a mounted flagpole bracket may extend beyond the airspace created by the boundaries of a fenced yard or patio area;
- c) No mounted flagpole bracket may be affixed to any portion of the general or limited common elements.

THEREFORE, BE IS RESOLVED THAT, the Association adopts a uniform policy to apply to all lot owners within The Association;

BE IF FURTHER RESOLVED, THAT, the policy approved by this resolution touch and concern all lots within the Association, and shall run with the land to all subsequent owners of said lots;

The Board of Directors of the Association hereby memorializes in its minutes its formal resolution providing a uniform policy for all lots within the Association.

Dated: February 29, 2012


Secretary


President

THE STATE OF TEXAS

§

COUNTY OF

Fort Bend
Fort Bend

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This instrument was acknowledged before me on the 29th day of February, 2012 by Levester Johnson, as a President of Hunters Glen Community Association, on behalf of said Corporation.

Shunda R. Staten

NOTARY PUBLIC, STATE OF TEXAS

My Commission Expires: 2/8/14

Shunda R. Staten

Printed Name of Notary Public



AS PER ORIGINAL

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Gianne Wilson

Gianne Wilson, County Clerk
Fort Bend County, Texas

December 31, 2013 03:03:37 PM

FEE: \$131.00 VCK
CERT

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