

**WILLATT & FLICKINGER**  
**ATTORNEYS AT LAW**

2001 NORTH LAMAR • AUSTIN, TEXAS 78705 • (512) 476-6604 • FAX (512) 469-9148

December 20, 2011

Mr. Bill Brooks  
Association Manager  
RealManage  
10800 Pecan Park Boulevard, Ste. 100  
Austin, Texas 78750

**Re: Sendero Springs at Brushy Creek HOA, Inc. - Recorded Mandatory Policies**

Dear Bill:

Enclosed is the recorded Secretary's Certificate along with the mandatory policies. Please retain this document in the Association's permanent records. Also, if the Association has a website, these documents must be uploaded onto the website prior to the end of the year.

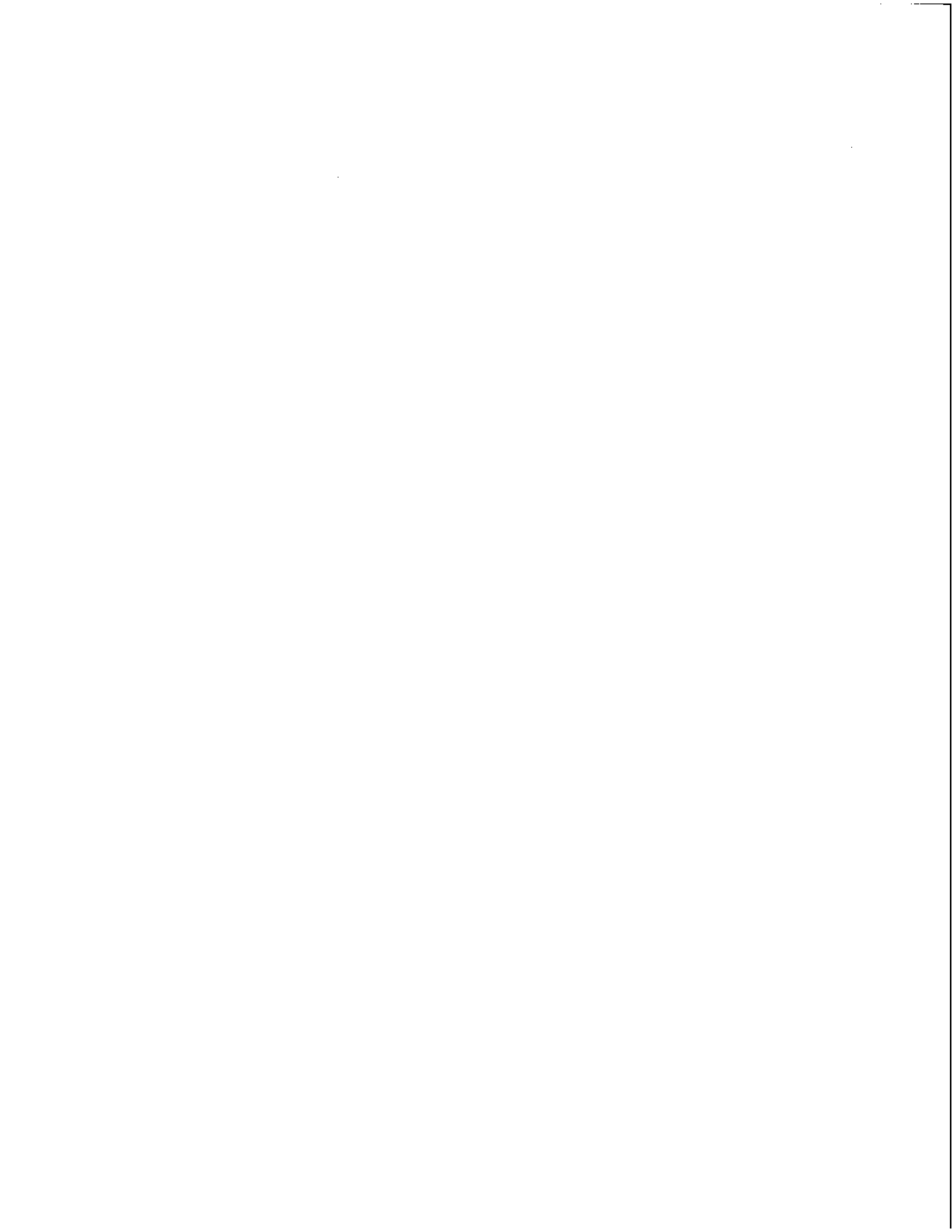
Should you have any questions, please feel free to contact me. Thank you.

Very truly yours,



Jeniffer Concienne,  
Legal Assistant

Enclosure





**SENDERO SPRINGS AT BRUSHY CREEK HOMEOWNERS ASSOCIATION, INC.**

**SECRETARY'S CERTIFICATE**

STATE OF TEXAS                   §  
  §  
COUNTY OF Williamson       §

The undersigned hereby certifies that he is the duly elected, qualified and acting Secretary/Treasurer of Sendero Springs at Brushy Creek Homeowner Association, Inc. a Texas non-profit corporation ("Association") and that:

Attached hereto are true and correct copies of the following Association documents:

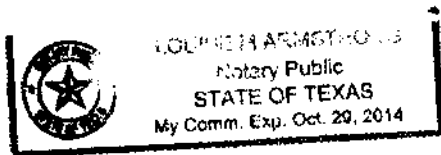
- 1.     Records Production Policy
- 2.     Records Retention Policy
- 3.     Alternate Payment Schedule and Payment Plan Policy

IN WITNESS WHEREOF, the undersigned has executed this certificate on the 1st day of December, 2011.

By: *David Bodenman*  
David Bodenman, Secretary/Treasurer  
Board of Directors

STATE OF TEXAS                   §  
  §  
COUNTY OF Williamson       §

This instrument was acknowledged before me on the 1st day of December, 2011, by David Bodenman, Secretary/Treasurer of the Board of Directors of Sendero Springs at Brushy Creek Homeowners Association, Inc. on behalf of said non-profit corporation.



*Louise M. Armstrong*  
Notary Public, State of Texas

My Commission Expires: 10.29.2014

**AFTER RECORDING RETURN TO:**

Bill Flickinger  
Willatt & Flickinger  
2001 North Lamar  
Austin, Texas 78705



**SENDERO SPRINGS AT BRUSHY CREEK  
HOMEOWNERS ASSOCIATION, INC.**

**RECORDS PRODUCTION POLICY**

*ADOPTED to be effective January 1, 2012*

The following Records Production Policy has been approved by the Board of Directors:

**I. Copies of Association records will be available to all Owners upon proper request and at their own expense. A proper request:**

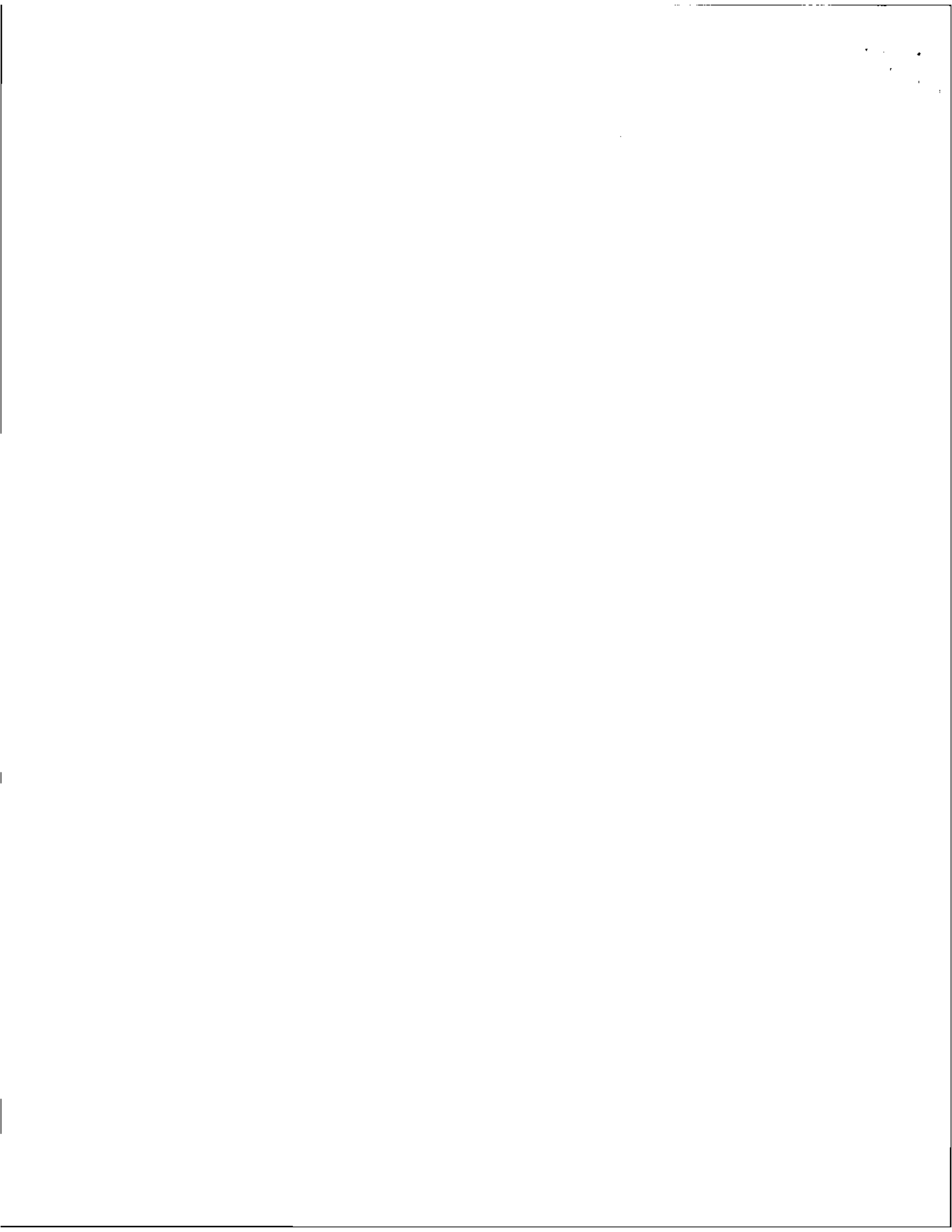
- a. is sent certified mail to the Association's address as reflected in its most recent management certificate;
- b. is from an Owner, or the Owner's agent, attorney or certified public accountant; and
- c. contains sufficient detail to identify the records being requested.

**II. Owners may request to inspect the books and records or may request copies of specific records.**

- a. If the Owner makes a request to inspect the books and records, then the Association will respond within **10 business days** 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 shall arrange for a mutually agreeable time to conduct the inspection. The Association shall provide the Owner with copies of specific documents upon the Owner paying the Association the cost thereof.
- b. If an Owner makes a request for copies of specific records, and the Association can provide the records easily or with no cost, then the Association will provide the records to the Owner within 10 business days of the Owner's request.
- c. If the Owner makes a request for copies of specific records, the Association shall send a response letter advising on the date that the records will be made available (within **15 business days**) and the cost the Owner must pay before the records will be provided. Upon paying the cost to provide the records, the Association shall provide the records to the Owner.

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

<u>COPIES</u>	10 cents per page, for a regular 8.5" x 11" page 50 cents per page, for pages 11" x 17" or greater Actual cost, for specialty paper (color, photograph, map, etc.) \$1.00 for each CD or audio cassette \$3.00 for each DVD
<u>LABOR</u>	\$15.00 per hour for actual time to locate, compile and reproduce the records (can only charge if request is greater than 50 pages in length)
<u>OVERHEAD</u>	20% of the total labor charge (can only charge if request is greater than 50 pages)



in length)

**MATERIALS** Actual costs of labels, boxes, folders, and other supplies used in producing the records, along with postage for mailing the records

- IV. The Association hereby adopts the following form of response to Owners who request to inspect the Association's Books and Records:**

***SENDERO SPRINGS AT BRUSHY CREEK HOMEOWNERS ASSOCIATION, INC.***  
**RESPONSE TO REQUEST TO INSPECT ASSOCIATION RECORDS**

\_\_\_\_\_ (date)

Dear Homeowner:

On \_\_\_\_\_, the Association received your request to inspect the books and records of the Association. The books and records of the Association 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 \_\_\_\_\_, located at \_\_\_\_\_, Austin, Texas \_\_\_\_\_.

Please contact the Association's manager at \_\_\_\_\_ (phone number) to arrange for a mutually agreeable time for you to come and inspect the books and records. 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.

Very truly yours,

Sendero Springs at Brushy Creek Homeowners Association, Inc.

- V. The Association hereby adopts the following form of response to Owners who request copies of specific records:**

***SENDERO SPRINGS AT BRUSHY CREEK HOMEOWNERS ASSOCIATION, INC.***  
**RESPONSE TO REQUEST FOR ASSOCIATION RECORDS**

\_\_\_\_\_ (date)

Dear Homeowner:

On \_\_\_\_\_, the Association received your request for copies of specific Association records. We are unable to provide you with the requested records within 10 business days of your request. However, the requested records will be available to you no later than 15 business days after the date of 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 receiving payment, the Association will mail the requested documents to you. You may also make payment and pick up the documents in person at the office of \_\_\_\_\_, located at \_\_\_\_\_, Austin, Texas \_\_\_\_\_.

Very truly yours,

Sendero Springs at Brushy Creek Homeowners Association, Inc.





- VI. If the estimated cost provided to the Owner is more or less than the actual cost of producing the documents, the Association shall, within 30 days after providing the records, submit to the Owner either an invoice for additional amounts owed or a refund of the overages paid by the Owner.**
  
- VII. Unless authorized in writing or by court order, the Association will not provide copies of any records that contain the personal information of an Owner, including restriction violations, delinquent assessments, financial information and contact information (other than an Owner's address); additionally, no privileged attorney-client communications or attorney work product documents will be provided; and no employee information (including personnel file) will be released.**
  
- VIII. With regards to the inspection of ballots, only persons who tabulate ballots under 209.00594, Texas Property Code, may be given access to the ballots cast in an election or vote.**



**SENDERO SPRINGS AT BRUSHY CREEK HOMEOWNERS ASSOCIATION, INC.**  
**RECORDS RETENTION POLICY**  
*Effective January 1, 2012*

The Association shall maintain its records as follows:

<b><u>Record</u></b>	<b><u>Retention Period</u></b>
Certificate of Formation/Articles of Incorporation, Bylaws, Declarations and all amendments to those documents	Permanent
Association tax returns and tax audits	Seven (7) years
Financial books and records	Seven (7) years
Account records of current owners	Five (5) years
Contracts with a term of more than one year	Four (4) years after contract expires
Minutes of member meetings and Board meetings	Seven (7) years



**SENDERO SPRINGS AT BRUSHY CREEK  
HOMEOWNERS ASSOCIATION, INC.  
ALTERNATE PAYMENT SCHEDULE AND PAYMENT PLAN POLICY**

The Board of Directors of the Sendero Springs at Brushy Creek Homeowners Association, Inc. hereby adopts this Alternate Payment Schedule and Payment Plan Policy ("Policy") to comply with Section 209.0062, Texas Property Code directs the Property Manager to implement the following:

1. Members are entitled to pay their delinquent assessments according to the terms of this approved Policy, as long as a Member has not failed to honor the terms of a previous payment plan during the past two (2) years;
2. The Association cannot charge late fees during the course of a payment plan, but can charge interest at the rate it is entitled to under its Governing Documents and can charge reasonable costs of administering the payment plan (the "Administrative Costs"). The Administrative Costs for the payment plan described in paragraph 3 shall not exceed \$175. The Board may adjust the actual Administrative Costs from time to time;
3. Upon request and prepayment of the Administrative Costs, all Members are automatically approved for a payment plan of three (3) months which shall include all amounts owed by the Member, shall include all amounts that will come due during the term of the payment plan, shall account for the prepaid costs of the administration of the payment plan, and each payment shall be equal. Administrative Costs shall be nonrefundable even if the Member pays in full prior to the scheduled dates for payment in the payment plan. The deadline for requesting the payment plan, for all past due accounts not already referred to the Association's attorney, shall be 30 days after the date of the final collection letter from the Property Manager. For all past due accounts currently with the Association's attorney, such deadline shall be 30 days after the date of notice of availability of the payment plan.;
4. If a Member defaults on any payment plan, the payment plan is automatically terminated and the Association is not obligated to make another payment plan with the owner for the next two (2) years;
5. All payments received pursuant to the approved payment plan shall be applied in the order required by Section 209.0063, Texas Property Code. The Association is not required to provide notice of any default under the terms of a payment plan. If a Member defaults in payment of the approved plan will be subject to further collection efforts, including possible referral to the Association's attorney.
6. To the extent this Policy conflicts with any other policy or procedure of the Association, this Policy shall prevail;

ADOPTED to be effective January 1, 2012.

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11/22/11

**FILED AND RECORDED**  
**OFFICIAL PUBLIC RECORDS 2011083682**

*Nancy E. Rister*

12/12/2011 12:12 PM

CPHELPS \$36.00

NANCY E. RISTER, COUNTY CLERK  
WILLIAMSON COUNTY, TEXAS

Williatt & Flickinger  
2001 North Lamar Blvd.  
Austin, TX 78705

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