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LAS COLINAS ASSOCIATION

RECORDS PRODUCTION AND COPYING

POLICY AND PROCEDURES

The Las Colinas Association (the "Association") shall make certain of its books and records (the "Information") available to its members (the "Members") in strict compliance with its (a) Bylaws (separately, the "Bylaws") (Art. IV, Sec. 4.3(d) and Art. VIII, Sec. 8.1) as amended; (b) Chapter 22, Subchapter H, Section 22.351 et. seq. of the Texas Business Organizations Code (separately, the "BOC") as amended; (c) Chapter 215, Section 215.0135 et. seq. of the Texas Property Code (separately, the "TPC") as amended, (together the "Bylaws," the "BOC" and the "TPC" shall be referred to collectively herein as the "Rules"); and (d) applicable law.

As prescribed by the Rules, the following policies and procedures ("Policy and Procedures") must be strictly followed by each Member in order for the Association to be obligated to provide the Information:

A. Written Request

1. A Member or such Member's authorized representative (i.e.: a person designated in a written directive by the Member or the Member's agent, attorney or certified public accountant) must submit a written request (the "Request") for access to the Information by certified mail addressed to the Association or its authorized representative as reflected in the Association's most current management certificate filed of record in the Real Property records of Dallas County, Texas.
2. The Request must:
 - (a) describe in sufficient detail the Information requested;
 - (b) set forth the Member's election to either inspect the Information before obtaining copies or have the Association produce copies of the requested Information;
 - (c) specifically state a proper purpose for the Information and such Request must be relevant to that purpose;
 - (d) set forth the Member's agreement to keep such Information confidential; and
 - (e) include such other matters which are required by the Rules, as amended from time to time.

Such Information will be produced to Members in good standing in hard copy, electronic or such other format reasonably available to the Association, as provided in the Rules.

B. Timing

1. If an inspection is requested or required, the inspection shall take place at a mutually agreed upon time and place during the normal business hours of the Association. Upon the receipt of the Request for inspection, the Association shall, on or before the tenth (10th) business day after the date the Association actually receives the Request, send written notice of such dates, upon which, and the business hours, during which, the Member may inspect the Information.
2. If copies of specifically identified Information are requested, the Association shall (except as provided in the following paragraph) produce the Information on or before the tenth (10th) business day after the date the Association actually receives the Request. The produced Information will be made available to the Member to retrieve at the Association's offices or will be delivered to an address specified by the Member, at the Member's cost and expense.
3. If the Association is unable to produce the requested Information, as provided above, the Association will inform the requesting Member of the specific reasons for that inability on or before the tenth (10th) business day after the date the Association actually received the Request. If the Association can produce the requested Information, but not within the specified ten (10) days, the Association will notify the requesting Member of the date by which the Information will be sent, or made available for inspection, to the requesting Member, which may not be later than the fifteenth (15th) day after the date notice was given.
4. Pursuant to the Rules, only such Information that is in the actual physical possession, custody and control of the Association will be subject to production or inspection.

C. Costs

The Member shall pay the reasonable costs and expenses ("Costs") incurred by the Association in connection with the production and reproduction of the Information which shall include, but not be limited to, the reasonable costs of materials, labor and overhead which shall not exceed costs and expenses that would be chargeable or reimbursable under Texas Administrative Code, Section 70.3, as amended from time to time.

The Association may require advance payment of the estimated Costs. If the actual Costs are greater than the estimated Costs, the Association shall submit a final invoice to the Member on or before the thirtieth (30th) business day after the Information is delivered to the Member. If such additional Costs are not paid to the Association within thirty (30) business days after the date the invoice is delivered to the Member, the additional Costs may be added to the Member's account as an assessment. If the actual Cost is less than the estimated total Cost, the Association shall issue a refund to the Member not later than the 30th business day after the date the Information is delivered to the Member.

D. Exclusions

Notwithstanding anything contained herein to the contrary, the Association is not required


to release, and shall not disclose or produce or allow inspection of, any Information that:

1. identifies the dedicatory instrument violation history on any Member;
2. specifies any Member's personal financial Information (including, without limitation, records of payment or non-payment of amounts due the Association);
3. specifies any Member's contact or personal Information (other than the Member's property address) including, without limitation, telephone number, email address, website, or other Information that the Member notifies the Association in writing that it does not authorize, allow or prefer be disclosed;
4. relates to an employee, officer, director or vendor of the Association, including, without limitation, personnel files;
5. any Information included in the individual Member's respective property files maintained by the Association;
6. attorney's files and records relating to the Association, excluding invoices;
7. any Information to which a Member objects to releasing or has not granted approval for releasing; and
8. in the reasonable opinion of the Association is, or could be defined by applicable law or Rules, as confidential or privileged.

To the extent these Policies and Procedures conflict with any Rule or applicable law, such Rule or applicable law shall control.

These Policies and Procedures (a) are subject to the amendment or modification at any time, from time to time, for any or no reason, in the sole, yet reasonable discretion of the Board of Directors of the Association, (b) are recorded as a dedicatory instrument in compliance with the Rules concerning the real and other properties more particularly described in that certain - Declaration Las Colinas Area I, Dallas, County, Texas (the "Original Declaration"), filed of record in volume 73166, Page 1001, of the Deed Records of Dallas County, Texas, as corrected by that certain Correction to Declaration (the "First Correction") filed of record in volume 77154, Page 1096, of the Deed Records of Dallas County, Texas, as further corrected by that certain Second Correction to Declaration (the "Second Correction") filed of record in volume 79122, Page 0749, of the Deed Records of Dallas County, Texas, and as further corrected by that certain Third Correction to Declaration (the "Third Correction" together with the Original Declaration, the First Correction and the Second Correction, collectively herein the "Declaration") filed of record in Volume 82071, Page 3244, of the Deed Records of Dallas County, Texas, together with all real and other properties more particularly described in any supplementary declaration or amendment to the Declaration , and (c) were reviewed, approved and adopted by the Board of Directors of the Association at the specially called meeting of the Board of Directors on October 16, 2014.

I certify the adoption of these Policies and Procedures this 15th day of October, 2014.

By: 
Ethan R. Bidne, President

This instrument was acknowledged before me on the 15th day of October, 2014, by Ethan R. Bidne, President of The Las Colinas Association, a Texas nonprofit corporation.




Notary Public, State of Texas

My Commission Expires:

11-17-2017

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
10/15/2014 04:01:13 PM
\$38.00





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