

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS LICENSE NUMBER.**

**OPEN RECORDS  
PRODUCTION & COPYING POLICY**

**SUBDIVISION: DESERT SPRINGS UNIT 5** Subdivision, as described on Exhibit "A" hereto.

**ASSOCIATION: ENCORE EL PASO HOMEOWNERS ASSOCIATION, INC.**

The purpose of this Policy is to comply with the requirement of Texas Property Code Section 209.005(i) enacted by the 82nd Texas Legislature as House Bill 2761, effective Jan. 1, 2012.

Authority. If an Open Records request is made to the Association, the Association may charge the requestor all reasonable costs of materials, labor, and overhead for compiling, producing, and reproducing the requested information.

Charges. The rates which the Association may charge an owner are the same as the maximum permitted rates published in Section 70.3 of the Texas Administrative Code ("T.A.C."), (Title 1, Part 3, Chapter 70). The charges shown on Exhibit "B" hereto are some of the T.A.C. rates in effect on the date this Policy is adopted and will be deemed to change automatically with changes in the State's maximum permitted rates for Public Information requests.

Savings Clause. Notwithstanding anything to the contrary in any writing or communication made by the Association, the Association will not in any event be entitled to receive or collect Open Records charges from an owner in amounts greater than the maximum amounts permitted by applicable law. If from any circumstances whatsoever the Association charges or receives an amount in excess of the maximum charges permitted by law, the excess amount will be reimbursed to the owner.

Waiver. The Association may reduce or waive some or all of the charges addressed by this Policy on a request-by-request basis, without waiving the right to charge such fees on future requests.

Payment. The Association may require advance payment of the estimated charges addressed by this Policy. Within 30 business days after delivering the requested information, the Association will provide the owner with an invoice of the actual costs. If the actual costs are less than the prepaid estimated charges, the Association will refund the difference to the owner within 30 business days after sending the invoice. If the actual costs are greater than the prepaid estimated charges, the difference is due and payable to the Association by the owner within 30 business days after the invoice is sent to the owner, after which time the Association may add the unpaid amount to the owner's assessment account.

By signing below, the undersigned certifies that the Board of Directors of **ENCORE EL PASO HOMEOWNERS ASSOCIATION, INC.** adopted this Policy to ensure that the Association complies with requirements of State Law, and that the Board of Directors instructed the undersigned to execute this Policy and effect its recording on behalf of the Association.

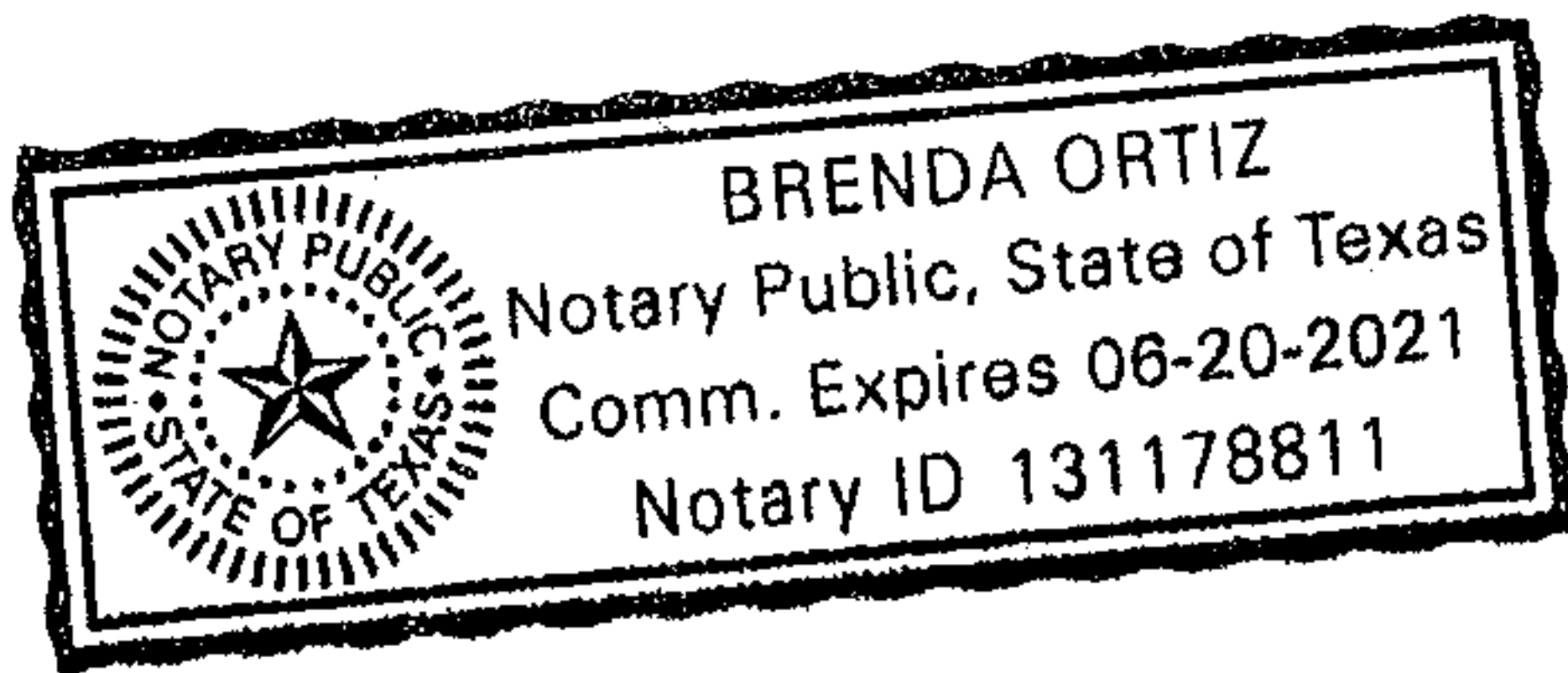
**ENCORE EL PASO HOMEOWNERS ASSOCIATION, INC.**, a Texas property owners association

By: **DANA Properties, Inc.**, its managing agent

By:   
\_\_\_\_\_  
**SHELDON WHEELER, President**

STATE OF TEXAS           §  
  §  
COUNTY OF EL PASO   §

This instrument was acknowledged before me on this 24<sup>th</sup> day of October, 2019 by **SHELDON WHEELER, President of DANA Properties, Inc.**, managing agent of **ENCORE EL PASO HOMEOWNERS ASSOCIATION, INC.**, on behalf of the association.




  
\_\_\_\_\_  
Notary Public, State of Texas

EXHIBIT "A"  
TO HOA OPEN RECORDS PRODUCTION & COPYING POLICY

DESCRIPTION OF SUBDIVISION

**PARCEL 1:** Lots 1 through 11, Block 19; Lots 1 through 25, Block 20; Lots 1 through 21, Block 21; and Lots 1 through 32, Block 22, DESERT SPRINGS UNIT FOUR, an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof recorded in Clerk's File No. 20160014584, Real Property Records of El Paso County, Texas.

**PARCEL 2:** A 9.92 acre portion, more or less, out of NELLIE D. MUNDY SURVEY 244, City of El Paso, El Paso County, Texas, according to a resurvey made for tax purposes.

**PARCEL 3:** A 23.98 acre portion, more or less, out of NELLIE D. MUNDY SURVEY 244, City of El Paso, El Paso County, Texas, according to a resurvey made for tax purposes.

EXHIBIT "B"  
TO HOA OPEN RECORDS PRODUCTION & COPYING POLICY

PRESCRIBED COSTS TO OWNER

**Copy Charges:**

Electronic image transmitted by email - no copy charge  
Electronic image downloaded to USB drive - actual cost of drive  
Standard paper copy or scan (letter or legal size) - \$0.10 per page (double sided is 2 pages)  
Oversize paper copy or scan (such as 11x17) - \$0.50 per page  
Diskette or CD - \$1.00  
DVD - \$3.00

**Labor Charge:**

No labor charge if the request is for 50 or fewer pages of information, unless the records must be retrieved from a storage facility that is remote from the processor's office.

\$15.00 per hour, in 1/4 hour increments, for actual time to locate, compile, manipulate data, reproduce information, and (if necessary) redact confidential information, for requests of more than 50 pages and for records in remote storage.

No labor charge for time spent to review the requested information to determine if the information qualifies for an exemption from Open Records

**Overhead Charge:**

No overhead charge if the request is for 50 or fewer pages of information. Otherwise, the overhead charge is 20 percent of the labor charge.

**Remote Document Retrieval Charge:**

If the requested information is stored with a commercial records storage company that charges a fee to deliver and return stored records, the Association may seek reimbursement of the third-party fee from the owner if the request otherwise qualifies for a labor charge.

**Other Charges:**

Actual postage and shipping charges if necessary to transmit the reproduced information to the owner.

Actual cost of miscellaneous supplies, such as boxes, if used to produce the requested information.

If the Association accepts payment by credit card, the Association may recoup the amount of any actual transaction fee charged by the credit card company for the privilege.

**No sales tax.**

Doc # 20190082092  
#Pages 4 #NFPages 1  
10/24/2019 03:42 PM  
Filed & Recorded in  
Official Records of  
El Paso County  
Delia Briones  
County Clerk  
Fees \$38.00

eRecorded

I hereby certify that this instrument was filed on the date and time stamped  
heron by me and was duly recorded by document number in the Official  
Public Records of real Property in El Paso County.



*Delia Briones*

EL PASO COUNTY, TEXAS