

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY 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.**

HOA OPEN RECORDS  
PRODUCTION & COPYING POLICY

**SUBDIVISION:** Villa Espanola, as described on Exhibit "A" hereto.

**ASSOCIATION:** Villa Espanola II 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,



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

DESCRIPTION OF SUBDIVISION

Being all of the real property that is subject to the Declaration of Covenants, Conditions and Restrictions, Easements, Charges and Liens on and for Villa Espanola Unit II, recorded under Clerk's File No. 20070044632, Real Property Records, El Paso County, Texas, including the property platted as follows:

Villa Espanola Unit II, a subdivision in El Paso County, Texas, according to the plat on file in the Plat Records of El Paso County, Texas.

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 OpenRecords

**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 laborcharge.

**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.**

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Filed & Recorded in  
Official Records of  
El Paso County  
Della Briones  
County Clerk  
Fees \$28.00

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



EL PASO COUNTY, TEXAS

*Della Briones*