



Laura Richard
Laura Richard, County Clerk
Fort Bend County Texas
Pages: 13 Fee: \$ 64.00



ACCESS, PRODUCTION, AND COPYING POLICY

**Sienna Property Owners Association
Sienna Residential Association
Sienna Community Services Foundation
Sienna Business Association
Sienna Community Association
Sienna Townhome Association**

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This Access, Production, and Copying Policy (“**Policy**”) replaces in its entirety that (i) Access, Production and Copying Policy for Sienna Plantation Property Owners Association, Inc. recorded under Clerk’s File Number 2017068343 in the Official Public Records of Fort Bend County, Texas, (ii) Access, Production and Copying Policy for Sienna Plantation Residential Association, Inc. recorded under Clerk’s File Number 2017068347 in the Official Public Records of Fort Bend County, Texas, (iii) Sienna Plantation Business Association, Inc. Access, Production and Copying Policy recorded under Clerk’s File Number 2017068347 in the Official Public Records of Fort Bend County, Texas, (iv) Amended and Restated Record Access, Production and Copying Policy (Sienna Plantation Community Association, Inc.) recorded under Clerk’s File Number 2019043419 in the Official Public Records of Fort Bend County, Texas, and (v) Records Production and Copying Policy of Sienna Townhome Association recorded under Clerk’s File Number 2017068343 in the Official Public Records of Fort Bend County, Texas.

I. PURPOSE

The purpose of this Policy is to prescribe (i) accessibility to books and records of the Associations (defined below) and (ii) the costs that each Association will charge for the compilation, production, and reproduction of information requested by its members. Each Board of Directors has determined that it is in the best interest of its respective Association to establish this Policy concerning the production and copying of information, books, and records of the Association.

II. APPLICABILITY AND AUTHORITY

This Policy pertains to the following entities and encumbers that property restricted by the SPOA Declaration, the SRA Declaration, SBA Covenant, SCA Covenant, and the Townhome Declaration:

1. Sienna Plantation Property Owners Association, Inc., sometimes doing business as Sienna Property Owners Association (“**SPOA**”), as referenced in the First Amended and Restated Declaration of Covenants, Conditions and Restrictions for Sienna (Sienna Property Owners Association, Inc.) recorded under Clerk’s File No. 2021210038 in the Official Public Records of Fort Bend County, Texas (“**SPOA Declaration**”), as same has been or may be amended from time to time, and any other property which has been or may be subsequently annexed thereto and made subject to the authority of SPOA.
2. Sienna Plantation Residential Association, Inc., sometimes doing business as Sienna Residential Association (“**SRA**”) as referenced in the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for Sienna Plantation (Sienna Plantation Residential Association, Inc.) recorded under Clerk’s File No. 2012104699 in the Official Public Records of Fort Bend County, Texas (“**SRA Declaration**”), as same has been or may be amended from time to time, and any other property which has been or may be subsequently annexed thereto and made subject to the authority of SRA.
3. Sienna Plantation Community Services Foundation, Inc., sometimes doing business as Sienna Community Services Foundation (“**SCSF**”).
4. Sienna Plantation Business Association, Inc., sometimes doing business as Sienna Business Association (“**SBA**”) as referenced in the Sienna Plantation Commercial Amended and Restated Master Covenant (Sienna Plantation Business Association, Inc.), filed under Clerk’s File No. 2016024161 in the Official Public Records of Fort Bend County, Texas (“**SBA Covenant**”), as same has been or may be amended from time to time and any other property which has been or may be subsequently annexed thereto and made subject to the authority of SBA.
5. Sienna Plantation Community Association, Inc., sometimes doing business as Sienna Community Association (“**SCA**”) as referenced in the Sienna Plantation Amended and Restated Master Covenant (Sienna Plantation Community Association, Inc.), filed under Clerk’s File No. 2019035843 in the Official Public Records of Fort Bend County, Texas (“**SCA Covenant**”), as same has been or may be amended from time to time and any other property which has been or may be subsequently annexed thereto and made subject to the authority of SCA.
6. Sienna Townhome Association (“**STHA**”), as referenced in the Supplemental Declaration of Covenants, Conditions, and Restrictions for Sienna Townhomes, recorded under Clerk’s File No. 2019060447 in the Official Public Records of Fort Bend County, Texas (“**Townhome Declaration**”), as same has been or may be amended from time to time, and any other

property which has been or may be subsequently annexed thereto and made subject to the authority of STHA.

Any reference in this Policy to “**Board**”, “**Boards**”, “**Association**” or “**Associations**” applies to all of the above-mentioned entities. Any reference in this Policy to “**Owner**” has the corresponding meaning ascribed to that term in the SPOA Declaration, the SRA Declaration, SBA Covenant, SCA Covenant, or the Townhome Declaration, as applicable

Each Board is authorized by its respective dedicatory instruments to adopt policies pertaining to the governance of the Association that it serves. Although SCSF has no members, the SCSF Board has opted to allow SRA Members in Good Standing (as defined in the SRA Declaration) to access the books and records of SCSF pursuant to the provisions set forth in this Policy.

Invalidation of any one or more of the covenants, restrictions, conditions, or provisions contained in this Policy shall in no way affect any of the other covenants, restrictions, conditions, or provisions which shall remain in full force and effect.

III. ACCESS, PRODUCTION, AND COPYING POLICY

1. Access

The books and records of the Association, including financial records, must be open to and reasonably available for examination by an Owner, or a person designated in writing signed by the Owner as the Owner’s agent, attorney, or certified public accountant. An Owner is entitled to obtain from the Association copies of information contained in the books and records. An Owner, or the Owner’s authorized representative, must submit a written request for access or information by certified mail, with sufficient detail describing the books and records requested, to the mailing address of the Association as reflected on the Association’s most current management certificate. The request must contain an election either to inspect the books and records before obtaining copies or to have the Association forward copies of the requested books and records.

An attorney’s files and records relating to the Association, excluding invoices requested by an Owner under Section 209.008(d) of the Texas Property Code, are not records of the Association and are not subject to inspection by the Owner or to production in a legal proceeding. If a document in an attorney’s files and records relating to the Association would be responsive to a legally authorized request to inspect or copy Association documents, the document must be produced by using the copy from the attorney’s files and records if the Association has not maintained a separate copy of the document. Any document that constitutes attorney work product or that is privileged as an attorney-client privileged communication is not required to be produced.

The Association is not required to release or to allow inspection of any books or records that identify (a) the dedicatory instrument violation history of an Owner, (b) an Owner’s personal financial information, including records of payment or nonpayment of amounts due the Association, (c) an Owner’s contact information other than the Owner’s address, or (d) information related to an employee of the Association, including personnel files. These records may be made available only (i) with the express written approval of the Owner whose records are the subject of

the request or (ii) if a court of competent jurisdiction orders the release of the records. Information may be released in an aggregate or summary manner that would not identify an individual Owner.

If inspection is requested, the Association, on or before the tenth (10th) business day after the date the Association receives the request, must send written notice of dates that the Owner may inspect the requested records to the extent the records are in the possession or control of the Association. The inspection will take place at a mutually agreed upon time during normal business hours.

If copies are requested, the Association must produce the requested records for the Owner on or before the tenth (10th) business day after the date the Association receives the request except as otherwise provided in this Policy. The Association may produce the requested records in hard copy, electronic, or other format reasonably available to the Association.

If the Association is unable to produce the records on or before the tenth (10th) business day after the date the Association receives the request, the Association must give the Owner notice that it is unable to produce the records within ten (10) business days and state a date by which the information will be sent or made available for inspection, on a date not more than fifteen (15) business days after the date the notice is given.

Notwithstanding anything contained in this Policy to the contrary, all records must be produced subject to the terms of this Policy as set out below. The Association may require advance payment of estimated costs per its adopted policy.

2. Custodian of Records

The Secretary of the Board or other person designated by the Board, is the designated Custodian of the Records of Association. As such, the Secretary of the Board or other person designated by the Board, as applicable, is responsible for overseeing compliance with this Policy. Any questions regarding this Policy must be directed to the Custodian of the Records of the Association.

3. Procedures for Responding to Requests for Information

All requests for information must comply with the requirements set forth above. The dated and signed, written request must state the specific information being requested.

Requests for information will **NOT** be approved when the information (1) regards pending legal issues, unless specifically required by law; (2) regards personnel matters such as individual salaries; (3) regards other members; or (4) is privileged or confidential.

4. Cost of Compiling Information and Making Copies of Records

The costs of compiling information and making copies may not exceed those set forth in 1 TAC §70.3. The following fee schedules and explanations comply with this code section.

The following are the costs of materials, labor, and overhead which will be charged to the Owner requesting. The Association may require advance payment of the estimated costs of compilation, production, and reproduction of the requested information. If the estimated costs are

lesser or greater than the actual costs, the Association must submit a final invoice to the Owner on or before the thirtieth (30th) business day after the date the information is delivered. If the final invoice includes additional amounts due from the Owner, the additional amounts, if not reimbursed to the Association before the thirtieth (30th) business day after the date the invoice is sent to the Owner, may be added to the Owner's account as an Assessment. If the estimated costs exceeded the final invoice amount, the Owner is entitled to a refund, and the refund must be issued to the Owner not later than the thirtieth (30th) business day after the date the invoice is sent to the Owner.

4.1 Copy Charge:

(1) Standard paper copy: The charge for paper copies reproduced by means of an office machine copier or a computer printer is \$0.10 per page or part of a page. Each side that has recorded information is considered a page.

(2) Nonstandard copy: These charges cover materials onto which information is copied and do not reflect any additional charges, including labor, that may be associated with a particular request. The charges for nonstandard copies are:

- (A) Diskette – \$1.00
- (B) Magnetic tape – actual cost
- (C) Data cartridge – actual cost
- (D) Tape cartridge – actual cost
- (E) Rewritable and non-rewritable CD – \$1.00
- (F) Digital video disc – \$3.00
- (G) JAZ drive – actual cost
- (H) Other electronic media – actual cost
- (I) VHS video cassette – \$2.50
- (J) Audio cassette – \$1.00

(3) Oversize paper copy (e.g. 11 x 17, green bar, blue bar, not including maps and photographs using specialty paper): \$0.50

(4) Specialty paper (e.g. Mylar, blueprint, blueline, map, or photographic): actual cost

4.2 Labor Charge:

For locating, compiling, manipulating data, and reproducing public information, the following charges apply:

(1) Labor charge – \$15.00/hour. This charge includes the actual time to locate, compile, manipulate data, and reproduce the requested information.

(2) When confidential information is mixed with public information on the same page, a labor charge may be recovered for time spent by an attorney, legal assistant, or any other person who reviews the requested information to redact, blackout, or otherwise obscure confidential information in order to release the public information.

(3) No labor charge may be billed for requests that are fifty (50) or fewer pages of paper records, unless the documents to be copied are located in:

(A) Two (2) or more separate buildings that are not physically connected with each other; or

(B) A remote storage facility.

4.3 Overhead Charge:

Whenever a labor charge is applicable to a request, the Association may include in the charges direct and indirect charges, in addition to the specific labor charge. This overhead charge covers such costs as depreciation of capital assets, rent, maintenance and repair, utilities, and administrative overhead. If the Association chooses to recover such costs, the charge will be made in accordance with the methodology described hereafter:

(1) The overhead charge may not be made for requests for copies of fifty (50) or fewer pages of standard paper records unless the request also qualifies for a labor charge;

(2) The overhead charge is computed at twenty percent (20%) of the charge made to cover any labor costs associated with a particular request.

4.4 Miscellaneous Supplies:

The actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information, may be added to the total charge. Related postal or shipping expenses which are necessary to transmit the reproduced information may be added to the total charge. If payment by credit card is accepted and a transaction fee is charged by the credit card company, that fee may be added to the total charge.

5. Denial of Requested Information

If it is decided that a request for information is inappropriate or unapproved, the Board, or its designee, will notify the requesting member of that decision and the reason for it in a timely manner. The Board, or its designee, will inform the Owner, in writing of their right to appeal to the Board.

[SIGNATURE PAGES FOLLOW]

**CERTIFICATION
SIENNA PROPERTY OWNERS ASSOCIATION**

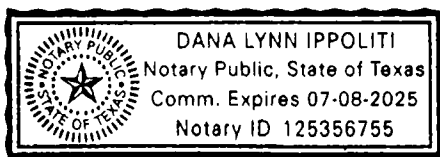
I hereby certify, as Secretary of Sienna Plantation Property Owners Association, Inc., the foregoing Access, Production, and Copying Policy was approved on the 1st day of February, 2022, at a meeting of the Board of Directors at which a quorum was present.

By: *Derek Goff*
Print Name: Derek Goff
Title: Secretary

STATE OF TEXAS §
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COUNTY OF FORT BEND §

BEFORE ME, the undersigned authority, on this day personally appeared Derek Goff, the Secretary of the Sienna Plantation Property Owners Association, Inc. known by me to be the person whose name is subscribed to this instrument and acknowledged to me that s/he executed the same for the purposes and consideration therein expressed, and in the capacity therein expressed.

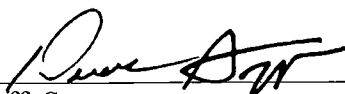
Given under my hand and seal of office, this the 1st day of February 2022.



Dana Ippoliti
Notary Public – State of Texas

**CERTIFICATION
SIENNA RESIDENTIAL ASSOCIATION**

I hereby certify that, as Secretary of the Sienna Plantation Residential Association, Inc., the foregoing Access, Production, and Copying Policy was approved on the 1st day of February, 2022, at a meeting of the Board of Directors at which a quorum was present.

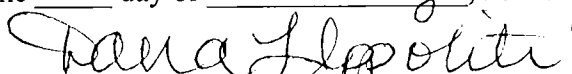


Derek Goff, Secretary

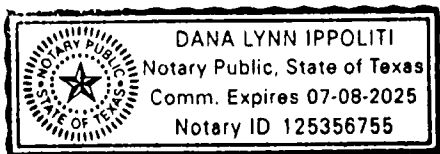
STATE OF TEXAS §
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COUNTY OF FORT BEND §

BEFORE ME, on this day personally appeared Derek Goff, Secretary of the Sienna Plantation Residential Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed the same for the purposes herein expressed, in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 1st day of February, 2022.



Notary Public – State of Texas



**CERTIFICATION
SIENNA COMMUNITY SERVICES FOUNDATION**

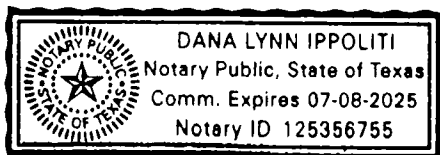
I hereby certify that, as Secretary of the Sienna Plantation Community Services Foundation, Inc., the foregoing Access, Production, and Copying Policy was approved on the 26th day of January, 2022, at a meeting of the Board of Directors at which a quorum was present.

By: Teri Clayton
Print Name: Teri Clayton
Title: Secretary

STATE OF TEXAS §
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COUNTY OF FORT BEND §

BEFORE ME, on this day personally appeared Teri Clayton the Secretary of the Sienna Plantation Community Services Foundation, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed, in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 26th day of January, 2022.



Dana Ippoliti
Notary Public – State of Texas

**CERTIFICATION
SIENNA BUSINESS ASSOCIATION/TOLL-GTIS PROPERTY OWNER, LLC**

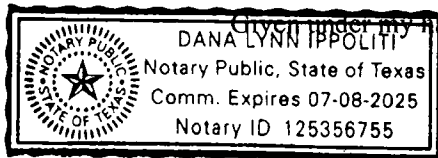
I hereby certify that, as President of the Sienna Plantation Business Association, Inc., the foregoing Access, Production, and Copying Policy was approved on the 2nd day of February, 2022, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 2nd day of February, 2022.

By: _____
Print Name: Jimmie F. Jenkins
Title: President

STATE OF TEXAS §
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COUNTY OF FORT BEND §

BEFORE ME, on this day personally appeared Jimmie F. Jenkins the President of Sienna Plantation Business Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed, in the capacity herein stated, and as the act and deed of said corporation.



GIVEN UNDER MY HAND AND SEAL THIS THE 2nd DAY OF February, 2022.

Dana Ippoliti
Notary Public - State of Texas

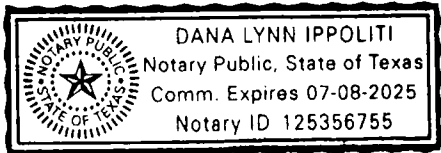
APPROVED, this the 2nd day of February, 2022.

TOLL-GTIS PROPERTY OWNER, LLC, a Texas limited liability company

By: _____
Printed Name: Jimmie F. Jenkins
Title: Authorized Representative

THE STATE OF TEXAS §
COUNTY OF Fort Bend §

This instrument was acknowledged before me this 2nd day of February 2022, by Jimmie F. Jenkins, Authorized Rep. of Toll-GTIS Property Owner, LLC, a Texas limited liability company, on behalf of said company.



Dana Ippoliti
Notary Public - State of Texas

CERTIFICATION

SIENNA COMMUNITY ASSOCIATION/TOLL-GTIS PROPERTY OWNER, LLC

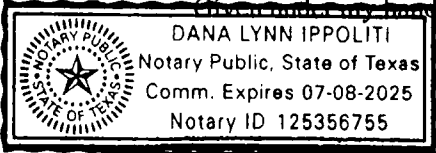
I hereby certify that, as President of the Sienna Plantation Community Association, Inc., the foregoing Access, Production, and Copying Policy was approved on the 2nd day of February, 2022, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 2nd day of February, 2022.

By: _____
 Print Name: Jimmie F. Jenkins
 Title: President

STATE OF TEXAS §
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 COUNTY OF FORT BEND §

BEFORE ME, on this day personally appeared Jimmie F. Jenkins the President of Sienna Plantation Community Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed, in the capacity herein stated, and as the act and deed of said corporation.

and seal this the 2nd day of February, 2022.
 _____
Dana Ippoliti
 Notary Public – State of Texas

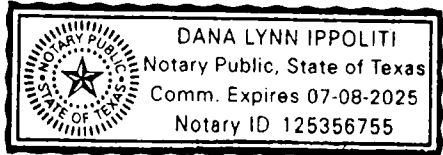
APPROVED, this the 2nd day of February, 2022.

TOLL-GTIS PROPERTY OWNER, LLC, a Texas limited liability company

By: _____
 Printed Name: Jimmie F. Jenkins
 Title: Authorized Representative

THE STATE OF TEXAS
 COUNTY OF Fort Bend §

This instrument was acknowledged before me this 2nd day of February, 2022, by Jimmie F. Jenkins, Authorized Rep. of Toll-GTIS Property Owner, LLC, a Texas limited liability company, on behalf of said company.

 _____
Dana Ippoliti
 Notary Public – State of Texas

**CERTIFICATION
SIENNA TOWNHOME ASSOCIATION**

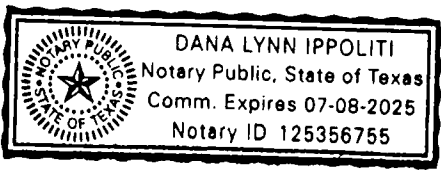
I hereby certify that, as Secretary of the Sienna Townhome Association, the foregoing Access, Production, and Copying Policy was approved on the 2nd day of February, 2022, at a meeting of the Board of Directors at which a quorum was present.

By: [Signature]
Print Name: J. Barreda
Title: Secretary

STATE OF TEXAS §
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COUNTY OF FORT BEND §

BEFORE ME, on this day personally appeared John Barreda the Secretary of the Sienna Townhome Association, known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed, in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 2nd day of February, 2022.



[Signature]
Notary Public – State of Texas

After Recording, Return To:
Dana Ippoliti
Sienna Plantation Residential Association, Inc.
9600 Scanlan Trace
Missouri City, TX 77459