

Newpoint Estates Homeowners Association  
DOCUMENT RETENTION POLICY

STATE OF TEXAS

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF FORT BEND

WHEREAS, the Newpoint Estates Homeowners (“Association”) is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declaration for the various sections of the community (referred to collectively as “Declarations”); and

WHEREAS, chapter 209 of the Texas Property Code was amended effective January 1, 2012, to add Section 209.005(m) (“Section 209.005”) thereto regarding retention of Association documents and records (“Documents”); and

WHEREAS, the Board of Directors of the Association (“Board”) desires to establish a policy for document retention consistent with Section 209.005 and to provide clear and definitive guidance to owners.

NOW, THEREFORE, the Board has duly adopted the following *Document Retention Policy*.

1. Association Documents may be maintained in paper format or in an electronic format that can be readily transferred to paper.
2. Association Documents shall be retained for the durations listed below:
  - a. Certificate of formation or articles of incorporation, bylaws, restrictive covenants, other dedicatory instruments and any amendments to same shall be retained permanently; and
  - b. Financial books and records, including annual budgets, reserve studies, monthly financial statements and bank statements, shall be retained for seven (7) years (for example the July 2011 financial statements shall be retained until July 31, 2018); and
  - c. Account records of current owners shall be retained for five (5) years (for example, invoice, payment and adjustment records on an owner’s account with a transaction date of 08/15/2011 will be retained until 08/15/2016 subject to section (d) below); and
  - d. Account records of former owners shall be retained as a courtesy to that former owner for one (1) year after they no longer have an ownership interest in the property; and

- e. Contracts with a term of one year or more shall be retained for four (4) years after the expiration of the contract term (for example, a contract expiring on 06/30/2011 and not extended by amendment must be retained until 06/30/2015); and
  - f. Minutes of meetings of the owners and the Board shall be retained for seven (7) years after the date of the meeting (for example, minutes from a 07/20/2011 board meeting must be retained until 07/20/2018); and
  - g. Tax returns and CPA audit records shall be retained for seven (7) years after the last date of the return or audit year (for example, a tax return for the calendar year 2011 shall be retained until 12/31/2018); and
  - h. Decisions of the Newpoint Estates Homeowners Association Architectural Control Committee or Board regarding applications, variances, waivers or related matters associated with individual properties shall be retained for seven (7) years from the decision date (for example, an application for a swimming pool approved on 10/31/2011 must be retained until 10/31/2018).
3. Any Documents not described above may be retained for the duration deemed to be useful to the purpose of the Association, in the discretion of the Board, its attorney or its managing agent.
  4. Upon expiration of the retention period listed above, the Documents shall no longer be considered Association records and may be destroyed, discarded, deleted, purged or otherwise eliminated.

This Policy is effective upon recordation in the Public Records of Fort Bend County, and supersedes any policy regarding document retention that may have previously been in effect. Except as affected by Section 209.005 and/or by this Policy, all other provisions contained in the Declaration or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on the 4<sup>th</sup> day of June 2012.

---

Clint D. Summers  
Treasurer  
Newpoint Estates Homeowners Association

STATE OF TEXAS

COUNTY OF FORT BEND

BEFORE ME, the undersigned authority, on this day personally appeared Clint D. Summers of Newpoint Estates Homeowners Association known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed, in the capacity therein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on the

\_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Notary Public in and for the State of Texas