

**The Dominion at Panther Creek Homeowners Association, Inc.  
3102 Oak Lawn, Suite 202  
Dallas, TX 75219**

**Alternative Payment Schedule Guidelines for Certain Assessments**

**WHEREAS, The Dominion at Panther Creek Homeowners Association, Inc. (the "Association") is an addition in Collin County, Texas. The final plats were recorded in the Real Property Records of Collin County, Texas as; Document No. 2003-0246850, Page 389 on December 29, 2003. Lots in The Dominion at Panther Creek are subject to the Declaration of Covenants, Conditions & Restrictions for The Dominion at Panther Creek Homeowners Association, recorded on November 17, 200 as Document Number 2003-0226710 in the Real Property Records, Collin County, Texas. The Association wishes to adopt reasonable guidelines to establish an alternative payment schedule by which an owner may make partial payments to the Association for delinquent regular or special assessments or any other amount owed to the Association; and**

**WHEREAS, the Board wishes to update and adopt these reasonable guidelines to be in compliance with Section 209.0062 of the Texas Property Code; and**

**WHEREAS, the Board intends to file these guidelines in the real property records of each county in which the subdivision is located, in compliance with Section 209.0062 of the Texas Property Code; and**

**NOW, THEREFORE, IT IS RESOLVED that the attached guidelines have been established by the Board and are to be recorded with the Real Property Records.**

The Dominion at Panther Creek Homeowners Association, Inc.  
3102 Oak Lawn, Suite 202  
Dallas, TX 75219

**Alternative Payment Schedule Guidelines for Certain Assessments**

**WHEREAS**, the Board of Directors (the “Board”) of The Dominion at Panther Creek Homeowners Association, Inc. (the “Association”) wishes to adopt reasonable guidelines to establish an alternative payment schedule by which an owner may make partial payments to the Association for delinquent regular or special assessments or any other amount owed to the Association; and

**WHEREAS**, the Board wishes to adopt these reasonable guidelines in compliance with Section 209.0062 of the Texas Property Code; and

**WHEREAS**, the Board intends to file these guidelines in the real property records of each county in which the subdivision is located, in compliance with Section 209.0062 of the Texas Property Code; and

**NOW, THEREFORE, IT IS RESOLVED** that the following guidelines are established by the Board:

1. Upon the request of a delinquent owner, the Association shall enter into an alternative payment schedule with such owner, subject to the following guidelines:
  - a. An Alternative Payment Schedule is only available to owners who have delinquent regular assessments, special assessments or any other amount owed to the association.
  - b. An Alternative Payment Schedule will not be made available, except in the sole discretion of the Board, to owners who have failed to honor the terms of a previous Alternative Payment Schedule during the two years following the owner’s default of such Alternative Payment Schedule.
  - c. During the course of an Alternative Payment Schedule, additional monetary penalties, other than reasonable costs associated with administering the Alternative Payment Schedule and interest, shall not be charged against an owner.
  - d. The minimum term for an Alternative Payment Schedule is three months from the date of the owner’s request for an Alternative Payment Schedule. The maximum term for an Alternative Payment Schedule is eighteen months from the date of the owner’s request for an Alternative Payment Schedule.
  - e. All other terms of an Alternative Payment Schedule are at the discretion of the Board of Directors.

This is to certify that the foregoing Alternative Payment Schedule Guidelines for Certain Assessments was adopted by the Board of Directors, in accordance with Section 209.0062 of the Texas Property Code.

Rudy Rogmans  
Name: Rudy Rogmans  
Title: Treasurer  
Date: 10/27/11

STATE OF TEXAS

§  
§  
§

COUNTY OF Dallas

This instrument was acknowledged before me on the 27 day of October 20 11, by RUDY ROGMAN, TREASURER of The Dominion at Panther Creek Homeowners Association, INC. a Texas non-profit corporation, on behalf of said corporation.

Helen M Palko  
Notary Public, State of Texas



AFTER RECORDING RETURN TO:

*Premier Communities*  
3102 Oak Lawn Avenue, Suite 202  
Dallas, Texas 75219

**The Dominion at Panther Creek Homeowners Association, Inc.  
3102 Oak Lawn, Suite 202  
Dallas, TX 75219**

**Collection Policy**

**WHEREAS, The Dominion at Panther Creek Homeowners Association, Inc. (the “Association”) is an addition in Collin County, Texas. The final plats were recorded in the Real Property Records of Collin County, Texas as; Document No. 2003-0246850, Page 389 on December 29, 2003. Lots in The Dominion at Panther Creek are subject to the Declaration of Covenants, Conditions & Restrictions for The Dominion at Panther Creek Homeowners Association, recorded on November 17, 200 as Document Number 2003-0226710 in the Real Property Records, Collin County, Texas. The Association wishes to adopt reasonable guidelines to establish a collection policy for the Association for delinquent regular or special assessments or any other amount owed to the Association; and**

**WHEREAS, the Board wishes to update and adopt these reasonable guidelines to be in compliance with Section 209.0062 of the Texas Property Code; and**

**WHEREAS, the Board intends to file these guidelines in the real property records of each county in which the subdivision is located, in compliance with Section 209.0062 of the Texas Property Code; and**


**NOW, THEREFORE, IT IS RESOLVED that the attached collection policy has been established by the Board and is to be recorded with the Real Property Records.**

The Dominion at Panther Creek Homeowners Association, Inc.  
 3102 Oak Lawn, Suite 202  
 Dallas, TX 75219

The Dominion at Panther Creek Homeowners Association, Inc. COLLECTION POLICY		
The Dominion at Panther Creek Homeowners Association, Inc. collection process includes the following steps unless authorized exceptions to this process are communicated in writing from the Board of Directors through the Association Manager.		
Notice	Description	Fees
1 <sup>st</sup> Friendly Notice	<ul style="list-style-type: none"> <li>• Issued by the billing department after the Association’s late date as a statement showing the total amount due. The late date is the 30<sup>th</sup>.</li> <li>• Only issued to owners <u>with a balance of \$10 or more</u>.               <ul style="list-style-type: none"> <li>○ Late/interest fees may vary based on governing documents.</li> <li>○ Interest is not calculated on balances under \$2.</li> <li>○ Late date may vary based on governing documents.</li> </ul> </li> </ul>	12% per annum + \$8.00 processing fee
2 <sup>nd</sup> Formal Notice	<ul style="list-style-type: none"> <li>• Issued by the billing department as a late letter (typically 30 days after the Friendly Notice).</li> <li>• Includes the Fair Debt Collections verbiage and allows the account holder 30 days from receipt of notice to address the delinquent account.               <ul style="list-style-type: none"> <li>○ Per the Texas Property Code, these notices must be mailed certified (also mailed first class) and include language regarding restricted access to amenities and the right to cure.</li> </ul> </li> <li>• Only issued to owners <u>with a balance of \$50 or more</u>.               <ul style="list-style-type: none"> <li>○ A second late statement may be sent to owners in lieu of or in addition to the second notice, but the processing fees and collateral costs (print, envelopes, postage, etc.) still apply to each review and mailing.</li> </ul> </li> </ul>	\$18.00 processing fee
Demand Letter	<ul style="list-style-type: none"> <li>○ This is a second 30-day collection notice (similar to the 2<sup>nd</sup> Formal Notice); sent via certified mail.</li> <li>○ The billing department will automatically proceed with referring an account for demand <b><i>unless the Manager or Board of Directors stipulates otherwise.</i></b></li> <li>○ Association collection policies may require demand letter processing through an attorney’s office.</li> <li>○ <b><i>NOTE:</i></b> For Associations under developer control, builder referral for advanced collection action requires approval from the divisional Director in addition to the Manager.</li> </ul>	\$35.00 request for demand + collection agency/attorney fees <i>(fees vary by office/agency)</i>
Lien	<ul style="list-style-type: none"> <li>• If an account is referred directly to an attorney’s office, the billing department will automatically proceed with an Authorization to Lien <b><i>unless the Manager or Board of Directors stipulates otherwise.</i></b></li> <li>• If an account is referred to a collection agency (e.g., Red Rock), the account is automatically processed for a lien subsequent to the 30-day timeline referenced in the demand letter.</li> <li>• The lien is filed with the county clerk where the property is located and is a legal record that a debt is owed and is secured against the property in question.</li> </ul>	\$20.00 request for lien + collection agency/attorney fees <i>(fees vary by office/agency and county)</i>

	<ul style="list-style-type: none"> <li>• Processing and filing a lien with the county clerk can take up to 30 (thirty) days.</li> </ul>	
Foreclosure	<ul style="list-style-type: none"> <li>• <b>Authorization for Foreclosure must be Board-approved in writing.</b> <ul style="list-style-type: none"> <li>○ The approval should be in the form of Board-approved meeting minutes or a signature on an approved form.</li> <li>○ The collection agency or attorney's office requires the Board to sign an Assignment of Substitute Trustee (AST) that allows the chosen representative to post and settle a foreclosure on behalf of the Board.</li> </ul> </li> <li>• Processing an account for foreclosure can take up to ninety (90) days</li> <li>• A homeowner has a six-month (180 day) period to redeem property that has been foreclosed by paying the amount owed in full, including all dues, legal, and collection fees; a condominium owner has a three month (90-day) right of redemption. <ul style="list-style-type: none"> <li>○ If the property is not redeemed, the next step is Authorization to Sell or Authorization to Evict.</li> <li>○ The Association can proceed with Authorization to Evict once the property has been foreclosed.</li> </ul> </li> <li>• <b>NOTE 1:</b> The Association lien is subordinate to the first lien holder (mortgage company). If the mortgage company forecloses on the property, the Association lien is relinquished and the amount owed is written off to unrecovered assessments. The mortgage company is responsible for all dues and fees incurred after the date of foreclosure, as they are the new legal owners of the property.</li> <li>• <b>NOTE 2:</b> There are two types of foreclosure available to Associations, judicial and expedited non-judicial. The governing documents for each community will specify which methods of foreclosure are available to the Association. <ul style="list-style-type: none"> <li>○ Expedited non-judicial foreclosure is a new requirement for Associations that do not require judicial foreclosure per HB 1228 effective 1/1/2012.</li> </ul> </li> </ul>	\$20.00 request for foreclosure + collection agency/attorney fees (fees vary by office and county)

This is to certify that the foregoing Collection Policy was adopted by the Board of Directors.

  
\_\_\_\_\_  
Name: Rudy Rogmans  
Title: Treasurer  
Date: 10/27/11

STATE OF TEXAS

§  
§  
§

COUNTY OF Dallas

This instrument was acknowledged before me on the 27 day of October  
20 11, by Rudy Rogmans, TREASURER of  
The Dominion at Panther Creek Homeowners Association, INC a Texas non-profit corporation, on behalf of said  
corporation.

Helen Marie Palko  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

*Premier Communities Management  
3102 Oak Lawn Avenue, Suite 202  
Dallas, TX 75219*



**The Dominion at Panther Creek Homeowners Association, Inc.  
3102 Oak Lawn, Suite 202  
Dallas, TX 75219**

**Policy for Priority of Payments**

**WHEREAS, The Dominion at Panther Creek Homeowners Association, Inc. (the “Association”) is an addition in Collin County, Texas. The final plats were recorded in the Real Property Records of Collin County, Texas as; Document No. 2003-0246850, Page 389 on December 29, 2003. Lots in The Dominion at Panther Creek are subject to the Declaration of Covenants, Conditions & Restrictions for The Dominion at Panther Creek Homeowners Association, recorded on November 17, 200 as Document Number 2003-0226710 in the Real Property Records, Collin County, Texas. The Association wishes to adopt reasonable guidelines for priority of payments for the Association for delinquent regular or special assessments or any other amount owed to the Association; and**

**WHEREAS, the Board wishes to update and adopt these reasonable guidelines to be in compliance with Section 209.0062 of the Texas Property Code; and**

**WHEREAS, the Board intends to file these guidelines in the real property records of each county in which the subdivision is located, in compliance with Section 209.0062 of the Texas Property Code; and**

**NOW, THEREFORE, IT IS RESOLVED that the attached priority of payment policy has been established by the Board and is to be recorded with the Real Property Records.**

The Dominion at Panther Creek Homeowners Association, Inc.  
3102 Oak Lawn, Suite 202  
Dallas, TX 75219

**Policy for Priority of Payments**

**WHEREAS**, the Board of Directors (the “Board”) of The Dominion at Panther Creek Homeowners Association, Inc. (the “Association”) wishes to establish a Policy for Priority of Payments which shall govern the method in which payments received by the Association from owners are applied; and

**WHEREAS**, the Board wishes to adopt this policy in compliance with Section 209.0063 of the Texas Property Code; and

**WHEREAS**, the Board intends to file this policy in the real property records of each county in which the subdivision is located, in compliance with Sections 209.0063 and 202.006 of the Texas Property Code; and

**NOW, THEREFORE, IT IS RESOLVED** that the following Policy for Priority of Payments is established by the Board:

- A. Except as provided by Section (B), a payment received by the Association from an owner shall be applied to the owner’s debt in the following order of priority:
1. any delinquent assessment;
  2. any current assessment;
  3. any attorney’s fees or third party collection costs incurred by the Association associated solely with assessments or any other charge that could provide the basis for foreclosure;
  4. any attorney’s fees incurred by the association that are not subject to Subsection (3) above;
  5. any fines assessed by the Association;
  6. any other amount owed to the Association.
- B. If, at the time the Association receives a payment from an owner and the owner is in default under an Alternative Payment Schedule entered into with the Association, the Association is not required to apply the payment in the order of priority outlined in Section (A), in accordance with Section 209.0063 of the Texas Property Code. Instead, in the event that an owner is in default under an Alternative Payment Schedule at the time the Association receives a payment from the property owner,



*Dallas, Texas 75219*

**The Dominion at Panther Creek Homeowners Association, Inc.  
3102 Oak Lawn, Suite 202  
Dallas, TX 75219**

**Policy for Document Retention**

**WHEREAS, The Dominion at Panther Creek Homeowners Association, Inc. (the "Association") is an addition in Collin County, Texas. The final plats were recorded in the Real Property Records of Collin County, Texas as; Document No. 2003-0246850, Page 389 on December 29, 2003. Lots in The Dominion at Panther Creek are subject to the Declaration of Covenants, Conditions & Restrictions for The Dominion at Panther Creek Homeowners Association, recorded on November 17, 200 as Document Number 2003-0226710 in the Real Property Records, Collin County, Texas. The Association wishes to adopt reasonable guidelines for document retention for the Association; and**

**WHEREAS, the Board wishes to update and adopt these reasonable guidelines to be in compliance with Section 209.0062 of the Texas Property Code; and**

**WHEREAS, the Board intends to file these guidelines in the real property records of each county in which the subdivision is located, in compliance with Section 209.0062 of the Texas Property Code; and**

**NOW, THEREFORE, IT IS RESOLVED that the attached document retention policy has been established by the Board and is to be recorded with the Real Property Records.**

The Dominion at Panther Creek Homeowners Association, Inc.  
3102 Oak Lawn, Suite 202  
Dallas, TX 75219

**Document Retention Policy**

**WHEREAS**, the Board of Directors (the “Board”) of The Dominion at Panther Creek Homeowners Association, Inc. (the “Association”) wishes to adopt a Document Retention Policy in order to be compliant with Section 209.005(m) of the Texas Property Code; and

**WHEREAS**, the Board intends to file this policy in the real property records of each county in which the subdivision is located, in compliance with Sections 209.005 and 202.006 of the Texas Property Code; and

**NOW, THEREFORE, IT IS RESOLVED** that the following Document Retention Policy is established by the Board:

1. Certificates of formation, bylaws, restrictive covenants, and all amendments to the certificates of formation, bylaws, and covenants shall be retained permanently.
2. Financial books and records shall be retained for seven years.
3. Account records of current owners shall be retained for five years.
4. Contracts with a term of one year or more shall be retained for four years after the expiration of the contract term.
5. Minutes of meetings of the owners and the board shall be retained for seven years.
6. Tax returns and audit records shall be retained for seven years.

This policy shall supersede and render null and void any previously adopted policy to the extent that the terms of such policy are contradictory.

[signature page to follow]

This is to certify that the foregoing Document Retention Policy was adopted by the Board of Directors, in accordance with Section 209.005 of the Texas Property Code.

Rudy Rogmans  
Name: Rudy Rogmans  
Title: Treasurer  
Date: 10/27/11

STATE OF TEXAS §  
COUNTY OF Dallas §  
§

This instrument was acknowledged before me on the 27 day of October 20 11, by RUDY ROGMANS, TREASURER of The Dominion at Panther Creek Homeowners Association Inc. a Texas non-profit corporation, on behalf of said corporation.

Helen Marie Palko  
Notary Public, State of Texas



AFTER RECORDING RETURN TO:  
*Premier Communities Management*  
3102 Oak Lawn Avenue, Suite 202  
Dallas, TX 75219

**The Dominion at Panther Creek Homeowners Association, Inc.  
3102 Oak Lawn, Suite 202  
Dallas, TX 75219**

**Policy for Records Production and Copying**

**WHEREAS, The Dominion at Panther Creek Homeowners Association, Inc. (the "Association") is an addition in Collin County, Texas. The final plats were recorded in the Real Property Records of Collin County, Texas as; Document No. 2003-0246850, Page 389 on December 29, 2003. Lots in The Dominion at Panther Creek are subject to the Declaration of Covenants, Conditions & Restrictions for The Dominion at Panther Creek Homeowners Association, recorded on November 17, 200 as Document Number 2003-0226710 in the Real Property Records, Collin County, Texas. The Association wishes to adopt reasonable guidelines for records production and copying for the Association; and**

**WHEREAS, the Board wishes to update and adopt these reasonable guidelines to be in compliance with Section 209.0062 of the Texas Property Code; and**

**WHEREAS, the Board intends to file these guidelines in the real property records of each county in which the subdivision is located, in compliance with Section 209.0062 of the Texas Property Code; and**

**NOW, THEREFORE, IT IS RESOLVED that the attached records production and copying policy has been established by the Board and is to be recorded with the Real Property Records.**

The Dominion at Panther Creek Homeowners Association, Inc.  
3102 Oak Lawn, Suite 202  
Dallas, TX 75219

**Records Production and Copying Policy**

**WHEREAS**, the Board of Directors (the "Board") of The Dominion at Panther Creek Homeowners Association, Inc. (the "Association") wishes to establish a Records Production and Copying Policy which shall govern the costs the Association will charge for the compilation, production, and reproduction of information requested under Section 209.005 of the Texas Property Code; and

**WHEREAS**, the Board wishes to adopt this policy in compliance with Section 209.005 of the Texas Property Code; and

**WHEREAS**, the Board intends to file this policy in the real property records of each county in which the subdivision is located, in compliance with Sections 209.005 and 202.006 of the Texas Property Code; and

**NOW, THEREFORE, IT IS RESOLVED** that the following Records Production and Copying Policy is established by the Board:

- A. An owner is responsible for costs related to the compilation, production, and reproduction of the books and records of the Association. Costs shall be the same as all costs under 1 T.A.C. Section 70.3, the pertinent part of which is reproduced in italics below, and are subject to increase in the event 1 T.A.C. Section 70.3 is amended:

*1. Copy charge.*

*(A) Standard paper copy. The charge for standard paper copies reproduced by means of an office machine copier or a computer printer is \$.10 per page or part of a page. Each side that has recorded information is considered a page.*

*(B) Nonstandard copy. The charges in this subsection are to cover the 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:*

- *Diskette--\$1.00;*
- *Magnetic tape--actual cost;*
- *Data cartridge--actual cost;*
- *Tape cartridge--actual cost;*

- Rewritable CD (CD-RW)--\$1.00;
- Non-rewritable CD (CD-R)--\$1.00;
- Digital video disc (DVD)--\$3.00;
- JAZ drive--actual cost;
- Other electronic media--actual cost;
- VHS video cassette--\$2.50;
- Audio cassette--\$1.00;
- Oversize paper copy (e.g.: 11 inches by 17 inches greenbar, bluebar, not including maps and photographs using specialty paper--See also §70.9 of this title)--\$.50;
- Specialty paper (e.g.: Mylar, blueprint, blueline, map, photographic--actual cost.

2. *Labor charge for programming. If a particular request requires the services of a programmer in order to execute an existing program or to create a new program so that requested information may be accessed and copied, the governmental body may charge for the programmer's time.*

*(A) The hourly charge for a programmer is \$28.50 an hour. Only programming services shall be charged at this hourly rate.*

*(B) Governmental bodies that do not have in-house programming capabilities shall comply with requests in accordance with §552.231 of the Texas Government Code.*

*(C) If the charge for providing a copy of public information includes costs of labor, a governmental body shall comply with the requirements of §552.261(b) of the Texas Government Code.*

3. *Labor charge for locating, compiling, manipulating data, and reproducing public information.*

*(A) The charge for labor costs incurred in processing a request for public information is \$15 an hour. The labor charge includes the actual time to locate, compile, manipulate data, and reproduce the requested information.*

*(B) A labor charge shall not be billed in connection with complying with requests that are for 50 or fewer pages of paper records, unless the documents to be copied are located in:*

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

*(ii) A remote storage facility.*

*(C) A labor charge shall not be recovered for any time spent by an attorney, legal assistant, or any other person who reviews the requested information:*

*(i) To determine whether the governmental body will raise any exceptions to disclosure of the requested information under the Texas Government Code, Subchapter C, Chapter 552; or*

*(ii) To research or prepare a request for a ruling by the attorney general's office pursuant to §552.301 of the Texas Government Code.*

*(D) When confidential information pursuant to a mandatory exception of the Act is mixed with public information in the same page, a labor charge may be recovered for time spent to redact, blackout, or otherwise obscure confidential information in order to release the public information. A labor charge shall not be made for redacting confidential information for requests of 50 or fewer pages, unless the request also qualifies for a labor charge pursuant to Texas Government Code, §552.261(a)(1) or (2).*

*(E) If the charge for providing a copy of public information includes costs of labor, a governmental body shall comply with the requirements of Texas Government Code, Chapter 552, §552.261(b).*

*(F) For purposes of paragraph (2)(A) of this subsection, two buildings connected by a covered or open sidewalk, an elevated or underground passageway, or a similar facility, are not considered to be separate buildings.*

#### *4. Overhead charge.*

*(A) Whenever any labor charge is applicable to a request, a governmental body may include in the charges direct and indirect costs, in addition to the specific labor charge. This overhead charge would cover such costs as depreciation of capital assets, rent, maintenance and repair, utilities, and administrative overhead. If a governmental body chooses to recover such costs, a charge shall be made in accordance with the methodology described in paragraph(3) of this subsection. Although an exact calculation of costs will vary, the use of a standard charge will avoid complication in calculating such costs and will provide uniformity for charges made statewide.*

*(B) An overhead charge shall not be made for requests for copies of 50 or fewer pages of standard paper records unless the request also qualifies for a labor charge pursuant to Texas Government Code, §552.261(a)(1) or (2).*

*(C) The overhead charge shall be computed at 20% of the charge made to cover any labor costs associated with a particular request. Example: if one hour of labor is used for a particular request, the formula would be as follows: Labor charge for locating, compiling, and reproducing,  $\$15.00 \times .20 = \$3.00$ ; or Programming labor charge,  $\$28.50 \times .20 = \$5.70$ . If a request requires one hour of labor charge for locating, compiling, and reproducing information ( $\$15.00$  per hour); and one hour of programming labor charge ( $\$28.50$  per hour), the combined overhead would be:  $\$15.00 + \$28.50 = \$43.50 \times .20 = \$8.70$ .*

5. *Microfiche and microfilm charge.*

*(A) If a governmental body already has information that exists on microfiche or microfilm and has copies available for sale or distribution, the charge for a copy must not exceed the cost of its reproduction. If no copies of the requested microfiche or microfilm are available and the information on the microfiche or microfilm can be released in its entirety, the governmental body should make a copy of the microfiche or microfilm. The charge for a copy shall not exceed the cost of its reproduction. The Texas State Library and Archives Commission has the capacity to reproduce microfiche and microfilm for governmental bodies. Governmental bodies that do not have in-house capability to reproduce microfiche or microfilm are encouraged to contact the Texas State Library before having the reproduction made commercially.*

*(B) If only a master copy of information in microfilm is maintained, the charge is \$.10 per page for standard size paper copies, plus any applicable labor and overhead charge for more than 50 copies.*

6. *Remote document retrieval charge.*

*(A) Due to limited on-site capacity of storage documents, it is frequently necessary to store information that is not in current use in remote storage locations. Every effort should be made by governmental bodies to store current records on-site. State agencies are encouraged to store inactive or non-current records with the Texas State Library and Archives Commission. To the extent that the retrieval of documents results in a charge to comply*

*with a request, it is permissible to recover costs of such services for requests that qualify for labor charges under current law.*

*(B) If a governmental body has a contract with a commercial records storage company, whereby the private company charges a fee to locate, retrieve, deliver, and return to storage the needed record(s), no additional labor charge shall be factored in for time spent locating documents at the storage location by the private company's personnel. If after delivery to the governmental body, the boxes must still be searched for records that are responsive to the request, a labor charge is allowed according to subsection (d)(1) of this section.*

7. *Computer resource charge.*

*(A) The computer resource charge is a utilization charge for computers based on the amortized cost of acquisition, lease, operation, and maintenance of computer resources, which might include, but is not limited to, some or all of the following: central processing units (CPUs), servers, disk drives, local area networks (LANs), printers, tape drives, other peripheral devices, communications devices, software, and system utilities.*

*(B) These computer resource charges are not intended to substitute for cost recovery methodologies or charges made for purposes other than responding to public information requests.*

*(C) The charges in this subsection are averages based on a survey of governmental bodies with a broad range of computer capabilities. Each governmental body using this cost recovery charge shall determine which category(ies) of computer system(s) used to fulfill the public information request most closely fits its existing system(s), and set its charge accordingly. Type of System--Rate: mainframe--\$10 per CPU minute; Midsize--\$1.50 per CPU minute; Client/Server--\$2.20 per clock hour; PC or LAN--\$1.00 per clock hour.*

*(D) The charge made to recover the computer utilization cost is the actual time the computer takes to execute a particular program times the applicable rate. The CPU charge is not meant to apply to programming or printing time; rather it is solely to recover costs associated with the actual time required by the computer to execute a program. This time, called CPU time, can be read directly from the CPU clock, and most frequently will be a matter of seconds. If programming is required to comply with a particular*

*request, the appropriate charge that may be recovered for programming time is set forth in subsection (d) of this section. No charge should be made for computer print-out time. Example: If a mainframe computer is used, and the processing time is 20 seconds, the charges would be as follows:  $\$10 / 3 = \$3.33$ ; or  $\$10 / 60 \times 20 = \$3.33$ .*

*(E) A governmental body that does not have in-house computer capabilities shall comply with requests in accordance with the §552.231 of the Texas Government Code.*

- 8. 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 for public information.*
  - 9. Postal and shipping charges. Governmental bodies may add any related postal or shipping expenses which are necessary to transmit the reproduced information to the requesting party.*
  - 10. Sales tax. Pursuant to Office of the Comptroller of Public Accounts' rules sales tax shall not be added on charges for public information (34 TAC, Part 1, Chapter 3, Subchapter O, §3.341 and §3.342).*
  - 11. Miscellaneous charges: A governmental body that accepts payment by credit card for copies of public information and that is charged a "transaction fee" by the credit card company may recover that fee.*
- B. Any requesting owner must provide advance payment of the costs of compilation, production, and reproduction for the requested information, as estimated by the Association. If the estimated costs are lesser or greater than the actual costs, the Association shall submit a final invoice to the owner on or before the 30<sup>th</sup> 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 30<sup>th</sup> 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 exceed the final invoice amount, the owner is entitled to a refund, and the refund shall be issued to the owner not later than the 30<sup>th</sup> business day after the date the invoice is sent to the owner.**

This policy shall supersede and render null and void any previously adopted policy to the extent that the terms of such policy are contradictory.

This is to certify that the foregoing Records Production and Copying Policy was adopted by the Board of Directors, in accordance with Section 209.005 of the Texas Property Code.

Rudy Rogmans  
Name: Rudy Rogmans  
Title: Treasurer  
Date: 10/27/11

STATE OF TEXAS

§  
§  
§

COUNTY OF Dallas

This instrument was acknowledged before me on the 27<sup>th</sup> day of October, 2011, by Rudy Rogmans, TREASURER of The Dominion at Panther Creek Homeowners Association, INC, a Texas non-profit corporation, on behalf of said corporation.

Helen Marie Palko  
Notary Public, State of Texas



AFTER RECORDING RETURN TO:

*Premier Communities Management*  
3102 Oak Lawn Avenue, Suite 202  
Dallas, TX 75219

**The Dominion at Panther Creek Homeowners Association, Inc.  
3102 Oak Lawn, Suite 202  
Dallas, TX 75219**

**Guidelines for Solar Energy Devices**

**WHEREAS, The Dominion at Panther Creek Homeowners Association, Inc. (the "Association") is an addition in Collin County, Texas. The final plats were recorded in the Real Property Records of Collin County, Texas as; Document No. 2003-0246850, Page 389 on December 29, 2003. Lots in The Dominion at Panther Creek are subject to the Declaration of Covenants, Conditions & Restrictions for The Dominion at Panther Creek Homeowners Association, recorded on November 17, 200 as Document Number 2003-0226710 in the Real Property Records, Collin County, Texas. The Association wishes to adopt reasonable guidelines for Solar Energy Devices; and**

**WHEREAS, the Board wishes to update and adopt these reasonable guidelines to be in compliance with Section 209.0062 of the Texas Property Code; and**

**WHEREAS, the Board intends to file these guidelines in the real property records of each county in which the subdivision is located, in compliance with Section 209.0062 of the Texas Property Code; and**

**NOW, THEREFORE, IT IS RESOLVED that the attached guidelines for solar energy devices have been established by the Board and are to be recorded with the Real Property Records.**

**THE DOMINION AT PANTHER CREEK HOMEOWNERS' ASSOCIATION, INC.  
GUIDELINES FOR SOLAR ENERGY DEVICES**

STATE OF TEXAS

§

COUNTY OF COLLIN

§

§

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS the Dominion at Panther Creek Homeowners' Association ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS chapter 202 of the Texas Property Code was amended effective June 17, 2011, to add Section 202.010 ("Section 202.010") thereto dealing with the regulation of solar energy devices; and

WHEREAS, the Board of Directors ("Board") of the Association has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding solar energy devices therein, it is appropriate for the Association to adopt guidelines regarding solar energy devices within the community.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Solar Energy Devices* within the community.

1. These guidelines apply to solar energy devices ("Devices") as defined in Section 171.107(a) of the Texas Tax Code. A solar energy device means a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar-generated energy. The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power.
2. Such Devices may be installed with advance approval of the Architectural Control Committee ("ACC") subject to these guidelines.
3. Any such Device must be installed on land or structures owned by the property owner. No portion of the Device may encroach on adjacent properties or common areas.
4. Such Devices may only be installed in the following locations:
  - a. on the roof of the main residential dwelling; or
  - b. on the roof of any other approved structure; or
  - c. within a fenced yard or patio.
5. For Devices mounted on a roof, the Device must:
  - a. have no portion of the Device higher than the roof section to which it is attached; and
  - b. have no portion of the Device extend beyond the perimeter boundary of the roof section to which it is attached; and

The Dominion at Panther Creek Homeowners' Association, Inc.  
Guidelines for Solar Energy Devices

Page 2 of 3

- c. conform to the slope of the roof; and
  - d. be aligned so that the top edge of the Device is parallel to the roof ridge line for the roof section to which it is attached; and
  - e. have a frame, brackets, and visible piping or wiring that is a color that matches the roof shingles or a silver, bronze or black tone commonly available in the marketplace; and
  - f. be located in a position on the roof which is least visible from any street or common area which does not reduce estimated annual energy production more than ten percent (10%), as determined by a publically available modeling tool provided by the National Renewable Energy Laboratory ([www.nrel.gov](http://www.nrel.gov)) or equivalent entity over alternative roof locations.
6. For Devices located in a fenced yard or patio, no portion of the Device may extend above the fence. If the fence is not a solid fence which blocks view of the Device, the ACC may require the Device be placed in a location behind a structure or otherwise require visual screening. The ACC may consider installation of Devices on properties without a fenced yard if there is adequate screening from public view from any street or common area.
  7. All Devices must be installed in compliance with manufacturer's instruction and in a manner which does not void material warranties. Licensed craftsmen must be used where required by law. Permits must be obtained where required by law.
  8. Installed Devices may not:
    - a. threaten public health or safety; or
    - b. violate any law; or
    - c. substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or annoyance to any adjoining property owner of ordinary sensibilities.
  9. All Devices must be maintained in good repair. Unused or inoperable Devices must be removed if they can be seen from any street or common area.

The guidelines are effective upon recordation in the Public Records of Collin County, and supersede any guidelines for solar energy devices which may have previously been in effect. Except as affected by Section 202.010 and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

The Dominion at Panther Creek Homeowners' Association, Inc.  
Guidelines for Solar Energy Devices  
Page 3 of 3

Approved and adopted by the Board on this 27 day of October 2011.

Rudy Rogmans  
Rudy Rogmans  
Treasurer  
The Dominion at Panther Creek Homeowners  
Association, Inc.

STATE OF TEXAS                   §  
  §  
COUNTY OF COLLIN           §

Before me, the undersigned authority, on this day personally appeared Rudy Rogmans, Treasurer of The Dominion at Panther Creek, a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she had executed the same as the act of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 27 day of October, 2011.

Helen Marie Palko  
Notary Public, State of Texas

[Notarial Seal]

HELEN MARIE PALKO  
Printed Name

My commission expires: 7/22/2015

AFTER RECORDING RETURN TO:

*Premier Communities Management*  
3102 Oak Lawn Avenue, Suite 202  
Dallas, TX 75219

