

\*\*\*\* Electronically Filed Document \*\*\*\*

---

Document Number: 2012-42744  
Recorded As : ELECTRONIC RECORDING

Recorded On: November 06, 2012  
Recorded At: 08:19:10 am  
Number of Pages: 5  
Book-VI/Pg: Bk-OR VI-18916 Pg-70  
Recording Fee: \$28.00

Parties:

Direct- THE VILLAS OF SOUTH PADRE  
Indirect- THE PUBLIC

Receipt Number: 621466  
Processed By: Hilda Perez

---

\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY  
because of color or race is invalid and unenforceable under federal law.



A handwritten signature in black ink, appearing to be "J. S. H.", located below the seal.

## HOA DOCUMENT RETENTION POLICY

**SUBDIVISION:** The Villas of South Padre, as described on Exhibit "A" hereto.  
**ASSOCIATION:** The Villas of South Padre Owners Association, Inc.

---

The Board of Directors of The Villas of South Padre Owners Association, Inc., a Texas property owners association as defined by Prop. Code Chapter 209, has resolved that it is the best interests of the Association to adopt this Policy, and has instructed the undersigned to execute and effect recording of this instrument on behalf of the Association.

**PURPOSE.** The purpose of this Policy is to comply with the minimum requirements of Prop. Code Sec. 209.005(m) enacted by the 82nd Texas Legislature as House Bill 2761, effective January 1, 2012, which requires a property owners' association composed of more than 14 lots to adopt and comply with a document retention policy.

**EFFECTIVE DATE.** This Policy is adopted by the Board of Directors to be effective from January 1, 2012.

**DOCUMENT RETENTION REQUIREMENTS.** At a minimum, the Association will retain the documents required by Prop. Code Sec. 209.005(m), for the periods of stated required by Prop. Code Sec. 209.005(m), which on the Effective Date consist of the documents identified on Exhibit "B" hereto.

**CONSTRUCTION.** The Policy may not be construed to prevent the Board of Directors from adopting, amending, and restating, from time to time, one or more additional administrative policies pertaining to the retention of documents, records, and information of the Association, including, without limitation, policies relating to the storage and destruction of the items identified on Exhibit "B", and policies pertaining to the retention, storage, and destruction of other types of documents, records, and information of the Association. This provision may not be construed as a duty of the Board of Directors to adopt such additional administrative policies.

**APPLICABILITY.** Pursuant to SECTION 6(b) of House Bill 2761, this Policy applies only with respect to books and records of the Association generated on or after January 1, 2012, the effective date of the law enacted by House Bill 2761.


**PUBLIC RECORDING.** In case this administrative Policy is construed to be a "dedicatory instrument" within the meaning of Prop. Code Sec. 202.001(1), it will be publicly recorded in Cameron County, Texas, pursuant to Prop. Code Sec. 202.006(b). All amendments, restatements, and supplements to this Policy must also be publicly recorded in Cameron County, Texas, unless and until State law clarifies that public recording of administrative policies, such as this Policy, is not required. This provision and the act of recording may not be construed as an assertion by the Association that this Policy, which is administrative in nature, is a "dedicatory instrument."

By signing below, the undersigned certifies that the Board of Directors of The Villas of South Padre Owners Association, Inc. adopted this Policy and instructed the undersigned to execute this Policy and effect its recording on behalf of the Association.

**CERTIFICATION OF PRESIDENT**

I hereby certify that, as President of the Villas of South Padre Owners Association, Inc., the foregoing HOA Document Retention Policy was approved on the 3<sup>rd</sup> of November 2012, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 3<sup>rd</sup> day of November, 2012.

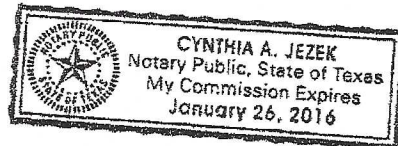
  
Charles Costanza  
President

THE STATE OF TEXAS   §  
  §  
COUNTY OF CAMERON   §

BEFORE ME, on this day personally appeared Charles Costanza, the President of the Villas of South Padre Owners 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 and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 3<sup>rd</sup> day of November, 2012.

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



**EXHIBIT "A"**  
**TO**  
**HOA DOCUMENT RETENTION POLICY**

**DESCRIPTION OF SUBDIVISION**

Lot Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 18, 25, 26, 32, 39, 40, 33A, 33B, 34A, 34B, 35A, 35B, 42A, 42B, 43A, 43B, 44A, 44B, 45A, and 45B, Block Number Three (3), THE VILLAS OF SOUTH PADRE, a Subdivision in the Town of South Padre Island, Cameron County, Texas, according to the map or plat thereof recorded in Cabinet I, Page 1594-B and Amended in Cabinet I, Page 1697-A, Map Records of Cameron County, Texas; and

Lot Numbers 11, 13, 14, 15, 17, 19, 20, 21, 23, 24, 27A, 27B, 28A, 28B, 30A, 30B, 31, 41, 42, 43, and 44, Block Number Three (3), THE VILLAS OF SOUTH PADRE, a Subdivision in the Town of South Padre Island, Cameron County, Texas, according to the Map or plat thereof recorded in Cabinet I, Pages 1886A & B, Map Records of Cameron County, Texas.

**EXHIBIT "B"**  
**TO**  
**HOA DOCUMENT RETENTION POLICY**  
**MINIMUM STATUTORY REQUIREMENTS**

Effective January 1, 2012, the Villas of South Padre Owners Association, Inc. will retain the following documents for the below-stated periods of time, being the stated requirements of Prop. Code Sec. 209.005(m):

- (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 at least seven years;
- (3) account records of current owners shall be retained for at least five years;
- (4) contracts with a term of one year or more shall be retained for at least four years after the expiration of the contract term;
- (5) minutes of meetings of the owners and the board shall be retained for at least seven years; and
- (6) tax returns and audit records shall be retained for at least seven years.