

**CERTIFICATE OF ADOPTION OF DOCUMENT RETENTION POLICY**  
**OF**  
**VILLAGE OF BISLAYNE BAY HOMEOWNERS ASSOCIATION, INC.**

**WHEREAS**, the Board of Directors (the "Board") of the Village of Biscayne Bay Homeowners Association, Inc., a Texas non-profit corporation (the "Association") is charged with administering and enforcing those certain covenants, conditions, and restrictions contained in that certain instrument recorded in the office of the County Clerk of Brazoria County, Texas under Clerk's File No. 2004034202, as said instrument has been or may be amended or supplemented from time to time, encumbering the Village of Biscayne Bay community in Shadow Creek Ranch; and

**WHEREAS**, Chapter 209 of the Texas Property Code was amended effective January 1, 2012, to add Section 209.005(m) ("Section 209.005(m)") thereto; and

**WHEREAS**, Section 209.005(m) requires a property owners' association to retain certain documents for a prescribed period of time; and

**WHEREAS**, Section 209.005(m) requires a property owners' association to adopt and comply with a document retention policy; and

**WHEREAS**, the Board has determined that in connection with retaining certain Association documents, and to provide a clear and definitive period of time to retain certain Association documents, it is appropriate for the Association to adopt a document retention policy; and

**WHEREAS**, the Bylaws of the Association provide that a majority of the number of Directors shall constitute a quorum for the transaction of business and that the action of a majority of Directors at a meeting at which a quorum is present is the action of the Board; and

**WHEREAS**, the Board held a meeting on September 13, 2011, at which at least a majority of the Directors were present and duly passed the document retention policy described herein below (the "Document Retention Policy").

**NOW, THEREFORE**, to give notice of the matters set forth herein, the undersigned, being the President of the Association, does hereby certify that at a meeting of the Board held on September 13, 2011, at which at least a majority of Directors were present, the Board duly adopted the Document Retention Policy set forth below. The Document Retention Policy is effective January 1, 2012, and supersedes any guidelines for document retention which may have previously been in effect. The Document Retention Policy is as follows:

- I. **General Policy:** It is the policy of the Association to maintain a filing system appropriate for the daily use and long-term retention of Association's documents and records. The following list shall serve as a guideline and is not necessarily an exclusive list of all Association documents. Documents not listed below are not subject to retention. Upon expiration of the retention date, the applicable documents will be considered not maintained as a part of the

Association books and records and are subject to destruction in a manner deemed appropriate by the Board.

II. **Permanent Records:** The Association will maintain the following records as permanent records of the Association:

- a. Certificate of Formation (or Articles of Incorporation) of the Association, and all amendments or supplements thereto;
- b. Bylaws of the Association and all amendments or supplements thereto; and
- c. Restrictive covenants, and all amendments or supplements thereto.

III. **Seven Years:** The Association will maintain the following documents for a period of at least seven years from the date the document was created:

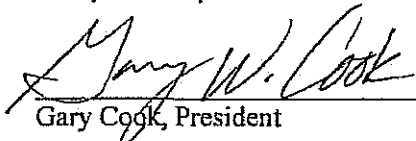
- a. All financial books and records of the Association;
- b. Minutes of the meetings of the members of the Association and meetings of the Board of Directors of the Association; and
- c. The Association's tax returns and audit records.

IV. **Five Years:** The Association will maintain the account records of current owners for a period of at least five years from the date the document was created.

V. **Four Years:** The Association will maintain contracts with a term of one year or more for four years after the expiration of the contract term.

**EXECUTED** on the date of the acknowledgement set forth herein below, to be effective as set forth above.

Village of Biscayne Bay Homeowners Association, Inc.,  
a Texas non-profit corporation

By:   
Gary Cook, President

THE STATE OF Nevada §

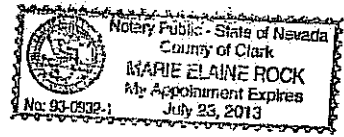
§  
COUNTY OF Clark §

This instrument was acknowledged before me on 9/23, 2011, by Gary Cook, President of the Village of Biscayne Bay Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

Marie Elaine Rock  
Notary Public, State of Nevada

**WHEN RECORDED, RETURN TO:**

Hoover Slovacek, LLP  
5847 San Felipe, ste 2200  
Houston, Texas 77057  
Attn: Sarah Ann Powers  
351074-15



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*Joyce Hudman*