



Sonterra West Homeowners Association

Sonterra West Homeowners' Association, Inc. (the "Association") is a Texas nonprofit association. When a person acquires a lot in the Sonterra West subdivision, the owner automatically becomes a member of the Association. The Association's Records Inspection, Copying, and Retention Policy (the "Records Inspection Policy"), is found in the Association's Community Manual, which is publicly recorded and accessible for free viewing as Doc. No. 2013042330 on the Williamson County Clerk's website. Under the Records Inspection Policy, any Owner may submit a request to inspect the Association's books and records.

The Association recently received a records inspection request from an Owner that identified the following broad categories of documents:

- **All** financial books, records, receipts, invoices or any other financial document for years 2021, 2022, and current year 2023.
- **All** current and active contracts.
- Tax records and audit reports for years 2021 and 2022.

The requests were mailed via certified mail to the Association's mailing address on the management certificate filed with Williamson County, but no copies were emailed to the Association's management team, which is an accepted practice for document production requests to expedite the production of documents. To keep costs low, the Association does not maintain a staffed office, and, therefore, the mail is sent to a UPS mailbox. Accordingly, the Association did not find out about the request until after the response period had passed. After finding out about the request, the Association contacted the individual that sent the request to explain the circumstances and coordinate production of the documents. Despite this outreach, a second document production request was sent to the same address by certified mail. Like the first request, the second request was not sent to the Association via email. Thereafter, a lawsuit was filed over the records request (Case No. 4SC-23-0050). Again, the lawsuit was not provided to the Association via email. Instead, the Association found out about it after the Association's legal counsel was personally served with a copy of the lawsuit.

Under the Records Inspection Policy, the Association may recover certain records production costs. However, the costs are limited and do not cover all of the Association's costs incurred in identifying, compiling, and producing the records. In addition, any legal fees incurred in producing the records may not be recovered as a records production cost.

Importantly, the Records Inspection Policy states that the estimated fees must be paid to the Association before the records are produced. Here, the Owner refused to pay the estimated fees of \$250, and he took the position that he did not have to pay the fees because the charges were not submitted within the response period (a position that is not reflected in Section 209.005 of the Texas Property Code or the Records Inspection Policy). To avoid escalating the dispute, the Association produced the records even though payment had not been tendered by the Owner.

The Association has produced the requested records, but the Owner is refusing to dismiss the lawsuit or pay the fees the Association is entitled to collect under its Records Inspection Policy.

Regarding the allegations that the Association is continuing to fight the requestor, the Association is simply doing what any Defendant must do in response to being sued, file an answer and raise any legal defenses the Association is entitled to assert. The Association is not seeking to participate in protracted litigation or incur any more expense than it has already incurred, but the Association has legal obligations it must comply with in regards to defending itself in a lawsuit. This matter can, and should, be resolved without the need for any further legal filings, and the Association is simply seeking payment for the costs it is legally entitled to charge in response to the document production requests.

In the interest of transparency, the Association has made the records available for viewing by the Owners. <https://www.dropbox.com/scl/fo/a9mjbwd6k89xfapn9kkbx/h?dl=0&rlkey=fz71hvx4vstf7ufkdr4kgtyvz>

Sincerely,
Sonterra West HOA