

## **POLICY AND PROCEDURE FOR INSPECTION AND COPYING OF ASSOCIATION RECORDS**

**PURPOSE:** To establish a policy regarding an Owner's right to inspect and copy Association records, to identify records to be permanently retained by the Association, and to establish a standard procedure to be followed when an Owner requests to inspect or obtain copies of Association records.

**AUTHORITY:** The Declaration of Protective Covenants (hereinafter "Declaration"), Articles of Incorporation and Bylaws of the Association and Colorado law.

1. Retention. The Association shall permanently retain the following records as required by Colorado law:
  - Minutes of all Board and Owner meetings;
  - All actions taken by the Board or Parcel Owners by written ballot in lieu of a meeting;
  - All actions taken by a committee on the behalf of the Board instead of the Board acting on behalf of the Association; and
  - All waivers of the notice requirements for Owner meetings, Board member meetings, or committee meetings.
  
2. Inspection/Copying Association Records. An Owner or his/her authorized agent is entitled to inspect and copy any of the books and records of the Association, subject to the exclusions, conditions and requirements set forth below:
  - (a) The inspection and/or copying of the records of the Association shall be at the Owner's expense, which may be collected by the Association in advance;
  - (b) The inspection and/or copying of the records of the Association shall be conducted during the regular business hours at the office of the Association, or during the next regularly scheduled Owner or Board meeting occurring within 30 days of the Owner's request;
  - (c) The Owner shall give any member of the Association's Board a written demand on the attached REQUEST TO INSPECT AND/OR OBTAIN COPIES OF ASSOCIATION RECORDS, stating the purpose for which the inspection and/or copying is sought. The Association shall make the requested records available within five

business days of the Owner's request or at the next regularly scheduled Owner or Board meeting if the next regularly scheduled Owner or Board meeting is scheduled within 30 days of the Owner's request, in the sole discretion of the Board. The Board shall advise the Owner of the time and place of such inspection in writing within five business days of receiving the Owner's request; and

- (d) The Owner shall complete and sign the REQUEST TO INSPECT AND/OR OBTAIN COPIES OF ASSOCIATION RECORDS (hereinafter "Request") prior to the inspection and copying of any Association record. A copy of the Request is attached to this Policy. Failure to properly complete or sign the Request shall be valid grounds for denying an Owner the right to inspect and/or copy any record of the Association.
3. Proper Purpose/Limitation. Association records, including membership lists, shall not be used by any Owner for:
- (a) Any purpose unrelated to an Owner's interest as an Owner;
  - (b) The purpose of soliciting money or property unless such money or property will be used solely to solicit the votes of the Owners in an election to be held by the Association;
  - (c) Any commercial purpose;
  - (d) For the purpose of giving, selling, or distributing such Association records to any person; or
  - (e) Any improper purpose as determined in the sole discretion of the Board.
4. Exclusions. The following records shall NOT be available for inspection and/or copying as they are deemed confidential:
- (a) Attorney-client privileged documents and records, unless the Board decides to disclose such communications at an open meeting;
  - (b) Any documents that are confidential under constitutional, statutory or judicially imposed requirements; and
  - (c) Any documents, or information contained in such documents, disclosure of which would constitute an unwarranted invasion of individual privacy, including but not limited to social security

numbers, dates of birth, personal bank account information, and driver's license numbers.

5. Fees/Costs. Any Owner requesting copies of Association records shall be responsible for all actual costs incurred by the Association, including the cost to search, retrieve, and copy the record(s) requested. The Association may require a deposit equal to the anticipated actual cost of the requested records. Failure to pay such deposit shall be valid grounds for denying an Owner copies of such records. If after payment of the deposit it is determined that the actual cost was more than the deposit, Owner shall pay such amount prior to delivery of the copies. If after payment of the deposit it is determined that the actual cost was less than the deposit, the difference shall be returned to the Owner with the copies. There shall be no cost to any Owner accessing records which are required to be disclosed by Colorado law (at C.R.S. 38-33.3-209.4) at no cost to Owners.
6. Inspection. The Association reserves the right to have a third party present to observe during any inspection of records by an Owner or the Owner's representative.
7. Original. No Owner shall remove any original book or record of the Association from the place of inspection nor shall any Owner alter, destroy or mark in any manner, any original book or record of the Association.
8. Creation of Records. Nothing contained in this Policy shall be construed to require the Association to create records that do not exist or compile records in a particular format or order.
9. Definitions. Unless otherwise defined in this Policy, initially capitalized or terms defined in the Declaration shall have the same meaning herein.
10. Supplement to Law. The provisions of this Policy shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Association.
11. Deviations. The Board may deviate from the procedures set forth in this Policy if in its sole discretion such deviation is reasonable under the circumstances.
12. Amendment. This policy may be amended by the Board of Directors.

**REQUEST TO INSPECT AND/OR OBTAIN COPIES OF ASSOCIATION RECORDS**

I hereby request to inspect and/or obtain copies of the following records of the South T-Bar Ranch Property Owners Association, Inc. (be as specific as possible): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The records shall be used for the following purpose(s) only: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I understand that under the terms of the Colorado Revised Nonprofit Corporation Act, Association records may not be obtained or used for any purpose unrelated to my interest(s) as an Owner. I further understand and agree that without limiting the generality of the foregoing, Association records may not be:

- (1) used to solicit money or property unless such money or property will be used solely to solicit the votes of the Owners in an election held by the Association;
- (2) used for any commercial purpose;
- (3) sold to, otherwise distributed to, or purchased by any person;
- (4) any other purpose prohibited by law; or
- (5) any purpose not related to the reason specified in this Agreement.

In the event any document requested is used for an improper purpose or purpose other than that stated above, I will be responsible for any and all damages, penalties and costs incurred by the Association, including attorney fees resulting from such improper use. I will additionally be subject to any and all enforcement procedures available to the Association through its governing documents and Colorado law.

Understood and agreed to by:

\_\_\_\_\_ Date: \_\_\_\_\_  
Owner Signature

Parcel Number: \_\_\_\_\_