

## RECORDS INSPECTION POLICY

The following record inspection policy was adopted by resolution of the Board of Directors of The Charterwood Association ("the Association") pursuant to Colorado law at a regular meeting of the Board.

### RECITALS:

A. Colorado Revised Statute 38-33.3-209.5(1)(b)(v) provides that the Association shall adopt a policy for Members to inspect and copy the Association's records.

B. The intent of this policy is to generally define the types of records the Association maintains, define the costs of copies, and provide a general procedure for the Members to inspect and copy records; it is not the intent to limit Members statutory remedies for record inspection.

THEREFORE, IT IS RESOLVED THAT:

The following policy shall apply to the inspection and copying of the Association's records:

### 1. Types of Records

The Association's Statutory Records shall consist of:

- a. Financial records sufficiently detailed to enable the Association to establish the amount of unpaid assessments, late fees, interest, fines and other legal charges for each Unit/Lot subject to the Declaration;
- b. Minutes of meetings of the membership and minutes of meetings of the Board and committees of the Board as well as records of all actions taken by the Unit owners or the Board by written ballot or written consent in lieu of a meeting and any waivers of notice of meetings of the Unit owners, the executive Board or committees of the executive Board; and
- c. Records of the name and address of each Unit Owner within the Community as well as each Unit owners voting power as established by the Declaration.

In addition to the Statutory Records, the Association shall maintain a copy of each of the following at its principal office:

- d. Articles of Incorporation;
- e. Bylaws;
- f. Declaration including Covenants;
- g. Policies, procedures, and rules and regulations;

- h. Resolutions adopted by the executive Board relating to the characteristics, qualifications, rights, limitations, and objections of Unit Owners of the Common Interest Community;
- i. Minutes of all Unit Owner's meetings, and records of all actions taken by the Unit Owners without a meeting, for the past three years.
- j. All written communication within the past three years to Unit Owners generally as Members;
- k. A list of the names and business or home addresses of its current directors and officers; and
- l. A copy of its most recent annual report and financial statements, audits and review for periods ending during the last three years.

## **2. Inspection Request**

A Unit Owner, or a duly appointed representative, is entitled to inspect and copy the Association's records during regular business hours at the Association's principal office provided the Unit Owner delivers written notice to the Association at least five business days prior to the date the Unit Owner expects to inspect and copy the records. Further, if the Unit Owner seeks to inspect or copy the Statutory Records, the Unit Owner must:

- a. Describe with reasonable particularity the records the Unit Owner wants to review; and
- b. Describe with reasonable particularity the purpose the Unit Owner has to want to review the statutory records.

## **3. Approval to Inspect Records**

It is within the reasonable discretion of the Board of Directors, or an agent designated by the Board, to determine if the Unit Owner's written notice to inspect the Association's records is made in good faith and for a proper purpose. In determining whether records may be inspected, or copied, the Board or its agent shall consider among other things:

- a. Whether the written notice is made, in good faith, to ascertain the condition of the Association;
- b. Whether the inspection is for an illegal, or improper purpose, or for a purpose other than that stated in the written notice;
- c. Whether the Unit Owner or the representative has improperly used information secured through a previous inspection of records;
- d. Whether disclosure would violate a constitutional provision, a statutory provision, a Court Order, or public policy;

- e. Whether disclosure may result in an invasion of personal privacy, breach of confidence or privileged information;
- f. Whether disclosure would unreasonably interfere with or improperly disrupt the operation of the Association; and
- g. Whether inspection results in private harm or damage that outweighs the right to access.

In the event the Board, or its agent, determines the Unit Owner's request is not consistent with the standards set forth above, or is not specific with respect to the particular records requested or the particular purpose for which the records are requested, the Unit Owner shall be given written notice of the defects of his written request as soon as practical.

#### **4. Limitations on the use of the Association's Records**

Without the consent of the Board of Directors, a membership list or any part thereof may not be obtained or used by any person:

- a. For any purpose unrelated to a unit owner's interest as a unit owner;
- b. To solicit money or property unless such money or property will be used solely to solicit the votes of the unit owners in an election to be held by the Association;
- c. For any commercial purpose; or
- d. To be sold to or purchased by any person or entity.

The Association may pursue actions for damages or injunctive relief or both for any violation of the limitations set forth above, and seek reimbursement of all costs, including attorney fees and costs.

#### **5. Miscellaneous Provisions**

The Unit Owner's request should be made on the Association's Notice of Intent to Inspect and Copy Association Records form, but in any event, the request to inspect and copy the statutory records must be made in good faith for a purpose and the records requested must directly relate to the particular purpose described as well as the Unit Owner's interest.

The Association may charge a fee in advance for the estimated amount to copy the records not to exceed the Association's actual cost per page, including services to prepare the records for review, to oversee the Owner's inspection, and to prepare the requested copies of the Association's records. In the event a Unit Owner's request will

result in review and/or copying of voluminous documents, the Association may break the inspection into several sessions to reasonably accommodate the staff at its principal office.

Absent a court order from a Court of competent jurisdiction, the Unit Owner shall not be authorized to inspect or copy any confidential communication including but not limited to: a) documents subject to the attorney/client privilege; b) documents subject to privilege imposed by Federal or state law, or by court order; and c) documents that contain information that if disclosed would constitute an invasion of personal privacy (examples include, but are not limited to social security numbers, medical evaluations, employment information, personal bank account or personal financial information).

Careful scrutiny will be employed by the Board for requests to review records pertaining to other Unit Owners' accounts with the Association.

In the event a Court of competent jurisdiction finds a provision of this Records Inspection Policy void or otherwise unenforceable, the other provisions shall remain in full effect.

Policy adopted this 16<sup>th</sup> day of January, 200<sup>8</sup>7 by Resolution of the Board of Directors of The Charterwood Association.

By Richard M. Forester  
Its President

**NOTICE OF INTENT INSPECT ASSOCIATION RECORDS**

This Notice of Intent to Inspect Association Records shall be completed pursuant to the Resolution, Records Policy for Inspection of Records, adopted by the Board of Directors of The Charterwood Association on \_\_\_\_\_, 200\_\_.

Date of this Request: \_\_\_\_\_, 200\_\_

Date you or your agent intends to review the records: \_\_\_\_\_, 200\_\_

Person(s) requesting the review of the Association's records: \_\_\_\_\_

Person(s) who will be present for the review of the Association's records: \_\_\_\_\_

**Please note that all actual costs of inspection and any authorized copies must be paid in advance by the person requesting them.**

**Specify with particularity the records requested for this review. Please include type of record, date of record, any specifics that will identify the information you seek to review.**

<u>Record</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____

**Please indicate those records for which you request copies.**

<u>Record</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____

**Please state with particularity the purpose you wish to review each of the records described above including how that purpose relates to your interest as a member of the Association. Attach an additional sheet of if additional space is necessary.**

*Name:* \_\_\_\_\_  
*Date:* \_\_\_\_\_  
*Address:* \_\_\_\_\_  
*Authorized by:* \_\_\_\_\_

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