

Elk Springs Homeowners Association, Inc.

Policy and Procedure for Inspection and Copying of Association Records

Pursuant to the authority granted by Article 4.14 (A) of the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for Elk Springs, Garfield County, Colorado (the “Declaration”) and as further authorized and required by the Colorado Common Interest Ownership Act, C. R. S. 38-33.3-209.5 (1)(b)(v), et seq. (the “Act”), the Board of Directors of Elk Springs Homeowners Association, Inc. (the “Association”) adopts the following policy and procedures governing the inspection and copying of Association records. Unless otherwise defined in this Policy and Procedure, initially capitalized or terms defined in the Declaration shall have the same meaning herein. This Policy and Procedure may be amended at any time by the Board of Directors of the Association. This Policy does not limit the Members’ statutory right and remedies for record inspection. If this Policy and the Colorado Revised Statutes are ever in conflict, the Colorado Revised Statutes shall control in regard to records inspection by the Members.

The Association’s records (the “Association Records”) shall consist of the following:

- 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 subject to the Declaration;
- b. Minutes of meetings of the Members and minutes of meetings of the Board and committees of the Board as well as records of all actions taken by the Members or the Board by written ballot or written consent in lieu of a meeting and any waivers of notice of meetings of the Members, the Board or committees of the Board; and
- c. Records of the name and address of each Unit Owner within Elk Springs as well as each Unit Owners voting power as established by the Declaration. Pursuant to the Declaration, each Unit Owner is entitled to one (1) vote per Unit.

In addition to the Association Records, the Association shall maintain a copy of each of the following (the “Corporate Records”):

- a. The Articles of Incorporation;
- b. The Bylaws
- c. The Declaration;
- d. All rules, regulations and policies adopted by the Association through the Board or through a vote of the Members;
- e. Resolutions adopted by the Board;
- f. All written communications within the past three (3) years to the Members;

- g. A list of the names and business or home addresses of the current directors and officers;
- h. A copy of the most recent financial statements, and any audits or reviews conducted pursuant to C.R.S. 38-33.3-303(4)(b) for periods ending during the last three years;
- i. The most recent annual report; and
- j. Minutes of all Members meetings and records of all action taken by Members without a meeting, for the past three years.

1. A Unit Owner, or a duly appointed representative, is entitled to inspect and copy the Association's records. In order for the Association to have the desired books, records and personnel available, a Request for Inspection of Documents Form, a sample of which is attached must be submitted to the managing agent at least five (5) business days prior to the planned inspection. The Request must describe with reasonable particularity, which records are to be inspected and the purpose of the inspection.

2. All records shall be inspected at the offices of the Association's managing agent, or such other location communicated to the requesting Unit Owner, between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday. The Board and the requesting Unit Owner may agree in writing to other hours of inspection. Notwithstanding the above, the Board may provide the records for inspection at the next regularly scheduled meeting if such meeting occurs within thirty (30) days after the Request for Inspection of Documents Form was received. Further, upon consent of the Unit Owner, the Association may photocopy and provide the requested records to the Unit Owner in lieu of the Unit Owner's inspection of the records.

3. No original records may be removed from the Association's possession. At the discretion of the Association's Board, certain original records may only be inspected in the presence of an Association Board member, employee or managing agent.

4. The Association will charge a fee, not to exceed the Association's actual cost of \$.25 per page, for copies of the Association's records. In addition, the Association will charge the Unit Owner up to \$25/hour for inspection time that requires supervision by an Association Board member, employee or managing agent or for search, retrieval and copying of records.

5. All requests to inspect or copy those records defined above as Corporate Records shall be submitted, but approval shall be automatic. All requests to inspect or copy the Association Records shall be submitted but shall require approval by the Board only if:

- (a) The Member has been a Member for at least three months immediately preceding the demand to inspect or copy or is a Member holding at least five percent (5%) of the voting power as of the date the demand is made;

- (b) The demand is made in good faith and for a proper purpose;
- (c) The Member describes with reasonable particularity the purpose and the records the Member desires to inspect; and
- (d) The records are directly connected with the described purpose.

The right of inspection granted by this Policy may not be abolished or limited by the Articles of Incorporation or Bylaws. In addition, this Policy does not affect the right of Members to inspect records to the same extent as any other litigant if the Member is in litigation with the Association nor does it affect the power of a court to compel the production of Association records for examination.

Careful scrutiny will be employed by the Board for requests to review records pertaining to other Unit Owner's accounts or property files or other matters that may otherwise be confidential in nature or subject to specific attorney-client privileges.

6. If the request for inspection and copying of records is denied, the Board shall provide a letter within ten (10) business days of the denial which explains the reason for denial. In determining whether records may be inspected, the Board will consider, among other things:

- a) Whether the request is made in good faith and for a proper purpose;
- b) Whether the records requested are relevant to the purpose of the request;
- c) Whether disclosure is for an illegal or improper purpose, or would violate a constitutional or statutory provision or public policy; and
- d) Whether disclosure may result in an invasion of personal privacy or breach of confidential or privileged information.

7. Without the written consent of the Board, a membership list or any part thereof may not be

- a) Obtained or used by any person for any purpose unrelated to the Member's interest as a Member of the Association;
- b) Used 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) Used for any commercial purpose; or
- d) Sold to or purchased by any person.

8. The Association reserves the right to pursue any Person for damages or injunctive relief or both, including reasonable attorneys' fees, for abuse of these rights, including, but not limited to, use of any records for a purpose other than what is stated in the Request for Inspection of Documents.

Many of the Association Records and Corporate Records are posted on the Elk Springs Homeowners Association, Inc. website at www.elkspringshoa.com and may be accessed and printed for free.

PRESIDENTS CERTIFICATION:

The undersigned, being the President of the Elk Springs Homeowners Association, Inc. Board of Directors certifies that the foregoing Policy and Procedures for the inspection and copying of Association records was adopted by the Board of Directors at a duly called and noticed meeting of the Board of Directors held on June 12, 2017 and in witness thereof, the undersigned has subscribed her name.

/s/ Evelyn L. Cole

President, Elk Springs Homeowners
Association, Inc. Board of Directors

June 12, 2017

Date Adopted

ELK SPRINGS HOMEOWNERS ASSOCIATION, INC.

Request for Inspection of Documents

ALL ITEMS MUST BE COMPLETED
IF ANY PORTION OF THE FORM IS LEFT INCOMPLETE, IT MAY BE RETURNED TO
YOU
AND YOUR ABILITY TO REVIEW THE DOCUMENTS WILL BE DELAYED

Date: _____

Your Name: _____

Your Address: _____

Your Telephone Number: _____

Information regarding document(s):

Identify all documents you wish to review (please be as specific as possible including all dates):

What is the purpose for which you would like to review these documents (provide as much detail as possible):

Do you wish to inspect the documents during normal business hours at the offices of the Association's managing agent:

_____ YES _____ NO

If the answer is YES, please indicate at what times and dates you are available to inspect the documents and how long you anticipate such inspection *:

If the answer is NO, please indicate how you would like to receive the documents:

_____ Mail to the following address:
_____ or,

_____ Pick up. Please call when available.

By signing below, I state that I am making my request to review the records in good faith and for a proper purpose and that I will use such information consistent with the Policy and Procedure on Inspection and Copying of Association Records and all applicable laws including, but not limited to, the Colorado Revised Statute Section 7-136-105. I understand that I will be charged for all costs incurred in copying and delivering any documents and that I may be required to provide a deposit if the anticipated charges will exceed \$10.00.

Printed Name

Signature

Date

- All requests are subject to coordination with the custodian of the records.