

**SOMERSET ESTATES HOMEOWNERS ASSOCIATION, INC.**  
**INSPECTION AND COPYING OF ASSOCIATION RECORDS POLICY**

First Adopted 2/27/2019 – Rev 1 Adopted November 19, 2024

The following policy has been adopted by Somerset Estates Homeowners Association, Inc. ("Association") pursuant to the Colorado Common Interest Ownership Act ("Act"), including C.R.S. 38-33.3-209.5 and 38-33.3-317, as amended, at a regular meeting of the Executive Board ("Board").

Purpose: To establish a uniform and systematic protocol for the inspection and copying of Association records by Members as allowed by C.R.S. 38-33.3-317; to establish the type of records to be created and maintained by the Association or its agent; and to establish the cost of copying Association records.

NOW, THEREFORE, IT IS RESOLVED that the Association does hereby adopt the following policy governing the inspection and copying of Association records:

1. Records for Production to Members. The Association shall maintain the following, all of which shall be deemed to be the sole records of the Association for purposes of document retention and production to owners:

- (a) Detailed records of receipts and expenditures affecting the operation and administration of the Association.
- (b) Records of claims for construction defects and amounts received pursuant to settlement of those claims.
- (c) Minutes of all meetings of its unit owners and Board, a record of all actions taken by the unit owners or Board without a meeting, and a record of all actions taken by any committee of the Board.
- (d) Written communications among, and the votes cast by, Board members that are directly related to an action taken by the Board without a meeting.
- (e) The names of unit owners in a form that permits preparation of a list of the names of all unit owners and the physical mailing addresses at which the Association communicates with them, showing the number of votes each unit owner is entitled to vote.
- (f) Its current declaration, covenants, bylaws, articles of incorporation, rules and regulations, responsible governance policies, and other policies adopted by the Board.
- (g) Financial statements for the past three years and tax returns of the Association for the past seven years, to the extent available.
- (h) A list of the names, electronic mail addresses, and physical mailing addresses of its current Board members and officers.
- (i) All documents included in the Association's most recent annual report delivered to the secretary of state, if any.
- (j) Financial records sufficiently detailed to enable the Association to comply with section 38-33.3-316(8) concerning statements of unpaid assessments.
- (k) The Association's most recent reserve study, if any.
- (l) Current written contracts to which the Association is a party and contracts for work performed for the Association within the immediately preceding two years.
- (m) Records of Board or committee actions to approve or deny any requests for design or architectural approval from unit owners.
- (n) Ballots, proxies, and other records related to voting by unit owners for one year after the election, action, or vote to which they relate.

- (o) Resolutions adopted by its board of directors relating to the characteristics, qualifications, rights,

limitations, and obligations of members of any class or category of members.

(p) All written communications within the past three years to all unit owners generally as unit owners.

2. Notice. All records listed above must be available for examination and copying by a Member or the Member's authorized representative. So that the Association can have the desired records and personnel available, a written notice of intent to inspect must be submitted to the Association's Property Manager at least ten (10) days prior to the planned inspection. The notice must describe with reasonable particularity which records are to be inspected. The Association will not condition the production of records upon a statement of a proper purpose.

3. Location. All records shall be inspected at the principal office of the Association, generally the office of the current Property Manager, between the hours of 10 AM and 3 PM, Monday through Friday, unless a different location is provided to the Member requesting the records.

4. Restrictions and Alternate Forms of Records. At the discretion of the Board, certain records may only be inspected in the presence of a Board member, Property Manager or employee of the Property Manager. No records may be removed from the office without the express written consent of the Board. The Association may elect to provide photocopies or electronic versions of the requested records to the Member in lieu of the Member's inspection of the records. The Association is not obligated to compile or synthesize information. Records of receipts and expenditures will be in the form of a general ledger, not copies of invoices.

5. Costs. The Association may charge a reasonable fee to cover the costs of labor and material for copies of Association records, which may be collected in advance.

6. Records Requiring Board Approval. Consistent with individual Member's right to privacy, attorney-client confidentiality, and other considerations, the following records will not be made available without the express written consent of the Board:

- (a) Records of Members other than those of the requesting Member.
- (b) Architectural drawings, plans, and designs, unless released upon the written consent of the legal owner of the drawings, plans, or designs.
- (c) Contracts, leases, bids, or records related to transactions to purchase or provide goods or services that are currently in or under negotiation.
- (d) Communications with legal counsel that are otherwise protected by the attorney-client privilege or the attorney work product doctrine, including confidential litigation files and matters covering consultation with legal counsel concerning disputes that are the subject of pending or imminent court proceedings. All communications with legal counsel shall be presumed to be protected by attorney-client privilege unless expressly released by the Board.
- (e) Disclosure of information in violation of the law.
- (f) Records of an executive session of the Board.

7. Restricted Records. Records maintained by the Association are not subject to inspection and copying, and they must be withheld, to the extent that they are or concern:

- (a) Personnel, salary, or medical records relating to specific individuals.
- (b) Personal identification and account information of Members and residents, including bank account information, telephone numbers, electronic mail addresses, driver's license numbers, and social security numbers; except that, notwithstanding section 38-33.3-104, a Member or resident may provide the Association with prior written consent to the disclosure of, and the Association may publish to other Members and residents, the person's telephone number, electronic mail address, or both. The written consent must be kept as a record of the Association and remains valid until the person withdraws it by providing the Association with a written notice of withdrawal of the consent. If a person withdraws his or her consent, the Association is under no obligation to change, retrieve, or destroy any document or record published prior to the notice of

withdrawal.

8. Restrictions on Membership Lists. Membership lists or any part thereof may not be obtained or used for any purpose unrelated to an Member's interest as an Member without consent of the Board, including:

- (a) To be used to solicit money or property unless such money or property will be used solely to solicit the votes of the Members in an election to be held by the Association;
- (b) To be used for any commercial purpose; or
- (c) To be sold to or purchased by any person.

9. Miscellaneous. Failure by the Association to enforce any provision of this policy shall in no event be deemed to be a waiver of the right to do so thereafter.

10. Severability. If a provision of this policy is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provisions of this policy.

Somerset Estates Homeowners Association, Inc.

*Jon Gillespie-Brown*

By: \_\_\_\_\_  
Jon Gillespie-Brown, President

This Inspection and Copying of Association Records Policy was amended by the Executive Board on the 19<sup>th</sup> day of November, 2024, effective immediately, and is attested to by the Secretary of the Somerset Estates Homeowners Association, Inc.

By: *Paula Hemenway*  
Paula Hemenway, Secretary