

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

Adopted 2/27/2019

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 keep the following documents as permanent (unless otherwise specified) records for purposes of document retention and production to Members:

- (a) Minutes of all meetings of Members and the Board.
- (b) A record of all actions taken by Members or the Board by written ballot or written consent in lieu of a meeting.
- (c) A record of all actions taken by a committee of the Board in place of the Board on behalf of the Association.
- (d) All written communications among, and the votes cast by Board members that are related to an action taken by the board without a meeting.
- (e) A record of Members in a form that permits preparation of a list of the names and addresses of all Members, showing the number of votes each Member is entitled to vote, subject to the restrictions of paragraph 7.
- (f) Financial statements and all tax returns filed on behalf of the Association, for a period of seven (7) years.
- (g) Financial records sufficiently detailed to enable the Association to comply with C.R.S. 38-33.3-316(8) concerning statements of unpaid assessments.
- (h) The Association's most recent reserve study.
- (i) Current written contracts to which the Association is a party, and contracts for work performed for the Association within the immediately preceding two (2) years.
- (j) Records of the Board's or Architectural Control Committee's actions to approve or deny any request for design, architectural, or landscaping approval from Members.
- (k) Ballots, proxies, and other related records related to voting by Members, for one (1) year after the election, action, or vote to which they relate.
- (l) Resolutions adopted by the Board relating to the characteristics, qualifications, rights, limitations, and obligations of members or any class or category of members; and
- (m) All written communications within the past three (3) years to all Members generally as Members.
- (n) Articles of Incorporation, Declaration, Bylaws, and other governing documents.
- (o) A list of the names and business or home addresses, and email address of the Associations current directors and officers.
- (p) The Association's most recent annual report to the Colorado Secretary of State.
- (q) All financial audits or reviews conducted pursuant to Section 38-33.3-303(4)(b) during the immediately preceding three (3) years.

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 or Board 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. Further, if consented to by the Member, 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.

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) Personnel, salary, or medical records relating to specific individuals.
- (b) Records of Members other than those of the requesting Member.
- (c) Members' personal contact information including, but not limited to, banking information, driver's license numbers, social security numbers, telephone numbers or email addresses, except the Association will, upon request, provide Members' names and addresses.
- (d) Architectural drawings, plans, and designs, unless released upon the written consent of the legal owner of the drawings, plans, or designs.
- (e) Contracts, leases, bids, or records related to transactions to purchase or provide goods or services that are currently in or under negotiation.
- (f) 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.
- (g) Disclosure of information in violation of the law.
- (h) Records of an executive session of the Board.

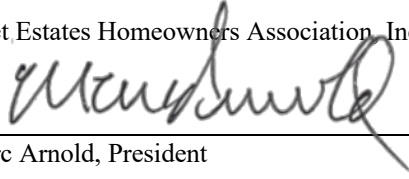
7. Restrictions on Membership Lists. Membership lists or any part thereof may not be obtained or used for any purpose unrelated to an Member's interest as an Member without consent of the Board, including:

- (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.

8. 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.

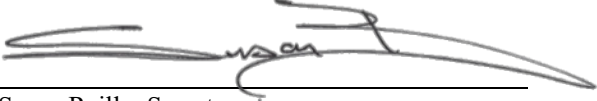
9. Severability. If a provision of this policy is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provisions of this policy.

Somerset Estates Homeowners Association, Inc.

By: 

Marc Arnold, President

This Inspection and Copying of Association Records Policy was adopted by the Executive Board on the 27th day of February, 2019, effective the 27th day of February, 2019 and is attested to by the Secretary of the Somerset Estates Homeowners Association, Inc.

By: 

Susan Reilly, Secretary