

**RESOLUTION OF  
DEER CREEK AT NORTHGATE HOMEOWNERS ASSOCIATION  
REGARDING POLICY AND PROCEDURE FOR  
INSPECTION AND COPYING OF ASSOCIATION RECORDS**

**SUBJECT:** Adoption of policies and procedures regarding inspection and copying of Association records in compliance with Colorado law.

**PURPOSE:** To amend and restate the Association's policies and procedures for the inspection and copying of Association records.

**AUTHORITY:** The Declaration, Articles of Incorporation and Bylaws of the Association and Colorado law.

**EFFECTIVE DATE:** May 21, 2014

**RESOLUTION:** The Association hereby adopts the following policies and procedures, contained herein.

**PRESIDENT'S CERTIFICATION:** The undersigned, being the President of Deer Creek at Northgate Homeowners Association, a Colorado nonprofit corporation, certifies that the following Policy was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on May 21, 2014 and in witness thereof, the undersigned has subscribed his/her name.

DEER CREEK AT NORTHGATE HOMEOWNERS ASSOCIATION,  
INC.  
a Colorado nonprofit corporation

By:  \_\_\_\_\_  
President

*This document alone does not constitute Full Public Disclosure as required under Colorado Law.*

## Policies on the Inspection and Copying of Association Records

1. 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 will be at the Owner's expense.
  - b. The inspection and/or copying of the records of the Association will be conducted during regular business hours at the office of the Association or its managing agent, or during the next regularly scheduled meeting occurring within 30 days of the Owner's request, at the discretion of the Board.
  - c. The Owner will give the Association's Manager a written request, at least 10 business days before the Owner wishes to inspect and/or copy such records.
  - d. The Owner will complete and sign the Agreement Regarding Inspection of Association Records prior to the inspection and copying of any Association record. A copy of the Agreement is attached to this Policy. Failure to properly complete or sign the Agreement will be valid grounds for denying an Owner the right to inspect and/or copy any record of the Association.
2. Records to be Maintained by the Association. In addition to any records specifically required by the Association's declaration or bylaws, the Association is to maintain the following records:
  - 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 Membership meetings, minutes of Board meetings, a record of all actions taken by the Members or Board without a meeting (i.e., by written ballot or written consent in lieu of a meeting), and a record of all actions taken by a 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 pursuant to the Association's Bylaws or Colorado law
  - e. the names of Members in a form that permits preparation of a list of names and physical mailing addresses of all Members, showing the number of votes each Member is entitled to vote ("Membership list")

Adopted: \_\_\_\_\_

Effective: \_\_\_\_\_

- f. the current articles of incorporation, declaration, covenants, bylaws, rules and regulations, responsible governance policies required pursuant to Colorado law, and any other policies adopted by the Board
- g. annual financial statements for the past three years
- h. financial statements, to the extent available, showing, in reasonable detail, the Association's assets and liabilities and results of its operations for the past three years
- i. tax returns for the past seven years, to the extent available
- j. a list of the names, electronic mail addresses and physical mailing addresses of its current directors and officers
- k. its most recent annual report delivered to the Secretary of State
- l. financial records sufficiently detailed to enable the Association to provide statements of unpaid assessments in accordance with the Colorado Common Interest Ownership Act
- m. the Association's most recent reserve study, if any
- n. current written contracts to which the Association is a party
- o. written contracts for work performed for the Association within the immediately preceding 2 years
- p. records of Board or committee actions to approve or deny design or architectural approval from Members
- q. ballots, proxies, and other records related to voting by Members for one year after the election, action, or vote to which they relate
- r. resolutions adopted by the Board relating the characteristics, qualifications, rights, limitations, and obligations of Members or any class of Members
- s. written communications within the past three years to Members generally as Members
- t. conflict of interest certifications signed and acknowledged by current board members
- u. the following additional information as required by C.R.S. 38-33.3-209.4 as part of the Association's annual disclosures:
  - i. the date on which the fiscal year commences
  - ii. the operating budget for the current fiscal year
  - iii. a list, by type, of the Association's current assessments (regular and special)

Adopted: \_\_\_\_\_

Effective: \_\_\_\_\_

*This document alone does not constitute a full Resale Disclosure as required under Colorado Law.*

- iv. the annual financial statements, including any amounts held in reserve, for the fiscal year immediately preceding the current annual disclosure
- v. the results of the most recent available financial audit or review, if any
- vi. a list of all Association insurance policies, including company names, policy limits, policy deductibles, additional named insureds, and expiration dates
3. Sole Records. The above records are the sole records of the Association available for inspection. If the Association stores other types of documentation, or stores documentation for a longer time period than may be required above, such documents are not considered records of the Association available for inspection and copying.
4. Creation of Records. Nothing contained in these policies may be construed to require the Association to create records that do not exist or compile records in a particular format or order.
5. HOA Records That May be Withheld from Inspection or Copying. Pursuant to Colorado law, the following records may be withheld from inspection and copying to the extent that such records are or concern:
- a. architectural drawings, plans, and designs, unless the legal owner of such drawings, plans, or designs provides written consent to the release
  - b. contracts, leases, bids or records related to transactions to purchase or provide goods or services that are still in or under negotiation
  - c. communication with legal counsel protected by the attorney-client privilege or the attorney work product doctrine
  - d. disclosure of information in violation of law
  - e. records of an executive session of the Board
  - f. records related to an individual owner other than the Member
6. HOA Records That are not Available for Inspection or Copying. Pursuant to Colorado law, the following records are not subject to review, inspection and/or copying and will be withheld from any inspection:
- a. personnel, salary, or medical records related to specific individuals; and
  - b. personal identification and account information of Members, including:
  - c. bank account information
  - d. telephone numbers
  - e. electronic mail addresses

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Effective: \_\_\_\_\_

- f. driver's license numbers
  - g. social security numbers
  - h. vehicle identification information
7. Membership Lists. The Membership list may not be:
- a. used to solicit money or property unless such money or property will be used solely to solicit votes of the Members in an election help by the Association
  - b. used for any commercial purpose
  - c. sold to or purchased by any person
  - d. used for any purpose unrelated to the Member's interest as a member; or
  - e. used for any other purpose prohibited by law
8. Fees/Costs. Any Owner requesting copies of Association records will be responsible for all actual costs incurred by the Association, including the cost to search, retrieve, and copy the record(s) requested.
9. Inspection. The Association reserves the right to have a third person present to observe during any inspection of records by an Owner or the Owner's representative. Owners may not remove any document from the Association's records or from the Association's place of business. All person inspecting or requesting copies of records must conduct themselves in a businesslike manner and will not interfere with the operations of the Association's office where the inspection or copying is taking place.
10. Violations. Any violation of these rules, policies and procedures may result in the immediate termination of the inspection or copying until the Owner agrees in writing to comply with this Policy.

Adopted: \_\_\_\_\_  
Effective: \_\_\_\_\_

**AGREEMENT REGARDING INSPECTION AND COPYING OF RECORDS OF DEER CREEK  
AT NORTHGATE HOMEOWNERS ASSOCIATION, INC.**

Pursuant to state law and the Association's Records Inspection Policy, I hereby request **Deer Creek at Northgate Homeowners Association** provide access to the records of the Association. I understand that upon receipt of this request, the Association will set an appointment with me during regular business hours.

1. The records that I wish to review are (attach a separate piece of paper if necessary):

- A. \_\_\_\_\_
- B. \_\_\_\_\_
- C. \_\_\_\_\_

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:

- (A) 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;
- (B) Used for any commercial purpose;
- (C) Sold to, otherwise distributed to, or purchased by any person; or
- (D) Used for any purpose prohibited by law.

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: \_\_\_\_\_

Homeowner

\_\_\_\_\_ Date: \_\_\_\_\_

Homeowner

\_\_\_\_\_

Address

\_\_\_\_\_

This document along with the Colorado Revised Nonprofit Corporation Act, is subject to public disclosure as required under Colorado Law.