

FRENCH CREEK TOWNHOME ASSOCIATION, INC.

Records Inspection Policy

The following Records Inspection Policy was approved and adopted, on the 25<sup>th</sup> day of June, 2013, by the Board of Directors of the French Creek Townhome Association, Inc. ("Association"), pursuant to C.R.S. 38-33.3-209.5.

NOW, THEREFORE, IT IS RESOLVED that the Association does hereby adopt the following Records Inspection Policy:

1. The Association must 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 executive board, a record of all actions taken by the unit owners or executive board without a meeting, and a record of all actions taken by any committee of the executive board, including all applications submitted to the Architectural Control Committee and all actions taken by said Committee thereon;
- (d) Written communications among, and the votes cast by, executive board members that are:
  - i. Directly related to an action taken by the board without a meeting pursuant to section 7-128-202, C.R.S.; or
  - ii. Directly related to an action taken by the board without a meeting pursuant to the Association's bylaws;
- (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, if it is a corporation, or the corresponding organizational documents if it is another form of entity, rules and regulations, design guidelines, responsible governance policies adopted pursuant to section 38-33.3-209.5, C.R.S., and other policies adopted by the executive board;

- (g) Financial statements as described in section 7-136-106, C.R.S., 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 executive board members and officers;
- (i) Its 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 executive 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 or any class or category of members;
- (p) All written communications within the past three years to all unit owners generally as unit owners;
- (q) The date on which its fiscal year commences;
- (r) Its operating budget for the current fiscal year;
- (s) A list, by unit type, of the Association's current assessments, including both regular and special assessments;
- (t) Its annual financial statements, including any amounts held in reserve for the fiscal year immediately preceding the current annual disclosure;
- (u) The results of its most recent available financial audit or review;
- (v) A list of all association insurance policies, including, but not limited to, property, general liability, association director and officer professional liability, and fidelity

policies. Such list shall include the company names, policy limits, policy deductibles, additional named insured, and expiration dates of the policies listed; and

- (w) The Association's responsible governance policies adopted under section 38-33.3-209.5.

2(a). Subject to subsections (3), (3.5), and (4) of this section, all records maintained by the Association must be available for examination and copying by a unit owner, the owner's authorized agent, First Mortgagee, or insurers or guarantors of any First Mortgagee. Current copies of the Declaration, Articles of Incorporation, Bylaws, rules and regulations, and the latest financial statement of the Association shall be available for examination by prospective purchasers of Lots. The Association may require unit owners to submit a written request, describing with reasonable particularity the records sought, at least ten days prior to inspection or production of the documents, and may limit examination and copying times to normal business hours or the next regularly scheduled executive board meeting if the meeting occurs within thirty days after the request. Notwithstanding any provision of the declaration, bylaws, articles, or rules and regulations of the Association to the contrary, the Association may not condition the production of records upon the statement of a proper purpose.

- (b)(i) Notwithstanding paragraph (a) of this subsection (2), a membership list or any part thereof may not be obtained or used by any person for any purpose unrelated to a unit owner's interest as a unit owner without consent of the executive board.
- (ii) Without limiting the generality of subparagraph (i) of this paragraph (b), without the consent of the executive board, a membership list or any part thereof 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 unit owners in an election to be held by the Association;
  - (b) Used for any commercial purpose; or
  - (c) Sold to or purchased by any person.

3. Records maintained by the Association may be withheld from inspection and copying to the extent that they are or concern:

- (a) Architectural drawings, plans, and designs, unless released upon the written consent of the legal owner of the drawings, plans, or designs;
- (b) Contracts, leases, bids, or records related to transactions to purchase or provide goods or services that are currently in or under negotiation;

- (c) Communications with legal counsel that are otherwise 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 an executive board; or
- (f) Individual units other than those of the requesting owner.

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

- (a) Personnel, salary, or medical records relating to specific individuals; or
- (b) Personal identification and account information of members, including bank account information, telephone numbers, electronic mail addresses, driver's license numbers, and social security numbers.

4. The Association may impose a reasonable charge, which may be collected in advance and may cover the costs of labor and material, for copies of Association records. The charge may not exceed the estimated cost of production and reproduction of the records.

5. A right to copy records under this section includes the right to receive copies by photocopying or other means, including the receipt of copies through an electronic transmission if available, upon request by the unit owner.

6. The Association is not obligated to compile or synthesize information.

7. Association records and the information contained within those records shall not be used for commercial purposes.

The undersigned hereby certifies that the foregoing resolution was approved and adopted by the Board of Directors of the Association, on the 25th day of June, 2013.

FRENCH CREEK TOWNHOME ASSOCIATION, INC.



By: Tereasa K. Harsh, its President

**CPMG MANAGED ASSOCIATION  
RECORDS INSPECTION AND COPYING REQUEST**

Please provide the following information in order to copy / inspect Association records. The records you have requested will be made available to you ten (10) business days after our office receives this notice, during normal business hours 9:00 AM- 6:00 PM, Monday through Friday, excluding legal holidays. If your Association's Governing Documents specify a shorter time period than ten (10) business days for availability of documents for inspection, the information will be provided as required within the business hours stated above.

**Copy Charge: \$.25 per page**

HOMEOWNER ASSOCIATION NAME: \_\_\_\_\_

HOMEOWNER NAME: \_\_\_\_\_  
(PLEASE PRINT)

YOUR ADDRESS IN THE ASSOCIATION: \_\_\_\_\_

ALTERNATE ADDRESS (IF APPLICABLE): \_\_\_\_\_

SPECIFIC DOCUMENTS REQUESTED: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Pursuant to C.R.S. 38-33.3-317 membership lists and any part thereof may not be obtained or used by any person for any purpose unrelated to a unit owner's interest as a unit owner without the consent of the executive board and additionally may not be:

1. 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 held by the Association;
2. Used for any commercial purpose; or
3. Sold to or purchased by any person.

By signing below, you are agreeing that the documents requested will be used in accordance with the limits stated above.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_