

POLICY
OF PARK EAST SQUARE HOMEOWNERS ASSOCIATION, INC. REGARDING
POLICY AND PROCEDURE FOR INSPECTION AND COPYING OF ASSOCIATION
RECORDS

SUBJECT: Inspection and copying of Association records by owners.

PURPOSE: To adopt a policy regarding an owner's right to inspect and copy Association records. To adopt a standard procedure to be followed when an owner chooses to inspect or copy Association records.

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

EFFECTIVE DATE: February 11, 2025

RESOLUTION: The Association hereby adopts the following Policy and Procedures.

1. Records for Inspection. The following are the records of the Association that shall be deemed to be the sole records of the Association for purposes of inspection by owners.
 - (a) 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 any such claims.
 - (c) Minutes of all meetings of owners and the Board (except records of executive sessions).
 - (d) Records of all actions taken by the owners or the Board without a meeting.
 - (e) Written communications among, and votes cast by, Board members that are directly related to the action taken without a meeting.
 - (f) Records of actions taken by any committee of the Board without a meeting.
 - (g) The names of the owners in a form that permits preparation of a list of the names and physical mailing addresses of all owners, as well as each owner's number of votes.
 - (h) Current governing documents that are comprised of:
 - (1) Declaration;
 - (2) Bylaws;
 - (3) Articles of Incorporation;
 - (4) rules and regulations; and,

- (5) policies adopted by the Board, including the responsible governance policies required by Colorado law.
- (i) Financial statements for the past three years, to the extent available. Financial statements are the most recent annual financial statements, if any, including any amounts held in reserve for the immediately preceding fiscal year, and the most recently published financial statements, if any, showing in reasonable detail the Association's assets and liabilities and results of its operations.
- (j) Tax returns for the past seven years, to the extent available.
- (k) The operating budget for the current fiscal year.
- (l) A list, by unit type, of the Association's current assessments, both regular and special assessments.
- (m) A list of the current amounts of all fees and expenses charged in connection with the purchase or sale of a townhome and not paid through assessments, including transfer fees, record change fees, and costs of a status letter or statement of assessments due.
- (n) The result of the Association's most recent available financial audit or review.
- (o) A list of the Association's insurance policies, which shall include the company names, policy limits, policy deductibles, additional named insured, and expiration dates of the policies listed, as well as the policies themselves.
- (p) A list of the names, email addresses, and physical mailing addresses of the current Board members and officers.
- (q) The most recent annual report delivered to the Secretary of State.
- (r) Financial records detailed enough to provide a written statement of the amount of any unpaid assessments for the owner's townhome.
- (s) The most recent reserve study, if any.
- (t) Current written contracts and contracts for work performed for the Association within the prior two years.
- (u) Records of Board or delegated committee actions to approve or deny any requests for architectural modification approval from owners.
- (v) Ballots, proxies, and other records related to voting by owners for one year after the related election, vote, or action (any personal identification information of other owners will be redacted prior to inspection or copying).
- (w) Resolutions adopted by the Board.

- (x) General written communications sent to all owners at once within the past three years (email or mailing of notices, newsletters, insurance letter, etc.).
- (y) A record showing the date on which the Association's fiscal year begins.
- (z) The name, valid physical address, and telephone number of both the Association and any management company.
- (aa) The initial date of recording and the reception number of the Declaration.

If the Association stores other types of documents or for a longer period than specified above, those documents are not considered to be Association records.

2 Exclusions. The Association shall withhold from inspection and copying certain records as provided by Colorado law, and they shall not be deemed to be Association records, which shall include, but are not limited to:

- (a) Architectural drawings, plans and designs, unless the legal owner provides a written release of such drawings, plans, or designs to the Association;
- (b) Contracts, leases, bids, or records related to transactions currently under negotiation;
- (c) Communications with legal counsel that are protected by the attorney-client privilege or the attorney work product doctrine;
- (d) Disclosure of information in violation of law;
- (e) Records of executive sessions of the Board; and;
- (f) Records related to an individual townhome other than the requesting owner's.

The Association *shall* withhold from inspection and copying the following records as provided by Colorado law.

- (a) Personnel, salary, or medical records relating to individuals.
- (b) Personal identification and account information of owners or residents, including bank and credit/debit card account information, driver's license or identification card numbers, passport numbers, social security numbers, email addresses and telephone numbers. Notwithstanding the above, if an owner or resident has provided the Association with prior express written consent to disclose the person's email address or/and phone number, the Association may publish that information to other owners or residents. The written consent remains valid until the owner or resident revokes it in writing. Upon receipt of the notice of withdrawal, the Association shall cease making the owner's or resident's' email address or phone number available. The Association is not obligated to change,

retrieve, or destroy any document or record published by the Association prior to the Association's receipt of the notice of withdrawal.

3. Inspection/Copying Association Records. An owner or owner's authorized agent is entitled to inspect and copy any of the books and records of the Association, as listed above, subject to the exclusions set forth above, upon submission of a written request to the Association describing with reasonable detail the records sought (e.g., name, townhome address, specific record, description of the document, date). Further, the owner shall provide written authorization if using an agent. The Association shall provide access to the requested records by:
 - (a) Making the requested records available for inspection and copying during regular business hours of 9:00 a.m. to 4:00 p.m. at the Association's office within 10 days of the Association's receipt of the written request; or,
 - (b) Making the requested records available for inspection and copying during the next regularly scheduled Board meeting occurring within 30 days of the written request; or,
 - (c) Emailing the requested records within 10 days of the Association's receipt of the written request, if requested by the owner.

4. Use of Records. Association records and the information contained within the records shall not be used for commercial purposes. Furthermore, owners are not required to state a purpose for any request to inspect the records of the Association, except for the membership list. The membership list may not be used for any of the following without the consent of the Board:
 - (a) 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) For any commercial purpose; or,
 - (c) Sold to or purchased by any person;
 - (d) For any purposes unrelated to the owner's interest as an owner; or,
 - (e) For any other purpose prohibited by law.

5. Fees/Costs. Any owner requesting copies of Association records shall be responsible for all actual costs incurred by the Association to produce such records for the owner, including time, materials for copying and mailing, and any necessary special processing costs. The Association may require a deposit equal to the estimated cost of production of the requested records. Failure to pay such deposit shall be valid grounds for denying an owner copies of such records. The charge for the actual cost shall not exceed the estimated cost. If after payment of the deposit the actual cost was less than the deposit, the difference shall be returned to the owner with the copies.

6. Inspection. The Association reserves the right to have a third-party present to observe during any inspection of a record by an owner or the owner's agent.
7. Original. No owner shall remove any original book or record of the Association from the place of inspection nor shall any owner alter, destroy, or mark in any manner, any original book or record of the Association.
8. Creation of Records. Nothing contained in this Policy shall be construed to require the Association to create records that do not exist or to compile or synthesize information.
9. Definitions. Unless otherwise defined in this Policy, initially capitalized or terms defined in the Declaration shall have the same meaning herein.
10. Supplement to Law. The provisions of this Policy shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Community.
11. Deviations. The Board may deviate from the procedures set forth in this Policy if in its sole discretion such deviation is reasonable under the circumstances.
12. Amendment. This Policy may be amended from time to time by the Board of Directors.

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of Park East Square Homeowners Association, Inc., a Colorado nonprofit corporation, certifies that the foregoing Policy was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on February 11, 2025, and in witness thereof, the undersigned has subscribed their name.

Park East Square Homeowners Association, Inc.,
a Colorado nonprofit corporation

By: 
President