

Effective Date: January 1, 2013

In compliance with the Colorado Common Interest Ownership Act and the Colorado Revised Statutes, as amended by House Bill 12-1237, the Board of Directors desires to adopt a uniform and systematic records maintenance, retention and inspection policy.

The Association hereby adopts the following policies concerning records kept by the Association:

1. 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 Members of the Association:

- 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 the Members and the Executive Board, a record of all actions taken by the Members 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 pursuant to the Association's bylaws or to §7-128-202, C.R.S.;
- E. the names of Members in a form that permits preparation of a list of the names of all Members and the physical mailing addresses at which the Association communicates with them, showing the number of votes each Member is entitled to vote ("Membership List");
- F. the current Declaration, Articles of Incorporation, Bylaws, Policies & Procedures, and Rules & Regulations of the Association;
- 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 names, electronic mail addresses, and physical mailing addresses of current Executive Board members and officers;
- I. the most recent annual report delivered to the secretary of state;
- J. financial records sufficiently detailed to enable the Association to provide statements of unpaid assessments in accordance with the Colorado Common Interest Ownership Act;
- K. the Association's most recent reserve study;
- 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 Members;
- N. ballots, proxies, and other records related to voting by Members for one year after the election, action, or vote to which they relate;

- O. resolutions adopted by the Board relating to the characteristics, qualifications, rights, limitations, and obligations of Members or any class or category of Members; and
- P. all written communications within the past three years to all Members generally as unit owners.

2. Subject to paragraphs 3, 4, & 5 below, all records maintained by the Association shall be available for examination and copying by a Member or the Member's authorized agent subsequent to receipt of a written request, describing with reasonable particularity the records sought, at least ten days prior to the inspection or production of the documents during normal business hours or the next regularly scheduled Board meeting if the meeting occurs within thirty days after the request.

A. Notwithstanding any provision of the Declaration, Articles, Bylaws, or Rules & Regulations to the contrary, the Association shall not condition the production of records upon the statement of a proper purpose.

B. Notwithstanding any provision of section 2, a Membership List or any part thereof may not be obtained or used by any person for any purpose unrelated to a Member's interest as a unit owner without consent of the Board;

C. Without limiting the generality of paragraph 2.B, without the consent of the Board, a Membership List or any part thereof may not be:

- i. 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;
- ii. used for any commercial purpose;
- iii. sold to or purchased by any person;
- iv. used for any other purpose prohibited by law.

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 the Board; or
- F. individual units other than those of the requesting Member.

4. 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.
5. 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.
6. The right to copy records under this policy 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 Member.
7. The Association is not obligated to compile or synthesize information.
8. Association records and the information contained within those records shall not be used for commercial purposes.
9. For purposes of disclosure at time of sale, upon request, the seller shall either provide to the buyer or authorize the Association to provide to the buyer, upon payment of the Association's usual fee, all of the Association's governing documents and financial documents, as listed in the most recent available version of the contract to buy and sell real estate promulgated by the real estate commission as of the date of contract.

IN WITNESS WHEREOF, the undersigned certify that this Records Maintenance, Retention & Inspection Policy was adopted by resolution of the Board of Directors of the Association this may 9, 2013 day of 2013

HARVEST RIDGE TOWN HOMES HOMEOWNERS ASSOCIATION, a
Colorado nonprofit corporation,

By: Wayne N. Cooksey
Its: President

ATTEST:

By: [Signature]

REQUEST FOR ACCESS TO ASSOCIATION RECORDS

Member Name: _____ Date: _____

Address: _____

Telephone #: _____

Pursuant to Colorado state law and the Association's Records Maintenance, Retention & Inspection Policy, I hereby request that Harvest Ridge Town Homes 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 an additional list if necessary):

A. _____

B. _____

C. _____

D. _____

E. _____

2. I certify that my request to review the records of the Association is for a proper purpose related to my membership in the Association, and that this request is not for commercial purposes or my personal financial gain.

3. I acknowledge and accept the Association's records inspection policy. I acknowledge and accept that the records of the Association will be made available to me only at such time and place as the Association's policy provides, and that there may be a cost associated with providing copies of these documents for me. I agree to pay any costs associated with copying these documents. In the event the records provided to me by the Association are used for any improper purpose, I will be responsible for any and all damages, penalties and costs incurred by the Association, including attorney fees, and I shall be subject to all enforcement procedures available to the Association through its governing documents and/or Colorado law.

Member Signature: _____ Date: _____

AGREEMENT REGARDING USE OF THE MEMBERSHIP LIST

Member Name: _____ Date: _____

Address: _____

Telephone #: _____

I have requested a copy of the Membership List for Harvest Ridge Town Homes Homeowners Association.

I understand that under the terms of Colorado law, the Membership List or voting list, or any portion thereof, may not be obtained or used for any purpose unrelated to my interests as a Member of the Association.

I further understand and agree that without limiting the generality of the foregoing, the Membership list, or any portion thereof, 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 to be held by the Association;
- B. Used for any commercial purpose;
- C. Sold to or purchased by any person; or
- D. Used for any other purpose prohibited by law.

In the event the list is used for any improper purpose, I will be responsible for any and all damages, penalties and costs incurred by the Association, including attorney fees, and I shall be subject to all enforcement procedures available to the Association through its governing documents and/or Colorado law.

Understood and agreed to this _____ day of _____, 20__ by:

Member Signature: _____ Date: _____