

**RESOLUTION OF THE ESPERANZA HOMEOWNERS ASSOCIATION, INC.
REGARDING POLICY AND PROCEDURE FOR INSPECTION AND COPYING OF
ASSOCIATION RECORDS**

- SUBJECT:** Adoption of a procedure for the inspection and copying of Association records by Owners and retention of Association permanent records.
- PURPOSE:** To adopt a policy regarding 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:** January 1, 2013
- RESOLUTION:** The Association hereby adopts the following Policy and Procedures:
1. **Required Records.** The records required as per attached **Schedule 1** attached to be maintained as permanent records and produced to Owners.
 2. **Records permitted to be withheld.** The Association may withhold from inspection and copying certain records as provided by Colorado law, and which shall not be deemed to be records of the Association, which shall include, but are not limited to the attached **Schedule 2.**
 3. **Records prohibited from disclosure.** The Association shall withhold from inspection and copy the following records as provided by Colorado law on the attached **Schedule 3.**
 4. **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 as listed in the attached Schedules, subject to the exclusions set forth attached, above submission of a written request to the Association describing with reasonable particularity the records sought. The Association shall provide access to the related records by:
 - (a) Making the requested records available for inspection and copying by the Owner within 10 days of the Association's receipt of such written request, which inspection shall be during business hours of 8:00 a.m. to 5:00 p.m. at the office of the Association Managing Agent; or

- (b) Making the requested records available for inspection and copying by the Owner during the next regularly scheduled Board meeting occurring within 30 days of the Owner's request; or
- (c) E-mailing the requested records to the Owner within 10 days of the Association's receipt of such written request, if so requested by the Owner.

5. **Use of Records.** Association records and the information contained within the records shall not be used for commercial purposes. Furthermore, while Owners are not required to state a purpose for any request to inspect the records of the Association, the membership list may not be used for any of the following without 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.

6. **Fees/Costs.** Any Owner requesting copies of Association records shall be responsible for all actual costs incurred by the Association to copy such records for the Owner. The Association may require a deposit equal to the anticipated actual cost of the requested records. Failure to pay such deposit shall be valid grounds for denying Owner copies of such records. If after payment of the deposit it is determined that the actual cost was more than the deposit, Owner shall pay such amount prior to delivery of the copies. If after payment of the deposit it is determined that the actual cost was less than the deposit, the difference shall be returned to the Owner with the copies.

7. **Inspection.** The Association reserves the right to have a third party present to observe during any inspection of record by an Owner or the Owner's representative.

8. **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.

9. **Creation of Records.** Nothing contained in the Policy shall be construed to require the Association to create records that do not exist or compile or synthesize information.

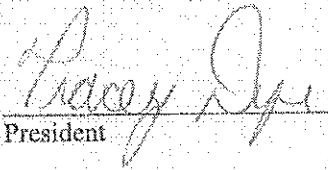
10. Definitions. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.
11. Supplement to Law. The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the project.
12. Deviations. The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.
13. Amendment. This policy may be amended from time to time by the Board of Directors.

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of the Esperanza Homeowners Association, Inc., a Colorado nonprofit corporation, certifies that the foregoing Resolution was approved and adopted by the Board of Directors of the Association and in witness thereof, the undersigned has subscribed his/her name.

ESPERANZA HOMEOWNERS ASSOCIATION, INC.,
a Colorado non-profit corporation,

By:



President

Attachments:

Schedule 1 Required records

Schedule 2 Records permitted to be withheld

Schedule 3 Prohibited from disclosure

SCHEDULE 1

REQUIRED RECORDS

Records required to be maintained as permanent records and produced to Owners:

1. Records specifically defined in the association's declaration or bylaws.
2. Records the association is required to make available within 90 days after the end of each fiscal year as set forth in CCIOA. See C.R.S. 38-33.3-209.4(2).
3. Detailed records of receipts and expenditures affecting the operation and administration of the association.
4. Records of claims for construction defects and amounts received pursuant to settlement of those claims.
5. Minutes of all meetings of Owners and the Board.
6. A record of all actions taken by the Owners or Board without a meeting.
7. A record of all actions taken by any committee of the Board.
8. Written communications among, and the votes cast by, Board members that are:
 - a) directly related to an action taken by the Board without a meeting pursuant to the Colorado Revised Nonprofit Corporation Act; or
 - b) directly related to an action taken by the Board without a meeting pursuant to the bylaws.
9. The names of Owners in a form that permits preparation of a list of the names of all Owners and the physical mailing addresses at which the Association communicates with them, showing the number of votes each Owner is entitled to vote; except that this does not apply to a unit, or the Owner thereof, if the unit is a time-share unit.
10. Declaration.
11. Covenants.
12. Articles of incorporation, if the Association is a corporation, or the corresponding organizational documents if it is another form of entity.
13. Bylaws.
14. Rules and regulations, responsible governance policies adopted pursuant to CCIOA, and other policies adopted by the Board.
15. Financial statements for the past three years.

16. Tax returns for the past seven years, to the extent available.
17. A list of the names, electronic mail addresses, and physical mailing addresses of the Association's current Board members and officers.
18. The Association's most recent annual report, if any, delivered to the secretary of the state.
19. Financial records sufficiently detailed to enable the Association to provide a written statement setting forth the amount of unpaid assessments currently levied against a requesting Owner's unit.
20. The Association's most recent reserve study, if any.
21. Current written contracts to which the Association is a party and contracts for work performed from the Association within the immediately preceding two years.
22. Records of Board or committee actions to approve or deny any requests for design or architectural approval from Owners.
23. Ballots, proxies, and other records related to voting by Owners for one year after the election, action, or vote to which they relate.
24. Resolutions adopted by its Board relating to the characteristics, qualifications, rights, limitations, and obligations of members or any class or category of members.
25. All written communications within the past three years to Owners generally as Owners.

Schedule 2

RECORDS PERMITTED TO BE WITHHELD

Records may be withheld from inspection and copying to the extent that they are or concern:

1. Architectural drawings, plans, and designs, unless released upon the written consent of the legal owner of the drawings, plans, or designs.
2. Contracts, leases, bids, or records related to transactions to purchase or provide goods or services that are currently in or under negotiation.
3. Communications with legal counsel that are otherwise protected by the attorney-client privilege or the attorney work product doctrine.
4. Disclosure of information in violation of the law.
5. Records of an executive session of a Board.
6. Individual units other than those of the requesting Owner.
7. The names and physical mailing addresses of Owners if the unit is a time-share unit.

Schedule 3

PROHIBITED FROM DISCLOSURE

Records not subject to inspection and copying and which must be withheld from inspection to the extent that they are or concern:

1. Personnel, salary, or medical records relating to specific individuals.
2. Personal identification and account information of Owners including:
 - a. bank account information.
 - b. telephone numbers.
 - c. electronic mail addresses.
 - d. driver's license numbers.
 - e. social security numbers.