

The Peaks at Aspen Glen Homeowners' Association, Inc.

Examination of Records Policy

In compliance with the Colorado Common Interest Ownership Act, The Peaks at Aspen Glen Homeowners' Association, Inc. (the "Association"), through its Board of Directors (the "Board"), desires to adopt a uniform and systematic policy and procedures to address examination, inspection, and copying of the Association's records. This policy is intended to comply with C.R.S. § 38-33.3-209.5(1)(b)(V).

The Association hereby adopts the following policy and procedures to address examination, inspection, and copying of the Association's records.

A. Records maintenance and production: In addition to any records specifically required by the Association's Declaration, Bylaws, Rules, Regulations, Policies, Procedures, or applicable law ("Governing Documents"), the Association shall maintain the following records:

1. Records the Association is required to disclose within 90 days after the end of the fiscal year as required by CCIOA;
2. Detailed records of receipts and expenditures affecting the operation and administration of the Association;
3. Record of claims for construction defects and amounts received pursuant to settlement of those claims;
4. Minutes of all meetings of members and the Board of Directors, a record of all actions taken by the Owners and the Board of Directors without a meeting, and a record of all actions taken by any committee of the Board of Directors;
5. Written communications among, and votes cast by, members of the Board 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 Association's Governing Documents;
6. A list of the names of all owners and physical addresses at which the Association communicates with them, showing the number of votes each owner is entitled to vote;
7. The Association's current declaration, covenants, bylaws, articles of incorporation, rules and regulations, responsible governance policies, and other policies adopted by the Board;

8. Financial statements for the past three years, and tax returns of the Association for the past seven years;
9. A list of the names, email addresses, and physical mailing addresses of the current Board Members and Officers;
10. The most recent annual report, if any, delivered to the Secretary of State;
11. Financial records sufficiently detailed to enable the Association to provide an owner with a written statement stating the amount of unpaid assessments currently levied against the Owner's Unit;
12. The Association's most current reserve study, if any;
13. Current written contracts to which the Association is a party and contracts for work performed within the past two years;
14. Records of Board or Committee actions to approve or deny any requests for design or architectural approval from Owners;
15. Ballots, proxies, or other records related to voting by owners for one year after the election, action, or vote;
16. Resolutions adopted by the Board relating to the characteristics, qualifications, limitations, and obligations of Owners;
17. All written communications within the past three years sent to all Owners.

B. Records which may be withheld from production. The following records may be withheld from production at the discretion of the Board:

1. Architectural drawings, plans, and designs, unless released upon the written consent of the legal owners 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 negotiations;
3. Attorney-client privileged documents, records and communications, and any other communications with legal counsel that are otherwise protected by the attorney work product doctrine or other legal privilege;
4. Disclosure of information in violation of law;
5. Records of an executive session of a Board meeting;
6. Records relating to or concerning individual Units other than those of the requesting owner.

7. Any documents that are confidential or otherwise prohibited from disclosure under constitutional, statutory or judicially imposed requirements;
8. The ballot forms from any secret ballot conducted by the Association, except that same may, at the sole discretion of the Board of Directors, be provided with redaction of information relating to the Owner(s) casting such ballots; and
9. Any documents, or information contained in such documents, disclosure of which would constitute an unwarranted invasion of individual privacy, including but not limited to social security numbers, dates of birth, personal bank account information, and driver's license numbers.

C. Records which will be withheld from production. The following records will always be withheld from production:

1. Personnel, salary, or medical records relating to specific individuals; or
2. Personal identification and account information of members, including bank account information, telephone numbers, email address, driver's license numbers, and social security numbers. However, the Association may publish to other Owners and residents an Owner's or resident's telephone number, electronic mail address, or both, provided that the Association has received the prior written consent for the disclosure of such information from the subject Owner or resident. A written consent remains valid until the subject Owner or resident withdraws it by providing the Association with a written notice of withdrawal of the consent. If a consent is withdrawn, the Association has no obligation to change, retrieve, or destroy any document or record published prior to the notice of withdrawal. The Association will accept written consents and notices of withdrawal of the consent provided by Owners and residents via electronic mail to the Association, so long as the subject Owner or resident includes in the electronic mail of consent or withdrawal the following statement, or a substantially similar version thereof: "I hereby agree to provide this consent or withdrawal of consent, as applicable, by electronic means in accordance with the Uniform Electronic Transactions Act, Article 71.3 of Title 24, C.R.S."

D. Procedures for requesting Association records: These procedures outline how an Owner may request records from the Association:

1. A written request for records in substantial conformance with Exhibit A must be submitted at least 10 days prior to the inspection or production of the records. Inspection and copying of the records will be scheduled only during normal business hours.
2. A reasonable fee, collected in advance, will be charged for the labor and materials involved in producing and/or reproducing the records. The Association may require prepayment of the actual cost of the requested records. Failure to pay such prepayment of costs shall be valid grounds for denying an Owner copies of such records. If after prepayment

it is determined that the actual cost was less than the prepayment, the difference shall be returned to the Owner with the copies. There shall be no cost to any Owner accessing records which are required to be disclosed by Colorado law at no cost to Owners

3. Within thirty (30) days after receipt of a written requested properly submitted and payment of any fees required, All of the records which must be produced to owners will be available for examination and copying by an owner will be made available to the owner's authorized agent who has a signed and dated authorization that specifies the information the agent is authorized to request on the owner's behalf, during normal business hours of the Association.

E. Restrictions on Use of Membership List. The Association's membership list 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 Board. Moreover, unless the consent of the Board has been obtained, the membership list, or any part thereof, 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 to be held by the Association;
2. used for any commercial purpose; or
3. sold to or purchased by any person.

F. Prohibition on Commercial Use. The Association's records and the information contained within those records shall not be used for commercial purposes

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

H. 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.

I. Creation of Records. Nothing contained in this Policy shall be construed to require the Association to create records that do not exist or compile or synthesize records or information in a particular format or order.

J. 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.

K. 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 and the State of Colorado governing the Association.

L. Replacement. This policy supersedes and replaces prior policies adopted by the Board dealing with the subject matter herein.

M. Definitions. Unless otherwise defined in this Policy, capitalized terms shall have the same meaning ascribed by the Declaration.

N. Amendment. This policy and procedure may be amended at any time by the Board, pursuant to its policies and procedures.

This policy is effective immediately.

The undersigned, being the President of the Association certifies that the foregoing resolution was adopted by the Board at a duly called and noticed meeting of the Board of Directors held on this 13th day of November, in the year 2022 and in witness thereof, the undersigned has subscribed his/her name.



President

The Peaks at Aspen Glen Homeowners' Association, Inc.

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Request for Examination, Inspection, and/or Copying of Association Records

Pursuant to the Association's policy and procedure for Examination, Inspection, and/or Copying of Association Records, I hereby request that the Association provide access to the records of the Association as identified below. I understand that upon receipt of this request, the Association will set up an appointment with me to review/receive during regular business hours.

Owner Name: _____ Date: _____

Physical Address: _____

Phone: _____ Email: _____

The records that I wish to review are:

I acknowledge and accept the Association's records inspection policy. I acknowledge and accept that the records of the Association which I have requested 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 that the records provided to me by the Association are used for any commercial purposes, I will be responsible for any and all damages, penalties and costs incurred by the Association, including attorney's fees, and I shall be subject to all enforcement procedures available to the Association through its governing documents and/or Colorado law.

Owner's Signature _____ Date: _____