

**FOUNTAIN VALLEY RANCH FILING NO. 7 HOMEOWNERS ASSOCIATION, INC.
RECORDS INSPECTION POLICY AND PROCEDURE**

Effective Date: August 1, 2024

Article XI of the Association's Bylaws states, "the Declaration, Bylaws, other rules concerning the Project, and the books, records and financial statements of the Association" are subject to inspection and copying by Owners.

Article VI, Section 6.2(a) and (g) of the Bylaws set forth the Board of Directors' duty to maintain a "complete record of all its acts and corporate affairs" and maintain "full and accurate books and records showing all of the receipts, expenses or disbursements, and to permit examination thereof at any reasonable time." These two sections do not contain a detailed list of records that are to be kept by the Association.

The Board of Directors wishes to clarify the term "books, records and papers of the Association" to allow for efficient and consistent record-keeping and to allow for a consistent procedure to inspect records.

The Association is a limited expense community as defined in C.R.S. § 38-33.3-116(2), and, therefore, exempt from most of the Colorado Common Interest Ownership Act ("CCIOA"), including the list of records an association is required to maintain and which are available to owners to inspect and copy.

Therefore, the Board of Directors, in developing this records inspection policy has relied on the provisions of the Colorado Revised Nonprofit Corporation Act ("Act") to provide clarification for the Association's obligations with respect to recordkeeping and the Owners' rights with respect to inspection and copying those records.

The Association hereby adopts the following policies and procedures for records inspection.

1. Availability and Inspection of Records. Any records required to be made available by law will be made reasonably available for inspection and copying by a Member or the Member's authorized agent. "Reasonably available" means available during normal business hours after written request of at least five (5) business days. The written request will describe the records sought with reasonable particularity and will state the proper purpose for reviewing the records. The Board may require that requests be submitted on the form attached to this policy.

A. Upon receipt of a request, the Association will make an appointment with the Owner, at a time and location convenient to both parties, to conduct the inspection. All appointments for inspection will be limited to 4 hours. If additional time is needed, another appointment will be made within 2 weeks, at a time convenient to both parties.

B. At the discretion of the Board or Association manager, records will be inspected only in the presence of a Board member or other person designated by the Board.

C. During inspection, an Owner may designate pages to be copied. Copies will be made at a cost based on the fees charged by the Association's management agent, and will include reasonable retrieval costs for off-site files or for any other necessary special processing. The Owner will be responsible for paying the total copying cost prior to receiving the copies. The Owner will be responsible for mailing costs, if any.

D. The 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 Owner.

E. Records may not be removed from the office in which they are inspected without the Board's express written consent,

2. Association Records. In addition to any records specifically required by law or the Association's Declaration or Bylaws, the Association will maintain the following records, which are the Association's sole records:

A. appropriate accounting records, including detailed records of receipts and expenditures affecting the Association's operation and administration;

B. minutes of all meetings of its Members and Board of Directors, a record of all actions taken by the Members or Board of Directors without a meeting, a record of all actions taken by a committee of the Board of Directors, and a record of all waivers of notices of meetings of Members, the Board of Directors, or any committee of the Board of Directors;

C. Members' names in a form that permits preparation of a list of names and physical mailing addresses of all Members, showing each Member's membership class (if any), and each Member's number of votes ("Membership list");

D. the current articles of incorporation, declaration, covenants, bylaws, rules and regulations, responsible governance policies required pursuant to Colorado law, and any other policies adopted by the Board;

E. financial statements showing, in reasonable detail, the Association's assets and liabilities and results of its operations for the past three years;

F. a list of the names and business or home addresses of its current directors and officers, which address may be the same as the Association's business address;

G. its most recent periodic report delivered to the Secretary of State;

H. resolutions adopted by the Board relating the characteristics, qualifications, rights, limitations, and obligations of Members or any class of Members; and

I. written communications within the past three (3) years to Members generally as Members.

If the Association stores other types of documentation, or stores documentation for a longer time period than may be required above, those documents will not be considered Association records.

3. Requirements. A Member may inspect and copy, during regular business hours at a reasonable location stated by the Association, any of the records listed in Section 1 of this Policy, if the Member meets the following requirements:

A. The Member has been a Member for at least three months immediately preceding the request or is a Member holding at least five percent of the voting power as of the date the request is made;

B. The request is made in good faith and for a proper purpose reasonably related to the Member's interest as a Member;

C. The Member describes with reasonable particularity the purpose and the records the Member desires to inspect; and

D. The records are directly connected with the described purpose.

4. Restrictions on Use of Membership List.

A. No Member may use Association records, or allow Association records to be used, for commercial purposes.

B. In addition, a Membership list may not be:

- i. used to solicit money or property unless such money or property will be used solely to solicit votes of the Members in an election held by the Association;
- ii. sold to or purchased by any person;
- iii. used for any purposes unrelated to the Member's interest as a Member; or
- iv. used for any other purpose prohibited by law.

Members requesting a Membership list will be required to sign the agreement attached to this policy indicating that they will not use the list for the purposes stated above.

5. Records That Are Not Available. The following records, to the extent they may exist, are not subject to review, inspection, and/or copying, and will be withheld from any inspection:

- A. personnel, salary, or medical records related to specific individuals;
- B. communication with legal counsel protected by the attorney-client privilege or the attorney work product doctrine;
- C. records of an executive session of the Board;
- D. records that include information that cannot be disclosed without violating the law; and
- E. Members' personal identification and account information, including:
 - i. bank account information;
 - ii. telephone numbers;
 - iii. electronic mail addresses;
 - iv. driver's license numbers;
 - v. social security numbers; and
 - vi. vehicle identification information.

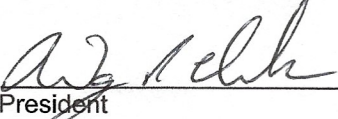
Notwithstanding the limitations above, an Owner or resident may provide the Association with prior written consent to the disclosure of, and the Association may publish to other Owners and residents, the person's telephone number, electronic mail address, or both.

6. Creation of Records. Nothing contained in these policies will be construed to require the Association to create records that do not exist or compile records in a particular format or order.

7. Remedies. The Association may pursue any Owner for damages or injunctive relief or both, including reasonable attorney fees, for abuse of inspection and copying rights, including use of any records for a commercial purpose.

This Records Inspection Policy and Procedure was adopted by the Board of Directors on this
1 day of August, 2024.

FOUNTAIN VALLEY RANCH FILING NO. 7 HOMEOWNERS
ASSOCIATION, INC.
a Colorado nonprofit corporation,

By: 
Its: President

**FOUNTAIN VALLEY RANCH FILING NO. 7 HOMEOWNERS ASSOCIATION
REQUEST FOR ACCESS TO ASSOCIATION RECORDS**

Member Name: _____ Date: _____

Address: _____

Telephone #: _____

1. Pursuant to the Association's Records Inspection Policy, I hereby request that Fountain Valley Ranch Filing No. 7 Homeowners Association provide access to the records of the Association. I have requested to inspect and/or obtain copies of the following records:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____

(Please be as specific as possible. Add additional pages, if necessary.)

I understand that upon receipt of this request, the Association will set an appointment with me during regular business hours.

2. The purpose of this request is:

3. I understand that under the terms of the Colorado Revised Nonprofit Corporation Act, Association records may not be obtained or used for any purpose unrelated to my interest(s) as an Owner or for any commercial purpose. I further understand and agree that the Association's membership list 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 Owners in an election held by the Association;
- (ii) Used for any commercial purpose;
- (iii) Used for any purposes unrelated to my interest as a Member;
- (iv) Sold to, otherwise distributed to, or purchased by any person; or
- (v) Any other purpose prohibited by law.

4. I acknowledge and accept the Association's records inspection policy. I acknowledge and accept that the Association's records 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 commercial purposes or other 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: _____

Member Name: _____ Date: _____

Address: _____

Telephone #: _____