

RESOLUTION
OF THE
LINCOLN CREEK VILLAGE HOMEOWNERS' ASSOCIATION, INC.
REGARDING AMENDED POLICY AND PROCEDURE FOR
INSPECTION AND COPYING OF ASSOCIATION RECORDS

SUBJECT: Amendment of the Association's procedure for the inspection and copying of Association records by unit owners, and retention of Association permanent records.

PURPOSE: To amend the Association's policy regarding a unit owner's right to inspect and copy Association records and identifying records to be permanently retained by the Association to conform to Colorado law. To adopt a standard procedure to be followed when a unit owner chooses to inspect or copy Association records.

AUTHORITY: The Supplemental Declaration of Covenants, Conditions and Restrictions for The Bluffs, The Colony and The Courtyard Homes at Lincoln Creek Village ("Declaration"), Bylaws and Articles of the Association and Colorado law.

EFFECTIVE DATE: _____

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

1. The Association shall retain the following records as the records of the Association for purposes of inspection by owners and as required by Colorado law:

(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 those claims;

(c) Minutes of all meetings of its unit owners and Board of Directors, a record of all actions taken by the unit owners or Board of Directors without a meeting, and a record of all actions taken by any committee of the Board of Directors.

(d) Written communications among, and the votes cast by, Directors that are:

(i) Directly related to an action taken by the Board without a meeting pursuant to Colorado Revised Statutes § 7-128-202; or

(ii) Directly related to an action taken by the Board without a meeting pursuant to the Association's bylaws;

(e) The names of unit owners in a form that permits preparation of a list of the names of all unit owners and the physical mailing addresses at which the Association communicates with them, showing the number of votes each unit owner is entitled to vote;

(f) The current declaration, covenants, bylaws, articles of incorporation, rules and regulations, responsible governance policies and other policies adopted by the Board of Directors;

(g) Financial statements for the past three years and tax returns for the past seven years, to the extent available;

(h) A list of the names, electronic mail addresses, and physical mailing addresses of the Association's current Board of Directors and officers;

(i) The most recent annual report delivered to the secretary of state, if any;

(j) Financial records sufficiently detailed to enable the Association to provide statements of unpaid assessments and otherwise comply with Colorado law;

(k) The most recent reserve study, if any;

(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 of Director or committee actions to approve or deny any requests for design or architectural approval from unit owners;

(n) Ballots, proxies, and other records related to voting by unit owners for one year after the election, action, or vote to which they relate;

(o) Resolutions adopted by its Board of Directors 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 unit owners generally as unit owners.

2. Inspection/Copying Association Records. An unit owner or his/her authorized agent is entitled to inspect and copy any of the books and records of the Association, subject to the exclusions, conditions and requirements set forth below:

(a) The inspection and/or copying of the records of the Association shall be at the unit owner's expense;

(b) The inspection and/or copying of the records of the Association shall be conducted by appointment during regular business, Monday through Friday, at a place specified by the Board of Directors or as specified by the Manager of the Association;

(c) The unit owner shall give the Association's Manager or Board of Directors a written request, describing with reasonable particularity the records sought, at least ten (10) days prior to the date on which the unit owner wishes to inspect and/or copy such records or at least ten (10) days prior to the next regularly scheduled Board of Directors meeting if the meeting occurs within thirty days after the request; and

(d) The unit owner shall complete and sign the Agreement Regarding Inspection of Association Records prior to the inspection and copying of any Association record. A copy of the Agreement is attached to this Policy. Failure to properly complete or sign the Agreement shall be valid grounds for denying a unit owner the right to inspect and/or copy any record of the Association.

3. Limitation on Use of Records. Association records shall not be used by any unit owner for:

(a) A membership list or any part thereof may not be obtained or used by any person for any purpose unrelated to a unit owner's interest as a unit owner without the consent of the Board of Directors;

(b) Without the consent of the Board of Directors, 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 unit owners in an election to be held by the Association;

(ii) Used for any commercial purpose; or

(iii) Sold to or purchased by any person.

4. Records that May be Withheld. The following records may be withheld from inspection and copying to the extent 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 negotiations;

(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 a Board of Directors; or

(f) Individual units other than those of the requesting unit owner.

5. Records that Shall be Withheld. The following records shall NOT be available for inspection and/or copying as they are deemed confidential:

(a) Personnel, salary, or medical records relating to specific individuals; or

(b) Personal identification and account information of members and residents, including bank account information, telephone numbers, electronic mail addresses, driver's license numbers, and social security numbers; except that a member or resident may provide the Association with prior written consent to the disclosure of, and the Association may publish to other members and residents, the person's telephone number, electronic mail address, or both. The written consent must be kept as a record of the Association and remains valid until the person withdraws it by providing the Association with a written notice of withdrawal of the consent. If a person withdraws his or her consent, the Association is under no obligation to change, retrieve, or destroy any document or record published prior to the notice of withdrawal.

6. Fees/Costs. Any unit owner requesting copies of Association records shall be responsible for all actual costs incurred by the Association, which have been determined to be \$20.00 for the search and retrieval, and copying of records and \$0.25 per page for copies. For copy charges estimated to be \$20.00 or more in addition to the search and retrieval fee, 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 to a unit owner, copies of such records. If after payment of the deposit it is determined that the actual cost was more than the deposit, the unit 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 unit owner with the copies. There shall be no cost to any unit owner accessing records which are required to be disclosed by Colorado law at no cost to unit owners, such records may be produced through electronic means.

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

8. Original. No unit owner shall remove any original book or record of the Association

from the place of inspection nor shall any unit owner alter, destroy or mark in any manner, any original book or record of the Association.

9. Creation of Records. Nothing contained in this Policy shall be construed to nor require the Association to create records that do not exist or compile records in a particular format or order.

10. Definitions. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the declaration or bylaws 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 of Directors 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.

IN WITNESS WHEREOF, the undersigned governing Association, has executed and adopted this instrument effective the date and year first stated above.

LINCOLN CREEK VILLAGE HOMEOWNERS'
ASSOCIATION, INC., a Colorado non-profit
corporation

By: _____

AGREEMENT REGARDING INSPECTION AND COPYING OF RECORDS OF LINCOLN CREEK VILLAGE HOMEOWNERS' ASSOCIATION, INC. (the "Association")

I have requested to inspect and/or obtain copies of the following records of the Association (be as specific as possible) and understand that I am responsible for all costs of research, retrieval and copying of the requested documents:

I understand that under the terms of the Colorado Common Interest Ownership Act and the Association's Policy, Association records may not be obtained or used for any purpose unrelated to my interest(s) as a unit owner. I further understand and agree that without limiting the generality of the foregoing, the following limitations apply:

(a) A membership list or any part thereof may not be obtained or used by any person for any purpose unrelated to a unit owner's interest as a unit owner without the consent of the Board of Directors;

(b) Without the consent of the Board of Directors, 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 unit owners in an election to be held by the Association;

(ii) Used for any commercial purpose; or

(iii) Sold to or purchased by any person.

In the event any document requested is used for an improper purpose or purpose other than that stated above, I will be responsible for any and all damages, penalties and costs incurred by the Association, including attorney fees resulting from such improper use. I will additionally be subject to any and all enforcement procedures available to the Association through its governing documents and Colorado law.

Understood and agreed to by:

Unit Owner/Authorized Agent
Address of Unit: _____
Date: _____