

The Conservatory Homeowners Association, Inc.
Request for Copies or to Review Business Records

All portions of this request must be fully completed and legible.

Name (person requesting records): _____

Association Property Address: _____

Mailing Address (if different from above): _____

Phone number: _____ Email: _____

Are you a member of the Association? _____
If you are not a member of the Association, please attach your original (signed) written authorization from the member you represent and state your affiliation.

Please provide, in reasonable particularity, the records you would like to review and the reason for each of the records requested.

Description of record: _____

Purpose of requesting this record: _____

Date of record(s): _____

I understand that I will be responsible for the prepayment of copy costs at the current unsubsidized cost of labor and materials of Westwind Management Group, Inc. Those specific costs are broken down and attached to this request form and I agree with this cost _____ (initials)

I understand that I will be responsible for the prepayment of digital reproduction costs at the current unsubsidized cost of labor and materials of Westwind management Group, Inc. Those specific costs are broken down and attached to this request for and I agree with this cost. _____ (initials)

**Documents required to be available to Owners pursuant to C.R.S.38-33.3-209.4 are free of charge and are located on our website at www.westwindmanagement.com, under the Association's "Public Disclosure"

All of the information provided above is true and complete to the best of my knowledge.

Signature _____ Date _____

Upon receipt of this fully and properly completed application, Applicant will be contacted to schedule a date and time for pick up of the requested document copies or the appointment for review of listed documents.

THIS REQUEST MUST BE RECEIVED AT LEAST 10 DAYS PRIOR TO THE OWNER/MEMBER INSPECTION OR PRODUCTION OF COPIES OF DOCUMENTS.

For Office use only

Application Received Date: _____ By: _____

Is the completed Business Records Review Validation form attached hereto? _____

Scheduled Appointment Date: _____ Time: _____ (employee initials)

Length of Inspection: _____ Cost of Copies: _____

Managing Agent/Representative Signature _____ Title _____

Additional Comments: _____

**THE CONSERVATORY HOMEOWNERS ASSOCIATION, INC.
RESPONSIBLE GOVERNANCE POLICY
AMENDED POLICY REGARDING REVIEW AND REPRODUCTION
OF ASSOCIATION BUSINESS RECORDS**

The Association desires to amend some of its current adopted policies and procedures due to some significant modifications to the Colorado Common Interest Ownership Act (aka "CCIOA"). Therefore, the Association amends the Policy Regarding Review and Reproduction of Association Business Records to read as follows:

As required by CCIOA, this policy outlines the process and requirements necessary to review and reproduce Association business records. This policy is in addition to any inspection rights for records specifically defined in the Association's Declaration or Bylaws.

Who may review Association business records?

- Any member of the Community.
- A member's authorized agent or attorney.
- A beneficial Owner whose membership interest is held in a voting trust.
- Any other beneficial Owner of a membership interest who establishes beneficial Ownership.

What requirements must be properly completed to review our Association business records?

- A written request describing with reasonable particularity the records sought and submitted to Westwind Management Group, Inc. at least ten days prior to the expected inspection or production of the documents.
- In the case that a representative of the member makes the request to review records, the properly executed original written representation authorization must be provided with the written request.
- Examination and copying times are limited to a pre-determined appointment time set by the Managing Agent to occur during normal business hours (Monday – Friday, holidays excepted), at the office of Westwind Management Group, Inc. or during the next regularly scheduled Board meeting occurring within 30 days of the Owner's request, at the discretion of the Board. In the event that the request is for a specific document and prior document examination is not requested and that document is available digitally, an appointment may not be necessary and the document may be emailed (if an email address is available) within the ten day response time, at the discretion of the Board or management.
- The right to copy records includes photocopying which includes the receipt of copies through an electronic transmission, if available, upon request by the Unit Owner.

What records are available for review by a qualified member or his authorized representative?

- Detailed records of receipts and expenditures affecting the operation and administration of the Association;
- Records of claims for construction defects and settlement amounts received pursuant to settlement of those claims;
- Minutes of all meetings of its Unit Owners and executive Board, a record of all actions taken by the Unit Owners or executive Board without a meeting, and a record of all actions taken by any committee of the executive Board;
- Written communication among, and the votes cast by, executive Board members that directly relate to an action taken by the Board without a meeting pursuant to C.R.S. 7-128-202, or pursuant to the Association's Bylaws;
- 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;
- Its current Declaration, Covenants, Bylaws, Articles of Incorporation, if it is a corporation, or the corresponding organizational documents if it is another form of entity, Rules and Regulations, responsible governance policies adopted pursuant to section 38-33.3-209.5 of CCIOA, and other policies adopted by the executive Board;
- Association financial statements approved by the Board for the immediately preceding three years, and tax returns for the past seven years, to the extent available;

- List of current Board Member and Officer names, electronic mail addresses and physical mailing addresses;
- Most recent annual report delivered to the Secretary of State, if any;
- Financial records sufficiently detailed to enable the Association to comply with section 38-33.3-316(8) concerning statements of unpaid assessments;
- Most recent reserve study, if any;
- Approved written contracts to which the Association is a party and contracts for work performed for the Association within the immediately preceding two years;
- Records of Board or committee actions to approve or deny any requests for design or architectural approval from Unit Owners;
- Ballots, proxies and other records related to voting by Unit Owners for one year after the election, action or vote to which they relate;
- Resolutions adopted by the Board of Directors relating to the characteristics, qualifications, rights, limitations, and obligations of members or any class or category of members;
- All written communications within the past three years to Owners generally as Owners.
- Operating budget for the current fiscal year
- Architectural Guidelines
- Financial audits or reviews (if any)

What records *may be withheld* for review / production by a qualified member or his/her authorized representative without prior express consent of the Board members? All records not specifically listed above plus records that are or concern the following (note that this list may not be all-encompassing):

- Architectural drawings, plans, and designs, unless released upon the written consent of the legal Owner of the drawings, plans or designs;
- Contracts, leases, bids, or records related to transactions to purchase or provide goods or services that are *currently in or under negotiation*;
- Communications with legal counsel that are otherwise protected by the attorney-client privilege or the attorney work product doctrine;
- Disclosure of information in violation of law;
- Records of an executive session of the Board;
- Records relating to or concerning individual units other than those of the requesting Owner;
- Names and physical mailing addresses of Unit Owners if the unit is a time-share unit.

What records *must be withheld* for review by a qualified member or his/her authorized representative?

Records that contain or concern:

- Personnel, salary, or medical records relating to specific individuals;
- Personal identification and account information of members, including bank account information, telephone numbers, electronic mail addresses, driver's license numbers, and social security numbers;
- Any records "the disclosure of which would constitute an unwarranted invasion of individual privacy" to be determined by the Board in its sole discretion.

Of what specific details regarding the records inspection procedure should the qualified member be aware?

- Due to the contracted responsibilities of our managing agent, a representative of the managing agent will be present at all times during the inspection of records.
- No original records maintained by the Association may be kept by the Owner. The Owner may review the original records and/or may be provided with photocopies.
- Bound papers are not to be unbound or disassembled without the Board's prior written consent.
- No reproduction or photographic equipment is to be brought into the managing agent's office. Only staff members will reproduce the requested copies, at the Owner's expense, after the selected copies have been indicated to the managing agent and upon proper and full payment in advance for the copies.

- The qualified Owner will pay for the managing agent's cost of labor, digital reproduction and material prior to receipt of the copies.
- The Association will pay for any additional hourly cost of research, investigation, monitoring and copying as indicated in the managing agreement between our Association and the managing agent.
- Association records, including membership lists, shall not be used by any Owner for the following purposes unless the Board has provided its prior written consent:
 1. Any purpose unrelated to an Owner's interest as an Owner;
 2. The purpose of soliciting money or property unless such money or property will be used solely to solicit the votes of the Owners in an election to be held by the Association;
 3. Any commercial purpose;
 4. For the purpose of giving, selling, or distributing such Association records to any person or company.

What are the Standards Required to Authorize Records Review?

- All information in the written request must be complete and legible
- In the case of an Owner's representative requesting the review of records, an original written authorization must accompany the request.
- The request must describe, with reasonable particularity, the records sought.

Adopted this 11th day of March, 2015, by the Association's Board of Directors,
 effective 3.11., 2015.

**The Conservatory Homeowners Association, Inc.
Statement Relative to a Membership List Request**

All portions of this statement must be fully completed and legible.

Name (person requesting records): _____

Association Property Address: _____

Mailing Address (if different from above): _____

Phone number: _____ Email: _____

Colorado law mandates that the Membership List, voting list, or any portion of either list, may not be obtained or used by any person for any purpose unrelated to a member's interest as a member. The Membership List may not be used for the following:

- Solicitation of 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;
- Used for any commercial purpose;
- Sold to or purchased by any person; or
- Used for any purpose contrary to law.

I understand that I will be responsible for any and all damages, penalties and costs incurred by the Association, including attorney fees, if this list is used for any unlawful purpose. I also agree that I may be subject to all enforcement procedures available to the Association through its Governing Documents and/or Colorado law.

Agreed to this _____ day of _____, 201__.

Signature

Date

