

II. ASSOCIATION RECORDS

A. Retention of Records. The Association shall permanently retain the following records as required by Colorado law:

1. Minutes of all Board and Owner meetings
2. A record of all actions taken by the Board or Owners by written ballot or email in lieu of a meeting.
3. A record of all actions taken by a committee on behalf of the Board.
4. A record of all waivers of the notice requirements for Lot Owner meetings, Board member meetings, or committee meetings.
5. A record of Lot Owners and the number of votes each Lot Owner is entitled to vote that permits the preparation of a list of the names and addresses of all Lot Owners.
6. Financial records sufficient to allow the association to provide a written statement setting forth the amount of unpaid assessments currently levied against any Owners Lot within fourteen days of the receipt of such request.
7. The Association's articles of incorporation and bylaws.
8. The project's Declaration and Condominium Map.
9. Copies of any resolutions adopted by the Board of Directors relating to the characteristics, qualifications, rights, limitations, and obligations of Owners or any class or category of Owners.
10. Copies of all written communications within the past three years to Lot Owners.
11. A list of the names and business or home addresses of its current directors and officers.
12. The Association's most recent annual disclosure.
13. All financial audits, financial reviews or studies conducted during the immediately preceding three years.

B. 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, subject to the following exclusions, conditions and requirements:

1. Fees/Costs. Any Owner requesting copies of Association records shall be responsible for all actual costs incurred by the Association, including the cost to search, retrieve, and copy the record(s) requested. 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 an 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.
2. Written Request/Purpose. The Owner shall give the Association's Managing Agent a written request, stating with reasonable particularity the records sought and the purpose for which the inspection and/or copying is sought.
3. Reasonably Available. The inspection and/or copying of the records of the Association shall be conducted after notice of at least 5 business days during normal business hours Monday through Friday, at the office of the Association or the Association's Managing Agent, or at the next regularly scheduled meeting held within 5 business days of the request.
4. Use of Records. Association records shall not be used by any Owner for:
 - i. any purpose unrelated to an Owner's interest as an Owner;
 - ii. The purpose of soliciting money or property unless such money or property will be used solely to solicit votes of the Owners in an election to be held by the Association; or
 - iii. Any commercial purpose; and records may not be sold or purchased.
5. Exclusions. The following confidential records shall NOT be available for inspection and/or copying:
 - i. Attorney-client privileged documents and records, unless the Board decides to disclose such communications;
 - ii. Any documents that are confidential under constitutional, statutory or judicially imposed requirements; and
 - iii. Any documents, or information contained in such documents, disclosure or 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.

6. Security. 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 Association record. An agent of the Association may observe any inspection of records or may make copies requested by an Owner.

C. Association Disclosures to Members.

1. Association/Managing Agent Information: The Association shall provide to all Members, at least once per year, a written notice stating the name of the Association; the name of the Association's managing agent, if any; and a valid physical address and telephone number for both the Association and the managing agent. The notice shall also include the name of the Project, the initial date of recording of the Declaration, and the reception number or book and page for the main document that constitutes the Declaration. If the Association's address or managing agent changes, the Association shall provide all Members with an amended notice within ninety days after the change.
2. Annual Disclosures. Within ninety days after the end of each fiscal year, the Association shall make the following information available to Members:
 - i. The date on which its fiscal year commences;
 - ii. Its operating budget for the current fiscal year;
 - iii. A list of the Association's current assessments, including both regular and special assessments;
 - iv. Its annual financial statements, including any amounts held in reserve for the fiscal year immediately preceding the current annual disclosure;
 - v. The results of any financial audit or review for the fiscal year immediately preceding the current annual disclosure;
 - vi. A list of all association insurance policies, including, but not limited to, property, general liability, association director and officer professional liability, and fidelity policies. Such list shall include the company names, policy limits, policy deductibles, additional named insureds, and expiration dates of the policies listed.
 - vii. The Association's Articles, Bylaws, and rules;

3. Disclosure Options. The Association has the widest possible latitude in methods and means of disclosure, if the required information is readily available at no cost to Members. Disclosure shall be accomplished by one of the following means: Posting on an internet web page with accompanying notice of the web address via first-class mail or e-mail; the maintenance of a literature table or binder at the Association's principal place of business; or mail or personal delivery. The cost of such distribution is a Common Expense.

D. Owners Disclosures Upon Lot Sale.

1. In every contract for purchase and sale of a Lot in the Project, the Owner shall furnish to buyer, at Owner's expense, copies of the following documents when and as required by Section C.R.S. §38-33.3-223:
 - i. Bylaws and Rules and Regulation of the Association;
 - ii. Recorded Declaration;
 - iii. Minutes of the most recent annual Owners' meeting and minutes of any of the Board meetings that occurred within the six months immediately preceding the Title Deadline (draft minutes may be supplied until minutes are approved);
 - iv. The Association's operating budget;
 - v. The Association's annual income and expenditures statement; and
 - vi. The Association's annual balance sheet.

C.R.S. §38-33.3-223 requires such documents to be mailed or delivered to the buyer before the Title Deadline contained in the sales contract.

2. The Association shall use its best efforts to accommodate a request by the selling Member for the Association's records in accordance with C.R.S. §38-33.3-317 and Section 2A and B of this Resolution.
3. On and after January 1, 2007, every contract for sale of a Lot shall contain a disclosure statement in bold-faced type that is clearly legible and in substantially the following form:

**“THE PROPERTY IS LOCATED WITHIN A
COMMON INTEREST COMMUNITY AND IS
SUBJECT TO THE DECLARATION FOR SUCH**

COMMUNITY. THE OWNER OF THE PROPERTY WILL BE REQUIRED TO BE A MEMBER OF THE OWNER'S ASSOCIATION FOR THE COMMUNITY AND WILL BE SUBJECT TO THE BYLAWS AND RULES AND REGULATIONS OF THE ASSOCIATION. THE DECLARATION, BYLAWS, AND RULES AND REGULATIONS WILL IMPOSE FINANCIAL OBLIGATIONS UPON THE OWNER OF THE PROPERTY, INCLUDING AN OBLIGATION TO PAY ASSESSMENTS OF THE ASSOCIATION. IF THE OWNER DOES NOT PAY THESE ASSESSMENTS, THE ASSOCIATION COULD PLACE A LIEN ON THE PROPERTY AND POSSIBLY SELL IT TO PAY THE DEBT. THE DECLARATION, BYLAWS, AND RULES AND REGULATIONS OF THE COMMUNITY MAY PROHIBIT THE OWNER FROM MAKING CHANGES TO THE PROPERTY WITHOUT AN ARCHITECTURAL REVIEW BY THE ASSOCIATION (OR A COMMITTEE OF THE ASSOCIATION) AND THE APPROVAL OF THE ASSOCIATION. PURCHASERS OF PROPERTY WITHIN THE COMMON INTEREST COMMUNITY SHOULD INVESTIGATE THE FINANCIAL OBLIGATIONS OF MEMBERS OF THE ASSOCIATION. PURCHASERS SHOULD CAREFULLY READ THE DECLARATION FOR THE COMMUNITY AND THE BYLAWS AND RULES AND REGULATIONS OF THE ASSOCIATION."