

**RESOLUTION
OF THE
SAPPHIRE POINTE MASTER ASSOCIATION, INC.
REGARDING POLICY AND PROCEDURE FOR INSPECTION AND COPYING OF
ASSOCIATION RECORDS**

SUBJECT: Adoption of a procedure for the inspection and copying of Association records by Owners and retention of Association permanent records.

PURPOSE: To adopt a policy regarding an Owner's right to inspect and copy Association records and identification of records to be permanently retained by the Association. To adopt a standard procedure to be followed when an Owner chooses to inspect or copy Association records.

AUTHORITY: The Declaration, Articles and Bylaws of the Association and Colorado law, including but not limited to C.R.S. 38-33.3-209.5.

**EFFECTIVE
DATE:**

July 14, 2012

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

1. The Association shall permanently retain the following records as required by Colorado law:
 - Minutes of all Board and Owner meetings
 - All actions taken by the Board or unit Owners by written ballot in lieu of a meeting
 - All actions taken by a committee on the behalf of the Board instead of the Board acting on behalf of the Association
 - All waivers of the notice requirements for unit Owner meetings, Board member meetings, or committee meetings

2. 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 exclusions, conditions and requirements set forth below:
 - (a) The inspection and/or copying of the records of the Association shall be at the Owner's expense, which may be collected in advance by the Association;

- (b) The inspection and/or copying of the records of the Association shall be conducted during the next regularly scheduled Owner or Board meeting occurring within 30 days of the Owner's request; The requesting Owner shall have the entire meeting time to inspect the requested records, but in no event shall the inspection time be less than two hours. If Owner needs time beyond time allocated during the Board meeting, the Owner shall be entitled to continue his/her inspection at the next regular Board or Membership meeting as long as such meeting occurs within 30 days. If no meeting is scheduled within the next 30 days, Owner shall be entitled to continue inspection of records at the Management Company at such time as the manager schedules, but in no event more than 30 days from the date of the first meeting.
 - (c) The Owner shall give the Association's managing agent or Board member a written demand, stating the purpose for which the inspection and/or copying is sought. The Association shall make the requested records available at the next regularly scheduled Owner or Board meeting, which will occur within 30 days of the Owner's request. The managing agent shall advise the Owner of the time and place of such inspection in writing within five business days of the Owner's request; and
 - (d) The Owner shall complete and sign the Agreement Regarding Inspection and Copying of 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 an Owner the right to inspect and/or copy any record of the Association. All completed Agreements Regarding Inspection and Copying of Records will be posted on the Association's website within a reasonable time and accessible to all Owners.
3. Proper Purpose/Limitation. Association records, including membership lists, shall not be used by any Owner for:
- (a) Any purpose unrelated to an Owner's interest as an Owner;
 - (b) 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;
 - (c) Any commercial purpose;
 - (d) For the purpose of giving, selling, or distributing such Association records to any person; or

(e) Any improper purpose as determined in the sole discretion of the Board.

4. Exclusions. The following records shall NOT be available for inspection and/or copying as they are deemed confidential:

- (a) Attorney-client privileged documents and records, unless the Board decides to disclose such communications at an open meeting;
- (b) Any documents that are confidential under constitutional, statutory or judicially imposed requirements; and
- (c) 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, driver's license numbers; medical information, background checks, credit checks, credit card numbers, and phone numbers.

In the event any such information is inadvertently provided to the requesting Owner, Owner shall promptly notify the Board or manager and not make any copies of said documents.

5. 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 deliver 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. There shall be no cost to any Owner accessing records which are required to be disclosed by Colorado law at no cost to Owners. At the time of the adoption of this Policy, copy costs will be \$.25 per page. Copies shall be made and provided to the requesting Owner within five business days of the request. Owner will be responsible to pick up copies from the management company.

6. Inspection. The Association reserves the right to have a third person present to observe during any inspection of record by an Owner or the Owner's representative.
7. 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.
8. 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.
9. Agent. The Association has designated its management company as its agent to maintain all records and provide all such access as required by Colorado law and/or this Policy. Therefore, such management company shall have all rights of the Association with respect to such obligations.
10. Definitions. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration 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 or its agent 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.

PRESIDENT'S

CERTIFICATION: The undersigned, respectively being the President and Secretary of the Sapphire Pointe Master Association, Inc., a Colorado nonprofit corporation, certify that the foregoing Resolution was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on this October 20, 2014 and in witness thereof, the undersigned have subscribed their names.

SAPPHIRE POINTE MASTER ASSOCIATION, INC.

a Colorado non-profit corporation,

By: Allyn Jacobs
President

**AGREEMENT REGARDING INSPECTION AND COPYING OF RECORDS
OF THE SAPPHIRE POINTE MASTER ASSOCIATION, INC.**

I have requested to inspect and/or obtain copies of the following records for the Sapphire Pointe Master Association, Inc. (be as specific as possible): _____

The records shall be used for the following purpose(s) only: _____

I understand that under Colorado law, Association records, including membership lists, may not be obtained or used for any purpose unrelated to my interest(s) as an Owner. I further understand and agree that without limiting the generality of the foregoing, Association records may not be:

(A) 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;

(B) used for any commercial purpose;

(C) sold to, otherwise distributed to, or purchased by any person;

(D) any other purpose prohibited by law; or

(E) any purpose not related to the reason specified in this Agreement.

(F) copied if such records are "excluded" from inspection as defined by the Association's Policy

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:

Homeowner

Date: _____

Homeowner

Date: _____

Address