

**PAGOSA LAKES PROPERTY OWNERS' ASSOCIATION  
RECORDS INSPECTION POLICY AND PROCEDURE**

Effective Date: August 12, 2021

1. The Association shall keep and retain the following records:
  - A. detailed records of receipts and expenditures affecting the operation and administration of the Association within the past 3 years;
  - B. records of claims for construction defects and amounts received pursuant to settlement of those claims;
  - C. minutes of Membership meetings, minutes of Board meetings, a record of all actions taken by the Members or Board without a meeting (i.e., by written ballot or written consent in lieu of a meeting), and a record of all actions taken by a committee of the Board;
  - D. written communications among, and the votes cast by, Board members that are directly related to an action taken by the Board without a meeting pursuant to the Association's Bylaws or Colorado law;
  - E. the names of Members in a form that permits preparation of a list of names and physical mailing addresses of all Members, showing the number of votes each Member is entitled to vote ("Membership list");
  - F. 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;
  - G. financial statements, to the extent available, showing, in reasonable detail, the Association's assets and liabilities and results of its operations for the past three years;
  - H. tax returns for the past seven years, to the extent available;
  - I. a list of the names, electronic mail addresses and physical mailing addresses of its current directors and officers;
  - J. its most recent annual report delivered to the Secretary of State;
  - K. financial records sufficiently detailed to enable the Association to provide statements of unpaid assessments in accordance with the Colorado Common Interest Ownership Act;
  - L. the Association's most recent reserve study, if any;
  - M. current written contracts to which the Association is a party;
  - N. written contracts for work performed for the Association within the immediately preceding two years;
  - O. records of Association actions to approve or deny design or architectural approval from Members;

- P. ballots, proxies, and other records related to voting by Members for one year after the election, action, or vote to which they relate;
- Q. resolutions adopted by the Board relating the characteristics, qualifications, rights, limitations, and obligations of Members or any class of Members;
- R. written communications within the past three years to Members generally as Members;
- S. a list of the current amounts of all unique and extraordinary fees, assessments, and expenses that are chargeable by the association in connection with the purchase or sale of a unit and are not paid for through assessments, including transfer fees, record change fees, and the charge for a status letter or statement of assessment due; and
- S. the following additional information as required by C.R.S. 38-33.3-209.4 as part of the Association's annual disclosures:
  - i. the name of the Association's designated agent;
  - ii. a valid physical address and telephone number for both the Association and manager;
  - iii. the name of the common interest community;
  - iv. the initial date of recording of the Declaration;
  - v. the reception number or book and page for the Declaration;
  - vi. the date on which the fiscal year commences;
  - vii. the operating budget for the current fiscal year;
  - viii. a list, by Lot type, of the Association's current assessments (regular and special);
  - iv. the annual financial statements, including any amounts held in reserve, for the fiscal year immediately preceding the current annual disclosure;
  - x. the results of the most recent available financial audit or review, if any; and
  - xi. a list of all Association insurance policies, including company names, policy limits, policy deductibles, additional named insureds, and expiration dates. The policies themselves will also be kept and made available.

All records kept and retained by the Association are the exclusive property of the Association. Any records kept and retained by the Association not subject to the mandates provided above shall not be considered property of the Association unless and until the board of directors takes official action setting the circumstances under which those records may be kept and retained by the Association.

2. The records set forth in Paragraph 1 shall 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 10 days or at the next regularly scheduled meeting, if such meeting occurs within 30 days after the request. The written request must describe the records sought with reasonable particularity and must be submitted on the form attached to this policy.

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

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

- A. 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;
- B. used for any commercial purpose;
- C. sold to or purchased by any person;
- D. used for any purposes unrelated to the Member's interest as a Member; or
- E. used for any other purpose prohibited by law.

A Member request for the Membership list shall be granted when the Member making that request enters into the agreement form attached to this resolution and made a part hereof. Each agreement is an enforceable contract, the breach of which will damage the Association, its membership and individual Members; therefore, the Association shall enforce each agreement to the best of its ability and in accordance with paragraph 12 below.

5. Pursuant to Colorado law, the following records may be withheld from inspection and copying to the extent that such records are or concern:

- A. architectural drawings, plans, and designs, unless the legal owner of such drawings, plans, or designs provides written consent to the release;
- B. contracts, leases, bids or records related to transactions to purchase or provide goods or services that are still in or under negotiation;
- C. communication with legal counsel 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 the Board; and
- F. records related to an individual Lot other than the Member's'.

If such records are made available for inspection, the procedure set forth in Paragraph 2 shall apply.

6. Pursuant to Colorado law, the following records 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; and
- B. personal identification and account information of Members, including:
  - i. bank account information
  - ii. telephone numbers
  - iii. electronic mail addresses
  - iv. driver's license numbers
  - v. social security numbers
  - vi. vehicle identification information

7. Upon receipt of a request, the Association may make an appointment with the Owner, at a time convenient to both parties (subject to the requirements of Paragraph 2 above), to conduct the inspection. All records shall be inspected at the Association's office. 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.

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

9. During inspection, an Owner may designate pages to be copied with a paperclip, post-it note, or other means provided by the Association. Copies will be made at a cost based on the standard schedule of fees charged by the Association, which schedule is subject to change from time to time, and which will include reasonable retrieval costs or any other necessary special processing costs. The Owner shall be responsible for paying the total copying cost prior to receiving the copies. When feasible, records may be provided or transmitted in electronic format. The Owner will be responsible for mailing costs, if any.

10. Records may not be removed from the office in which they are inspected without the express written consent of the Board.

11. Records subject to the policies contained herein are intended to be interpreted to conform with the requirements and restrictions of C.R.S. 38-33.3-317, as it is and may be amended, but nothing contained herein is intended to create new records for retention by the Association or enlarge the requirements for the Association to keep and retain records beyond the requirements of Colorado law.

12. 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.

#### RECORD OF REVISIONS

Resolution 99-42 – Establish Procedures  
Resolution 2000-05 – Establish Procedures  
Resolution 2005-11 – Establish Policy  
Resolution 2006-14 – Update Policy  
Resolution 2012-10 – Update Policy  
Resolution 2021-05 – Update Policy  
Resolution 2021-13 – Update Policy

**PAGOSA LAKES PROPERTY OWNERS' ASSOCIATION**  
**REQUEST FOR ACCESS TO ASSOCIATION RECORDS**

Member Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Pursuant to state law and the Association's Records Inspection Policy, I hereby request that Pagosa Lakes Property Owners Association provide access to the records of the Association. I understand that upon receipt of this request, the Association will set an appointment with me during regular business hours.

1. The records that I wish to review are (attach a separate piece of paper if necessary):
  - A. \_\_\_\_\_
  - B. \_\_\_\_\_
  - C. \_\_\_\_\_

2. I acknowledge and accept the Association's records inspection policy. I acknowledge and accept that the records of the Association 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, 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: \_\_\_\_\_

**AGREEMENT REGARDING USE OF THE MEMBERSHIP LIST FOR  
PAGOSA LAKES PROPERTY OWNERS ASSOCIATION**

Member Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

I have requested a copy of the Membership list for Pagosa Lakes Property Owners Association

I understand that under the terms of Colorado law, the Membership or voting list, or any portion thereof, may not be:

- A. 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;
- B. Used for any commercial purpose;
- C. Sold to or purchased by any person; or
- D. Used for any other purpose prohibited by law.

In the event the list is used for any 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.

Understood and agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_ by:

Member Signature: \_\_\_\_\_ Date: \_\_\_\_\_