

**THESE RULES V THROUGH VII SUPERSEDE THE MAY 9, 2006, RULES V THROUGH VI ON ASSOCIATION RECORDS AND INFORMATION, INVESTMENT OF RESERVE FUNDS, AND DISCLOSURES IN PURCHASES AND SALES OF UNITS**

- V. ASSOCIATION RECORDS; MAINTENANCE, RETENTION, AND PRODUCTION; INSURANCE; AUDITS AND REVIEWS; EDUCIATION.
- A. The Association will maintain, retain, and produce Association records in accordance with law and the Association's governing documents, including the declaration, articles of incorporation, bylaws, and this Rule. This Rule conforms with Colorado Revised Statutes §§ 38-33.3-209.4, -209.5, and -317, as amended.
  - B. All Association records must be maintained in a form that allows conversion into written form in a reasonable time.
  - C. The following records will be maintained at the Association's principal office as described in the records of the Colorado Secretary of State and shall be considered the sole records of the Association for purposes of document retention and production to owners:
    - 1. Detailed records of receipts and expenditures affecting the operation and administration of the Association;
    - 2. Records of claims for construction defects and amounts received pursuant to settlement of those claims;
    - 3. Minutes of all meetings of owners and the Board, a record of all actions taken by the owners or the Board without a meeting, and a record of all actions taken by any committee of the Board;
    - 4. Written communications among, and votes cast by the Board members that are: (a) directly related to an action taken by the Board without a meeting pursuant to CRS § 7-128-202, or (b) directly related to an action taken by the Board without a meeting pursuant to the Association's Bylaws;
    - 5. The names of owners in a form that permits preparation of a list of names of all owners and the physical mailing addresses at which the Association communicates with them, showing the number of votes each owner is entitled to vote;
    - 6. Its current Declaration, Covenants, Articles of Incorporation, Bylaws, Rules and Regulations, Responsible Governance Policies adopted pursuant to CRS § 38-33.3-209.5, and other policies adopted by the Board;
    - 7. Financial statements as described in CRS § 7-136-106 for the past three years and tax returns of the Association for the past seven years, to the extent available;

8. A list of the names, electronic mail addresses, and physical mailing addresses of its current Board members and officers;
9. Its most recent annual report delivered to the Secretary of State, if any;
10. Financial records sufficiently detailed to enable the Association to comply with CRS § 38-33.3-316(8) concerning statements of unpaid assessments, to be sent by certified mail, return receipt requested, so they are received by requesting party within 14 days of Association's receipt of request;
11. The Association's most recent reserve study, if any;
12. Current written contracts to which the Association is a party and contracts for work performed for the Association within the immediately preceding two years;
13. Records of the Board or Committee actions to approve or deny any requests for design or architectural approval from owners;
14. Ballots, proxies, and other records related to voting by owners for one year after the election, action, or vote to which they relate;
15. Resolutions adopted by its Board relating to the characteristics, qualifications, rights, limitations, and obligations of members or any class or category of members; and
16. All written communications within the past three years to all owners generally as owners.

- D. An owner or owner's authorized agent may inspect and copy Association records during normal business hours if the owner or authorized agent has submitted a written request, describing with reasonable particularity the records sought, at least 10 days prior to the inspection or production of documents. The Association's "Request to Inspect Records" form is attached to and made a part of this Rule. The Association may not condition the production of records upon the statement of a proper purpose.
- E. Notwithstanding Rule V.D. above, a membership list or any part thereof may not be obtained or used by any person for any purpose unrelated to an owner's interest as an owner without the consent of the Board. Without limiting the generality of this Rule V.E., without the consent of the Board, a membership list or any part thereof may not be:
1. Used to solicit money or property unless such money or property will be used solely to solicit the votes of owners in an election to held by the Association;
  2. Used for any commercial purpose; or
  3. Sold to or purchased by any person.
- F. Records maintained by the Association **may be withheld from** inspection and copying to the extent that they are or concern:

1. Architectural drawings, plans, and designs, unless released upon written consent of the legal owner of the drawings, plans, or designs;
  2. Contracts, leases, bids, or records related to transactions to purchase or provide goods or services that are currently in or under negotiation;
  3. Communications with legal counsel that are otherwise protected by the attorney-client privilege or the attorney work product doctrine;
  4. Disclosure of information in violation of law;
  5. Records of an executive session of the board; or
  6. Individual units other than those of the requesting owner.
- G. Records maintained by the Association are **not subject to inspection and copying, and must be withheld**, to the extent that they are or concern:
1. Personnel, salary, or medical records relating to specific individuals; or
  2. Personal identification and account information of members, including bank account information, telephone numbers, electronic mail addresses, driver's license numbers, and social security numbers.
- H. The Association will impose a reasonable charge, which may be collected in advance and will cover costs of labor and material, for copies of Association records. The charge may not exceed the estimated cost of production and reproduction of the records.
- I. A right to copy records under this Rule includes the right to receive copies by photocopying or other means, including the receipt of copies through an electronic transmission if available, upon request of an owner.
- J. The Association is not obligated to compile or synthesize information.
- K. Association records and the information contained within those records shall not be used for commercial purposes.
- L. Upon request, the selling unit owner shall either provide to the buyer or authorize the Association to provide to the buyer, upon payment of the Association's usual fee pursuant to Rule V.H. above, all the common interest community's governing documents and financial documents, as listed in the most recent version of the contract to buy and sell real estate promulgated by the real estate commission as of the date of the contract.
- M. Audits or reviews of the books and records of Association shall be done at the discretion of the Board or upon owner request as follows:

1. An audit is required only if the Association has annual revenues or expenditures of at least \$250,000 and owners of at least one-third of the units represented by the Association request an audit.
  2. A review is required only when requested by the owners of at least one-third of the units represented by the Association.
  3. Copies of audits or reviews shall be available on request to any owner 30 days after completion.
- N. Within 90 days after the change of any of the following, the Association will give written notice to the owners of the following items by first class mail, personal delivery, a binder at the principal place of business, or on the Association's website:
1. Names of the Association and the common interest community
  2. Name and address of management company, if any
  3. Physical address and phone number for the Association and the designated agent or management company
  4. Date of recording of the Declaration and recording information
- O. Within 90 days after the end of each fiscal year, the Association will make the following information available to owners by first class mail, personal delivery, a binder at the principal place of business, or posting on the Association's website:
1. Date the Association's fiscal year begins
  2. Operating budget for the current year
  3. List of current regular and special assessments, by unit type
  4. Annual financial statements, including reserves
  5. Results of most recent audit or review
  6. List of all Association insurance policies (property, general liability, director and officer liability, fidelity), including companies, policy limits and deductibles, additional insureds, and expiration dates
  7. Association's bylaws, articles, and rules and regulations
  8. Minutes of board and member meetings for prior fiscal year
  9. Association's "Responsible Governance Policies (contained in bylaws and rules)
- P. An owner may file a claim against the insurance policy of the Association to the same extent, and with the same effect as if the owner were a named insured if the following conditions are met:
1. The owner has contacted the Board or the Managing Agent in writing, and in accordance with applicable Association policies or procedures for owner-initiated claims, regarding the subject matter of the claim; and

2. The owner has given the Association at least 15 days to respond in writing, and, if so requested, has given the Association's agent a reasonable opportunity to inspect the damage; and

3. The subject matter of the claim falls within the Association's responsibilities.

Q. The Association encourages education on good governance for the members of the Board. Upon submission prior to the seminar or course, the Board may approve payment of expenses for education for individual members of the Board if the education is directly related to good Association operations within the common interest community.

Passed by a majority of a quorum of the Board of Directors of Americana Condominium Association, Inc. at its meeting on June 12, 2012.

Effective June 12<sup>th</sup>, 2012

By: 

Its Secretary

**REQUEST TO INSPECT RECORDS**  
[Revised May 2012]

This written request is pursuant to the Rule or Policy on Records Inspection of the Americana Condominium Association, Inc.

To: Americana Condominium Association, Inc.

Address: 1121 Albion St., Unit #108  
Denver, CO 80220

Email: [americanacondos@netscape.net](mailto:americanacondos@netscape.net)

Date of this Request: \_\_\_\_\_, 20\_\_

Date you or your agent intends to inspect the records (Must be at least 10 days after date of request): \_\_\_\_\_, 20\_\_

Person(s) requesting Inspection of the Association's records: \_\_\_\_\_  
\_\_\_\_\_

Person(s) who will be present for the review of the Association's records: \_\_\_\_\_  
\_\_\_\_\_

**Please note that all actual costs of inspection and any authorized copies must be paid in advance by the person requesting them.**

**State with particularity the records requested for inspection. Please include type and date(s) of record(s), those records for which you request a copy, and any specifics that will identify the information you seek to review. If necessary, use additional sheets.**

<u>Record</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____

Request by: \_\_\_\_\_  
Signature

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

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

VI. INVESTMENT OF RESERVE FUNDS.

- A. The Association shall obtain a competent reserve study to show the required reserve funds for maintenance, repair, and replacement of capital improvements which are the Association's responsibility. This shall include such items as painting, repair of exterior surfaces, walls, gutters and downspouts, roofs, doors, windows, walks, parking areas, storage areas, drives, patios, porches, steps, concrete and asphalt, utilities, plumbing, wiring, and other substantial improvements to the real estate that the Declaration requires the Association to maintain, repair, and replace.
- B. The Association will invest reserve funds in one or more accounts separate from the general operating account of the Association. The reserve funds shall be invested in conservative accounts with a small possibility of loss to the Association. The majority of the reserve funds shall be deposited in accounts and amounts that are fully insured against loss by an agency of the U.S. government.
- C. Any and all persons who have access to the reserve funds shall have fidelity insurance covering the Association against dishonesty of such persons in the full amount of the funds in those accounts.

Passed by a majority of a quorum of the Board of Directors of Americana Condominium Association, Inc. at its meeting on JUN 12<sup>th</sup>, 2012

Effective JUN 12<sup>th</sup>, 2012

By: [Signature]

Its Secretary

VII. DISCLOSURES IN PURCHASES AND SALES OF UNITS.

- A. In accordance with CRS § 38-35.7-102, sellers of a unit must provide copies to the buyers, or upon payment of the Association's usual fee, authorize the Association to provide copies to the buyers, of all of the common interest community's governing documents and financial documents, as listed in the most recent available version of the contract to buy and sell real estate promulgated by the real estate commission as of the date of the contract.
- B. Sellers must provide buyers, in every contract for the purchase and sale of residential real property with disclosure statements in bold-faced type that is clearly legible and in substantially the following form:

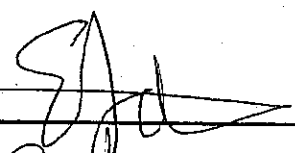
**THE PROPERTY IS LOCATED WITHIN A COMMON INTEREST COMMUNITY AND IS SUBJECT TO THE DECLARATION FOR SUCH COMMUNITY. THE OWNER OF THE PROPERTY WILL BE REQUIRED TO BE A MEMBER OF THE OWNERS' ASSOCIATION FOR THE COMMUNITY AND WILL BE SUBJECT TO THE BYLAWS AND RULES AND REGULATIONS OF THE ASSOCIATION. THE 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.**

Passed by a majority of a quorum of the Board of Directors of Americana Condominium Association, Inc. at its meeting on June 12<sup>th</sup>, 2012.

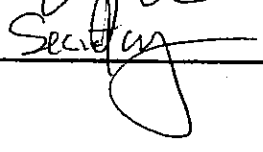
Effective June 12<sup>th</sup>, 2012



By: \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'S. J. D.', written over the top line of the signature line.

Its \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'Secretary', written over the bottom line of the signature line.