

Village Nine Filing 3 and 4 Homeowners Association, Inc.
Policy Regarding Record Requests and Retention

BE IT RESOLVED, the Association, acting by and through its Board of Directors, hereby adopts the following policy and procedures relating to record requests and retention.

EFFECTIVE DATE: August 29th, 2025.

1. Inspection and Copying of Association Records

1.1 Record Retention. The Association shall permanently retain the following records as required by Colorado law:

1.1.1 Records specifically defined in the Association's declaration or bylaws;

1.1.2 Records the Association is required to disclose within 90 days after the end of the fiscal year as required by C.R.S. § 38-33.3-209.4, including:

- a. The date on which the Association's fiscal year commences;
- b. The Association's operating budget for the current fiscal year;
- c. A list, by unit type, of the Association's current assessments, including both regular and special assessments;
- d. The Association's annual financial statements, including any amounts held in reserve for the fiscal year immediately preceding the current annual disclosure;
- e. The results of the Association's most recent available financial audit or review;
- f. A list of all the Association's 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;
- g. All the Association's current bylaws, articles of incorporation, and rules and regulations;
- h. The minutes of the executive board and member meetings for the fiscal year immediately preceding the current annual disclosure; and
- i. The Association's responsible governance policies adopted under C.R.S. § 38-33.3-209.5.

1.1.3 Detailed records of receipts and expenditures affecting the operation and administration of the Association;

1.1.4 Records of claims for construction defects and amounts received pursuant to settlement of those claims;

1.1.5 Minutes of all meeting of the Association's Owners and board, a record of all actions taken by the Owners or board without a meeting, and a record of all actions taken by any committee of the board;

1.1.6 Written communications among, and votes cast by, board members that are: (i) directly related to an action taken by the board without a meeting pursuant to the Colorado Revised Nonprofit Corporation Act; or (ii) directly related to an action taken by the board without a meeting pursuant to the Association's bylaws;

1.1.7 A list of the 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;

1.1.8 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 assessments due;

1.1.9 Financial statements for the past 3 years and tax returns of the Association for the past 7 years (to the extent available);

1.1.10 A list of the names, email addresses, and physical mailing addresses of the current board members and officers;

1.1.11 The most recent annual report (if any) delivered to the Secretary of State;

1.1.12 Financial records sufficiently detailed to enable the Association to provide an Owner with a written statement stating the amount of unpaid assessments currently levied against the Owner's lot;

1.1.13 The Association's most current reserve study (if any);

1.1.14 Current written contracts to which the Association is a party and contracts for work performed within the past 2 years;

1.1.15 Records of board or committee actions to approve or deny any request for design or architectural approval from Owners;

1.1.16 Ballots, proxies, and other records related to voting by Owners for 1 year after the election, action, or vote;

1.1.17 Resolutions adopted by the board relating to the characteristics, qualifications, limitations, and obligations of members; and

1.1.18 All written communications within the past 3 years sent to all Owners.

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:

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2.1 The inspection and/or copying of the records of the Association shall be conducted during the regular business hours of 9:00 am to 4:00 pm, at the office of the Association's manager;

2.2 The Owner shall give the Association's manager a written demand, stating the specific records for which the inspection and/or copying is sought, at least ten days before the date on which the Owner wishes to inspect and/or copy such records. Such demand must include the following:

- a. A reasonable description of the records the Member is seeking to inspect and/or copy; and
- b. The name of the person making the request, and the Lot (by address) owned by the requesting party; and
- c. If applicable, proof of authorization to make the request; and
- d. The date by which the requesting Member expects to receive or inspect the records; and
- e. The Member's address (physical or email) where the records are to be sent, if applicable;

2.3 Inspections may be made by the Owner or a duly appointed agent, for which a written authorization is presented to the Association;

2.4 The Association reserves the right to have a third-party present to observe during any inspection of record by an Owner or the Owner's duly appointed agent;

2.5 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; and

2.6 Nothing contained herein shall be construed to require the Association to create records that do not exist or compile records in a particular format or order;

3. **The Following Records May Be Withheld From Copying And Inspection.**

3.1 Architectural drawings, plans, and designs, except to the extent such materials and documents are required to be posted on the Association's website as part of its review of an application submitted to the Association. Other documents shall not be released upon the written consent of the legal owners of the drawings, plans, or designs;

3.2 Contracts, leases, bids, or records related to transactions to purchase or provide goods or services that are currently in or under negotiations;

3.3 Communications with legal counsel that are otherwise protected by attorney-client privilege or the attorney work product doctrine;

3.4 Disclosure of information in violation of law;

3.5 Records of an executive session of the Association's board;

3.6 Records relating to or concerning individual lots other than those of the requesting owner; and

3.7 The names and physical mailing addresses of lot owners if the lot is a time-share lot.

4. **The Following Records Must Be Withheld From Copying And Inspection.**

4.1 Personnel, salary, or medical records relating to specific individuals; and

4.2 Personal identification and account information of members, including bank account information, telephone numbers, electronic mail addresses, driver's license numbers, and social security numbers; except

4.2.1 An Owner or resident may provide the Association with prior written consent to the disclosure of, and the Association may publish to other members and residents, the person's telephone number, email address, or both;

4.2.2 The written consent must be kept as a record of the Association and remains valid until the person withdraws it by providing the Association with a written notice of withdrawal of the consent; and

4.2.3 If a person withdraws his/her consent, the Association is under no obligation to change, retrieve, or destroy any document or record published prior to the notice of withdrawal.

5. **Use Of Records.** Association records, including memberships (or any part thereof) shall not be used by any Owner for:

5.1 Any purpose unrelated to an Owner's interest as an Owner;

5.2 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;

5.3 Any commercial purpose; or

5.4 For the purpose of giving, selling, or distributing such Association records to any person.

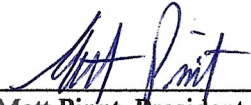
6. **Use of Membership Lists.** The list of Members and/or Lot Owners ("Membership List"), or any part thereof, shall not be obtained or used by any Member for any purpose unrelated to the Member's interest as a Lot Owner and Association Member without the consent of the Board. The Membership List may not be used to solicit money or property; however, the Membership List may be used to solicit the votes of the Lot Owners in an election held by the Association or in connection with a ballot measure proposed for the Village 9 HOA community. The Membership List shall not be used for any commercial purpose. The Membership List shall not be sold to or purchased by any person.

6. **Fees/Costs.** Any Owner requesting copies of Association records shall be responsible for all actual costs incurred by the Association for the costs of labor and material for gathering and copying the records. The Association may require prepayment of the actual cost of the requested records. If after prepayment it is determined that the actual cost was more than the prepayment, the Owner shall pay such amount prior to delivery of the copies. If after prepayment it is determined that the actual cost was less than the prepayment, the difference shall be returned to the Owner with the copies. There shall be no cost to any Owner assessing records which are required to be disclosed by Colorado law.


7. **Deviation and Amendments.** The Board may deviate from the procedures set forth above in this Policy if such deviation is reasonable under the circumstances and otherwise complies with the requirements of the Colorado Common Interest Ownership Act, C.R.S. § 38-33.3-101 *et. seq.* The Board of Directors may amend this procedure by Resolution from time to time.

CERTIFICATION: The undersigned certifies that the Board of Directors of the Association adopted the foregoing policy by majority vote.

VILLAGE NINE FILING 3 AND 4 HOMEOWNERS ATTEST:
ASSOCIATION, INC.



Matt Pinnt, President



Jeff Childers, Secretary

Village 9 Filings 3 and 4 Homeowners Association, Inc.

Request for Association Records

Person making request:

Name _____

Address _____

Phone Number _____ Cell _____

E Mail Address _____

Date of Request _____

Date of Inspection Requested _____

Form of Records Requested _____
(electronic, hard copy, inspection at a physical location)

Records Requested

____ Annual Meeting Minutes Dates _____

____ Board Meeting Minutes Dates _____

____ Balance Statements Dates _____

____ Income Statements Dates _____

____ Tax Returns Dates _____

____ Correspondence Pertaining to _____

____ Ballots / Proxies Pertaining to _____

____ Resolution of Board Pertaining to or Date: _____

____ Association membership list

____ Other _____

CHECK ONE:

_____ I am a Member of Village 9 Filings 3 and 4 Homeowners Association, Inc., and owner of Lot within Village 9 HOA.

_____ I am the authorized representative of a Member of Village 9 Filings 3 and 4 Homeowners Association, Inc. My Power of Attorney or other form or legal authorization is attached hereto.

INITIAL HERE ACKNOWLEDGING UNDERSTANDING AND AGREEMENT: _____

I understand that the records can be, in the reasonable discretion of the Board of Directors, physically inspected during normal business hours within ten (10) days of this request or during the next regularly scheduled Member or Board meeting occurring within thirty (30) days of this request, or mailed to me electronically or physically; if more time is required, I will be so informed and the records will be provided no later than forty-five (45) days after my request. Physical copies of records cost \$0.30 per page. I may be required to pay for office staff time to search for, retrieve, and produce records at a rate of \$35.00/hour. Additional mailing charges may apply. Fees are due in advance of inspection or production of records. I will not use the records for any commercial purpose or to solicit business or money or for any unlawful purpose.

Signature of person making request

Date