

**RESOLUTION
OF THE
BATTLEMENT MESA SERVICE ASSOCIATION
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 Members and retention of Association permanent records.

PURPOSE: To adopt a policy regarding a Member'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 a Member chooses to inspect or copy Association records.

AUTHORITY: The Declaration, Articles and Bylaws of the Association and Colorado law.

EFFECTIVE DATE: January 1, 2006

REVISED: January 1, 2007

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 Member meetings
 - All actions taken by the Board or Members 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 Member meetings, Board member meetings, or committee meetings
2. Inspection/Copying Association Records. A Member 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 Member's expense and may be collected by the Association in advance;
 - (b) The inspection and/or copying of the records of the Association shall be conducted during regular business hours of 8:00 a.m. to 5:00 p.m. at the principal office of the Association located at 73-G Sipprelle Drive, Parachute,

Colorado, 970-285-9432, or during the next regularly scheduled Member or Board meeting occurring within 30 days of the Member's request, at the discretion of the Board.

- (c) The Member shall give the Association's managing agent a written demand, stating the purpose for which the inspection and/or copying is sought, at least five business days before the date on which the Member wishes to inspect and/or copy such records or at the next regularly scheduled Member or Board meeting if the next regularly scheduled Member or Board meeting is scheduled within thirty days of the Member's request, in the sole discretion of the Board. The Board shall advise the Member of the time and place of such inspection in writing within five business days of the Member's request.
- (d) The Member shall complete and sign the Agreement Regarding Inspection of Association 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 a Member the right to inspect and/or copy any record of the Association.

3. Proper Purpose/Limitation. Association records shall not be used by any Member for:

- (a) Any purpose unrelated to a Member's interest as a Member;
- (b) The purpose of soliciting money or property unless such money or property will be used solely to solicit the votes of the Members 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, and driver's license numbers.

5. Fees/Costs. Any Member 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 a Member copies of such records. If after payment of the deposit it is determined that the actual cost was more than the deposit, Member 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 Member with the copies. There shall be no cost to any Member accessing records which are required to be disclosed by Colorado law at no cost to Members.
6. Inspection. The Association reserves the right to have a third party present to observe during any inspection of record by a Member or the Member's representative.
7. Original. No Member shall remove any original book or record of the Association from the place of inspection nor shall any Member 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 require the Association to create records that do not exist or compile records in a particular format or order.
9. Definitions. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.
10. 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.
11. Deviations. The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.

12. Amendment. This policy may be amended from time to time by the Board of Directors.

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of the Battlement Mesa Service Association, a Colorado nonprofit corporation, certifies 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 December 19, 2006 and in witness thereof, the undersigned has subscribed his/her name.

**BATTLEMENT MESA SERVICE
ASSOCIATION**
a Colorado non-profit corporation,

By: _____
_____, President