



Castlepoint Homeowners Association, Inc.

**REQUEST FOR ACCESS TO
ASSOCIATION BOOKS AND RECORDS**

Member Name: _____ Date: _____

Address: _____

Telephone #: _____

Pursuant to Sections C.R.S. §7-136-101 and C.R.S. §7-136-103 of the Colorado Nonprofit Corporation Act and Article 3, Section 3.4 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Castlepoint Townhomes (CC&R) which states that:

Books and Records. The Association shall make available for inspection and copying upon request, during normal business hours or under other reasonable circumstances, to Owners and to Mortgagees, current copies of the Governing Documents and the books, records, and financial statements of the Association prepared pursuant to the Bylaws, *except those documents which the Board, pursuant to a written policy, determines to be confidential.* The Association may charge a reasonable fee for copying such materials.

I hereby request that Castlepoint Homeowners Association, Inc. (the "Association") provide access to the books and records of the Association.

1. The books and records that I wish to review are (attach separate piece of paper if necessary):
 - a. _____
 - b. _____
 - c. _____

2. I certify that my request to review the books and records of the Association is proper for a purpose related to my membership in the Association, and that this request is *not for commercial purposes or my personal financial gain*. Specifically, my reason for wanting to review the books and records of the Association is as follows:
 - a. _____
 - b. _____
 - c. _____

3. I acknowledge and accept the Association's record access and inspection procedures. I acknowledge and accept that the books and 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 making these documents available to me. I agree to pay any costs associated with reviewing the books and records of the Association, including but not limited to the actual and reasonable costs of labor and photocopying material. I further acknowledge that the costs may be required of me prior to reviewing the books and records.
4. Further, I recognize and understand the fiduciary duty and obligation of the Association and its Board of Directors to protect an individual(s) right to privacy. And that I may be denied access to information that would disclose any personal, private, legal, or financial information associated with any Association Member. In particular, any information of the Board of Directors, in consultation with legal counsel, as deemed to be of a personal, private, legal or financial nature. To include: (but not otherwise limited to) individual name, unit address, telephone number, monthly assessments, fines, fees, interest charges, or Notices of Violation (if the release of such information would infringe upon any individual owners Right to Privacy as enumerated in C.R.S §38-33.3-308(4) or would be construed as a potential Conflict of Interest pursuant to C.R.S. §7-128-501 or otherwise in direct conflict with the Consumer Credit Protection Act (15 U.S.C 1601 et seq.) and section 807, Title VIII (15 U.S.C 1692) Federal Debt Collection Protection Act *Public Law 104-208, 110 State. 3009 (Sept 30, 1996)* and the Colorado Fair Debt Collection Practices Act (C.R.S. 12-14-101).

Guidelines:

1. Written demand must be received by the nonprofit corporation at least five (5) business days before the date on which the member wishes to inspect and copy such records.
2. The member must have been a member for at least three months immediately preceding the demand to inspect or copy.
3. The demand is made in good faith or for a proper purpose.
4. The member describes with reasonable particularity the purpose and the records the member desires to inspect.
5. The records are directly connected with the described purpose.

Instructions:

1. Association members seeking specific information shall request such information by completing the Request for Access to Association Books and Records Request Form. In order to facilitate the submission process, all categories must be completed in their entirety and in as complete detail as possible.
2. Request forms shall be forwarded to the Association by mailing the completed form to the Association mailing address:

Castlepoint HOA Inc.
c/o Diversified Property Management
P.O. Box 62218
Colorado Springs, CO 80962-2218

3. All completed forms (pursuant to C.R.S. §7-136-102) must be via USPS or similar carrier service as to insure said request is received within 5 business days prior to the date of the examination of said records.
4. Individual requests will be processed upon their receipt. Copies of requested documents will be provided at the rate of 25 cents per page.
5. Upon receipt of each individual request, the Board of Directors will review each request and establish a date and time for delivery. To minimize costs, and to insure receipt by the requesting party(s), copies may be provided via USPS Certified Mail Return Receipt. Hand delivered copies will only be provided upon the

completion of an accompanying Proof of Service Statement/Certificate. At no time will documents be released without the signature(s) of the requesting party or their duly authorized legal representative.

6. Association members will be invoiced for any printing/reproduction costs, postage, and/or labor associated with each request. Association members will be notified of the approximate cost associated with each request prior to their delivery. To include the number of pages, attachments, graphics, etc.

I, hereby, acknowledge that I have read the aforementioned document and its contents in its entirety and agree to comply with the Guidelines and Instructions set forth herein. I further understand that the failure to meet any of the above Guidelines and/or to complete said form in its entirety may result in my request being denied by the Board of Directors.

Member Signature _____ Date _____

DISCLAIMER

Section 3.6 Implied Right and Obligations. The Association may exercise any right or privilege expressly granted to the Association in the Governing Documents, and every other right or privilege reasonable implied from the existence of any right or privilege given to the Association under the Governing Documents or reasonably necessary to effect any such right or privilege. The Association shall perform all of the duties and obligations expressly imposed upon it by the Governing Documents, and every other duty or obligation implied by the express provisions of the Governing Documents or necessary to reasonably satisfy any such duty or obligation.

Section 3.8 Non-liabilities of Officials. To the fullest extent permitted by law, the Board of Directors, the Architectural Review Committee, or any other committees or any other members thereof, shall not be liable to any Owner or any other person for any damage, loss or prejudice suffered or claimed on account of any decision, approval or disapproval of plans or specifications (whether or not defective), course of action, act inaction, omission, error, negligence, or the like made in good faith and which the Board of Directors, or such committees or officers reasonably believed to be within the scope of their respective duties.