

HAMILTON COURT HOMEOWNERS ASSOCIATION

POLICY RESOLUTION NO. 2

(Requests for Examination and Copying of the Association's Records)

WHEREAS, Article VI, Section 1 of the Bylaws of Hamilton Court Homeowners Association ("Bylaws") assigns the Board of Directors ("Board") all of the powers and duties necessary for the administration of the affairs of the Association; and

WHEREAS, Section 55-510 of the Virginia Code requires the Association to provide its members who are in good standing with the right to examine and copy certain records of the Association, subject to certain procedures approved by the Board of Directors; and

WHEREAS, pursuant to House Bill 1741 from the 2011 General Assembly Legislative Session, by no later than July 1, 2012, the Association must adopt a policy adopting a cost schedule that i) specifies the charges for materials and labor; (ii) apply equally to all members in good standing; and, (iii) is provided to any member requesting to review and/or copy the Association's books and records at the time the request is made; and

WHEREAS, the Board has decided that is in the best interest of the Association to adopt a written policy regarding the provision of records to its members to comply with its pending statutory obligation.

NOW, THEREFORE, BE IT RESOLVED THAT the Board adopts the following policy:

A. Record Keeping and Access to Records

1. Acting on its own or through a managing agent, the Association shall prepare and keep, for a minimum of one (1) year, detailed books and records of receipts and expenditures affecting the operation and administration of the Association. With respect to all books, records and/or files relating to matters other than expenditures, the Association shall keep those books and records for such reasonable time periods as determined by the managing agent.

2. Subject to certain exceptions set forth below, members shall have the right to examine and copy these books and records, provided that their membership is in Good Standing. Good Standing shall be defined to mean that a member is current in the payment of assessments and any other financial obligation to the Association and compliant with all other responsibilities of membership, including, but not limited to, maintenance of his or her lot in a condition that does not violate any provision of the Governing Documents.

3. In order to exercise the rights described herein, members must complete the attached Record Request Form (Exhibit A hereto) and file it with the Association's managing agent. After receipt of a Record Request Form, the Association's representative shall review the form and determine if it is complete and satisfies all requirements necessary to allow the Association to act upon the filing. If a form is not complete, the Association shall notify the

member of the deficiency, required corrective action, and that no records shall be made available until the member takes such corrective action.

4. Within five days after receipt of a completed form, the Association's managing agent shall provide the member with the cost schedule attached hereto as Exhibit B, as well as an estimate on the costs associated with responding to the request. An estimate may include, but not be limited to, the costs of locating, duplicating, and supplying the records, which includes the cost of materials and labor. Prior to the Association performing any work related to the request, the member must pay the estimated charges. Upon receipt of payment (or clearance of a personal check), the Association shall make arrangements for a meeting at a mutually convenient time or provide the member with copies of the requested records within five (5) days of receipt of the payment.

5. Whenever a member makes a written request to examine original records, the Board shall have a member of its management staff meet with the member to serve as a custodian of the records. The Association will include the cost of this service in the estimate and may establish reasonable limitations on how long such meetings may last.

6. After rendering the requested services, the Board shall compare the estimate with the actual costs incurred by the Board as set forth in the cost schedule. If the amount paid by the member exceeds the actual costs, the Association shall refund the difference to the member. If the actual costs exceed the estimate, the Board shall notify the member and the member shall pay the difference. The Association may withhold additional services and/or copies until it receives payment.

B. Exempt Records

The following records are exempt from the members' right to examine and copy:

1. Personnel matters related to a specific, identified employee and person's medical records;
2. Any documentation which relates to a (i) contract, lease and other commercial transactions currently under negotiation; (ii) pending or probable litigation; (iii) matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the association documents or rules and regulations;
3. Communications with legal counsel which are protected by the attorney-client privilege;
4. Any records that any law prohibits the Association from providing to a 3rd party;

5. Minutes and other records reviewed in an executive session of the Board or Committee;
6. Individual member files, other than those of the requesting member;
7. Any drafts or other documents not yet approved by the Board for incorporation into the Association's books and records.

C. Requests of Minimal Time and Cost

If the Board concludes that a request submitted by a member involves a nominal amount of time and cost to the Association, it may, in its sole discretion, waive any of the above requirements. For purposes of this Resolution, "nominal requests" may include requests for copies of:

1. Approved minutes or highlights of the most recent meeting of the Board of Directors or membership Meeting;
2. Approved minutes or highlights of the most recent meeting of any Committee;
3. The Association's current annual operating budget;
4. The Association's most current financial management report;
5. The Association's most recent annual audit;
6. The Association's most recent income tax forms; and
7. The file of the requesting member.

If the Board decides to waive the cost associated with reproduction, the requesting member shall still be responsible for covering any copy costs incurred by the Association unless such costs are also waived by the Board.

D. Miscellaneous

1. The Association shall not have any obligation to create documents in response to any member's request for records.

2. The Board shall have the right to amend the cost schedule attached hereto as Exhibit B without having to amend the entire resolution.

This policy resolution shall become effective on October 24, 2012.

**HAMILTON COURT HOMEOWNERS
ASSOCIATION**

By Michael W. Mathias
Michael Mathias, President

Exhibit A

RECORD REQUEST FORM

You may use this form to request copies of or inspect the official records of the South Village Homeowners Association ("Association"). In order to properly submit a request, please complete, sign and date this form and mail or fax it to the Association's community manager at the address below:

Hamilton Court Homeowners Association
c/o GHA Community Management
3020 Hamaker Court Suite 300
Fairfax, VA 22031

Facsimile: (703) 876-9594

Name of Requesting Party: _____

Mailing Address: _____

Address of Property located within the Association if different than mailing: _____

Phone: (Home) _____ **(Work)** _____
(Mobile) _____ **(Email)** _____

Please describe the records you wish to copy and/or inspect (include all relevant, dates, names or other identifying information):

Please describe the purpose of your request: _____

Please check applicable box(es):

I am requesting to receive copies of the above-referenced records. ☐

I am requesting to conduct an in-person inspection of the above-referenced records. ☐ I am requesting to inspect such records on _____ at _____.

(The Association will provide you confirmation of the appropriate time, date and location for the inspection)

Please note, not all Association records are available for review and inspection, per Section 55-510 of the Virginia Property Owners' Association Act. You will be notified if your request contains records subject to withholding. You will also be notified of the estimated cost, if any, related to your request and such charges must be paid in advance of the Association fulfilling your request.

Be advised, the Association is only obligated to respond to record requests from those members of the Association who are in "good standing." Good Standing shall be defined to mean that a member is current in the payment of assessments and any other financial obligation to the Association and compliant with all other responsibilities of membership, including, but not limited to, maintenance of his or her lot in a condition that does not violate any term or provision of the Governing Documents.

You must date and sign this form.

Signature: _____ Date: _____

Received by: _____

Date: _____

EXHIBIT B

Cost Schedule

Hourly rate for copying of materials: \$40.00 per hour

Hourly rate for serving as custodian of records: \$40.00 per hour

The charges shall be billed in 15 minute increments.

Copies shall be billed at a rate of \$0.18 per page for black and white copies.

Mailing costs shall be billed at any actual rate imposed by the U.S. Postal service for standard first class mailing, unless the Member requests an alternative mailing method, in which case all actual rates imposed by the requested carrier shall be billed directly through to the requesting party.