

EMERALD ESTATES/INDIAN RIVER HOMEOWNERS' ASSOCIATION, INC.
OFFICIAL RECORDS AND INSPECTION POLICY

- SUBJECT:** Association Records Retention, Destruction, and Inspection.
- PURPOSE:** Adoption of an Official Records and Inspection Policy to ensure that records of the Association are maintained as required by law.
- AUTHORITY:** The Declaration of Covenants, Bylaws and Articles of Incorporation of the Association, Rules & Regulations, Policies, and State and Local Laws.
- EFFECTIVE DATE:** June 22, 2023

RETENTION OF OFFICIAL RECORDS

ONGOING

- A current roster of all members and their mailing addresses and parcel identifications.
- The association shall maintain the electronic mailing addresses designated by members for receiving notice sent by electronic transmission of those members consenting to receive notice by electronic transmission.
- Name and current address of each member who is obligated to pay assessments including:
 - Due date and amount of each assessment or other charge against the member
 - Date and amount of each payment on the account
 - Total balance due
- Current contracts to which the Association is party to and that the Association has any obligation or responsibility.

PERMANENT

- Any plans, specifications, permits, and warranties related to improvements constructed on the common areas or other property that the association is obligated to maintain, repair, or replace.
- The Bylaws and all amendments.
- The Articles of Incorporation and all amendments.
- The Declaration of Covenants and all amendments.
- The current Policies and Procedures of the Association.
- The current rules and regulations of the Association.
- The minutes from all Board of Directors meetings.
- The minutes from all Association Membership meetings.
- The minutes from all Committee meetings.
- Architectural Review requests and responses.
- Ballots and proxies for document amendments.
- Deeds, easements, and other real property.

7 YEARS

- Accurate, itemized, and detailed records of all receipts and expenditures.
- A current account and a periodic statement of the account for each member, designating the name and current address of each member who is obligated to pay assessments, the due date and amount of each assessment or other charge against the member, the date and amount of each payment on the account, and the balance due.
- All tax returns, financial statements, and financial reports of the association.
- Financial statements presented in conformity with generally accepted accounting principles; or
- A financial report of actual receipts and expenditures, cash basis, which report must show:
 - The amount of receipts and expenditures by classification; and
 - The beginning and ending cash balances of the association.
- Any other records that identify, measure, record, or communicate financial information.
- Loan details.
- Insurance policies.

1 YEAR

- Bids received by the association for work to be performed that were NOT awarded.
- Ballots, proxies, and other documentation relating to a Membership Annual Meeting.

HOMEOWNER CORRESPONDENCE

All communications between the Association and homeowners must be retained as long as the member owns the home plus four (4) years.

DESTRUCTION OF RECORDS

All records no longer required to be maintained by law may be disposed of. Records must be destroyed in a manner to be determined by the Board of Directors.

INSPECTION OF RECORDS

LOCATION

- The official records shall be maintained within the state and within 45 miles of the Association.
- The vast majority of the Association's records are maintained electronically.

INSPECTION

- Most of the Association's documents are able to be transmitted electronically.
- Once records are stored electronically, hardcopies are destroyed.
- Records must be open to inspection and available for photocopying by members or their authorized agents at mutually reasonable times and places within 10 business days after receipt of a written request for access.

- The only acceptable form of written requests for HOA's is by Certified Mail to prove delivery receipt.
- An association shall allow a member or authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association's providing the member or authorized representative with a copy of such records.
- The association may not charge a member or authorized representative for the use of a portable device.
- Records will only be inspected in the presence of a Board member or an agent of the Board.

RECORDED GOVERNING DOCUMENTS – COPIES

- The Association shall provide, upon request, hardcopies of the recorded governing documents which include:
 - Declaration of Covenants
 - Articles of Incorporation
 - Bylaws
- **Actual** costs to reproduce and send these documents will be the responsibility of the member.

OTHER ASSOCIATION DOCUMENTS – COPIES

- Hardcopy requests for documents other than the Association's recorded governing documents may be provided at a cost of 25 cents per page in addition to any postage costs.
- The Association will not charge for records sent to members electronically.

FAILURE TO COMPLY WITH REQUEST

- Failure to provide access to the records within 10 business days creates a rebuttable presumption that the association willfully failed to comply with the Statute.
- A member who is denied access to official records is entitled to the actual damages or minimum damages for the Association's willful failure to comply with the Statute.

DOCUMENTS NOT SUBJECT TO INSPECTION

- Any document that could be considered attorney/client privilege.
- Any document that includes members' confidential information.
- Any document that refers to employee/personnel documentation.

PRESIDENT'S CERTIFICATION: The undersigned, being the President of Emerald Estates/Indian River Homeowners' Association, Inc., a Florida nonprofit corporation, certifies that the foregoing Policy and Procedure was adopted by the Board of Directors at a duly called and held meeting of the Board of Directors on this 22nd day of June 2023 the undersigned has subscribed his/her name.

EMERALD ESTATES/INDIAN RIVER HOMEOWNERS' ASSOCIATION, INC.

A handwritten signature in black ink, appearing to read 'Arthur Starr', is written over a light gray rectangular background.

By:

Arthur Starr, President