

Document Request Procedures

Clearlake Keys Property Owners Association

The Clearlake Keys Property Owners Association (POA) provides documents to requesting parties under conditions that vary depending on whether the requesting party is a property owner or a third party. Provision of requested documents and provision of detail within those documents is contingent on both state and federal law.

1. **The requesting party is a property owner within the geographical boundaries of the POA.**

Members may request the following documents, per California state law.

- Most of an association's books and records are subject to inspection and copying by members. (**Civ. Code §1365.2(a)**.) Except for **minutes** which are permanently available, associations need only produce records for the current fiscal year and two previous fiscal years. (**Civ. Code §1365.2(i)(1)**.) Older records may be disposed of in accordance with a duly adopted **records disposal policy**. Following is a list of records subject to membership review:
- financial documents required by **Civil Code 1365** (budget, reserves, lien policies, insurance, **financial statements**, etc.);
- documents required by **Civil Code 1368** between buyer and seller such as governing documents, assessments, violation notices (the general membership does not have the right to other members' violation notices), construction defects, etc.;
- **interim financial statements**, including (i) **balance sheet**, (ii) **income and expense statement**, (iii) budget comparison, and (iv) **general ledger**;
- **salaries** paid to employees, vendors, or contractors (except as provided by attorney-client privilege) which shall be set forth by job classification or title, not by the employee's name, social security number, or other personal information;
- **contracts**;
- **labor union contracts**;
- state and federal **tax returns**;
- reserve account balances and payments from reserves;
- board, committee and membership meeting agendas and minutes (except for executive session minutes);
- **membership lists**;
- invoices, receipts, canceled checks, purchase orders approved by the association, credit card statements for credit cards issued in the name of the association,

statements for services rendered, and reimbursement requests submitted to the association (**Civ. Code §1365.2(a)(2)**.);

- rules and regulations (**Civ. Code §1363(e)**);
 - **insurance policies**;
 - **non-privileged reports**;
 - governing documents;
 - schedule of monetary penalties used in rules enforcement;
 - **architectural plans**.
- a. Generally, documents are available on the POA web site and members will be expected to download and print requested documents from their personal computers.
 - b. If for any reason members are not able to access documents from a personal computer, the POA will provide print (paper) copies of those documents for a fee. Any fees will cover but not exceed the actual cost of producing those documents. Fees are typically five cents per page copied plus the cost of hiring a temporary worker to retrieve and copy those documents. Each request will be analyzed separately with a cost estimate provided to the requesting party prior to document retrieval. The requesting party will be expected to sign a promissory note agreeing to pay for actual costs of document retrieval and production prior to document retrieval.
 - c. In order to avoid frivolous document production requests, the requesting party is expected to provide a reason for the document request(s).
 - d. Requests must be in writing and made in person. The purpose of this provision is to verify the identity of the requesting party, specifically as a resident of the POA.
 - e. The POA is not required to create documents. If a document exists the requesting party has the right to request it, but does not have the right to request that the POA create a special document.
 - f. Any personal information in the requested documents must be redacted from those documents prior to release. This includes but is not necessarily limited to telephone numbers, checking account numbers and any personal information other than name, property address and mailing address.

2. **The requesting party is third party, not a member of the POA.** Generally, these parties will be banks and other lending institutions requesting payment

information on a specific property or general information on the POA such as historical incorporation documents. Note that third parties are not entitled to the information available to POA members, unless that information is published on the public portion of the POA's web site.

- a. **The requesting party must verify their identity and their legal ability to request any confidential documents.** This is typically done by requesting documents on company letterhead with the inclusion of a power of attorney or a similar document. In the absence of a clearly identifiable legal entity and business purpose, the property owner may authorize release of information related to his/her property and personal payment information.
- b. Any requested documents that are available on the POA web site will be downloaded and printed by the requesting party.
- c. If the number of requested documents exceeds two or three pages, fees will apply as outlined in the **"The requesting party is a property owner within the geographical boundaries of the POA"** section above.

Document Request Conditions

Clearlake Keys Property Owners Association

Name of requesting party _____

Keys Address of requesting party _____

Document request attached? (y/n) _____

I understand that the documents requested are viewable by residents of the Clearlake Keys Property Owners Association, but would not typically be provided to those who do not reside within the boundaries of the Association. (initials) _____

I understand that information pertaining to properties not belonging to the requesting party may not be used in any way that violates either state or federal law. (initials) _____

I understand that if an owner uses records for an improper purpose, the association can take legal action against him and is entitled to reasonable attorneys' fees and costs if it prevails. (initials) _____

If any of the documents requested are available on the Clearlake Keys Property Owners Web Site at <http://www.clearlakekeyspoa.com/>, the requesting party is not able to view and print the information because:

Signature of requesting party _____

Printed name of requesting party _____

Dated: _____

Document Request Form
Clearlake Keys Property Owners Association

	<u>Requestor's Full Name</u>	<u>Requestor's Keys Address</u>	<u>Document Requested</u>	<u>Reason for Request</u>
1)				
2)				
3)				
4)				
5)				
6)				
7)				
8)				
9)				
10)				