

**GAME TRAIL ASSOCIATION  
RULE AND REGULATION 13-02  
RIGHT TO INSPECT BOOKS AND RECORDS**

The purpose of this policy is to establish a procedure for Game Trail Association (GTA) members to request to inspect and/or obtain copies of the official books and records of GTA that are available to its members pursuant to Article XIII of the Bylaws of GTA as well as the provisions of the Colorado Common Interest Ownership Act contained in Title 38 Article 33.3 of the Colorado Revised Statutes (CRS).

**REQUEST TO INSPECT BOOKS AND RECORDS**

Most records maintained by GTA are available for examination and copying by a member or a member's authorized agent. The member or his/her representative must submit a written request to GTA at least ten (10) days prior to inspection or production of the documents that describes with reasonable particularity the records sought. GTA may not condition the inspection of any records upon the statement of a proper purpose. CRS § 38-33.3-317 (2) (A).

All records may be inspected at a designated location in Buena Vista, Colorado between the hours of 9 a.m. and 5 p.m. Monday through Thursday and 9 a.m. to noon on Friday, or at the sole discretion of the Board of Directors for GTA at the next regularly scheduled Board Of Directors Meeting, if the meeting occurs within thirty (30) days of the request. CRS § 38-33.3-317 (2) (A).

Books and records maintained by GTA include but are not be limited to the following documents:

- a. Annual and/or mass written communications sent to all members generally;
- b. Annual Reports submitted to the Secretary of State;
- c. Ballots, proxies, and other records related to voting by members for elections, actions, or votes to which they relate;
- d. Financial Records including but not limited to the following:
  - i. Annual reviewed financial statements,
  - ii. Receipts and expenditures; ie., general ledger detail,
  - iii. Tax returns;
- e. Governing Documents consisting of the:
  - i. Declarations of Covenants, Conditions and Restrictions
  - ii. Supplemental Declarations of Covenants
  - iii. Amended Declarations
  - iv. Articles of Incorporation
  - v. Bylaws
  - vi. Rules and Regulations;

- f. Monthly Board of Director Minutes;
- g. Membership list that includes the names of all members along with their mailing address and GTA address if different than their mailing address;
- h. Records of ACC and/or Board approval or denial of design or architectural requests from members;
- i. Reserve Studies;
- j. Resolutions adopted by the Board relating to the characteristics, qualifications, rights, limitations, and obligations of members or any class or category of members;
- k. Written communications among and the votes cast by GTA Board Members directly relating to an action taken by the Board without a meeting;
- l. Written Contracts.

The records GTA is required to produce is governed by specific time periods contained in CRS §§ 38-33.3-317 and CRS § 38-33.3-209.4

Records may only be inspected in the presence of the GTA Financial and Administrative Assistant (Assistant) and/or a Board Member. No original records may be removed from the custody of the GTA Assistant, including removal by Board Members. The GTA Assistant must keep the original records intact once these records are organized; indexed and digital backup copies have been created. This is to protect the integrity of the original records.

A right to copy records includes the right to receive copies by photocopying or other means including the receipt of copies through electronic transmission (PDF or its equivalent), if requested by the member. GTA is not obligated to compile or synthesize information. CRS § 38-33.3-317 (4), (5) and (6).

The member requesting copies of records shall complete the attached "Exhibit A" providing the member's name, filing and lot number, and a description of the records requested with sufficient particularity so that the records requested can be identified and produced.

A member must sign the Records Request Form and by so doing expressly represents that the records requested, produced and/or copied will not be used for commercial or other illegal purposes and understands that any use of GTA's membership list or any part thereof other than for a member's interest as a member is expressly prohibited without the express consent of the Board of Directors.

The completed form shall be sent to the GTA President, P. O. Box 4110, Buena Vista, CO 81211. Estimated charges for labor and material to research and create copies of the records will be included in the GTA response letter and must be paid prior to any inspection or copying of records. GTA reserves the right to recover the full cost of all labor and materials if the initial payment is not adequate to cover the actual costs. Any balance owed must be paid before any documents are produced or copies provided. There will be no charge for providing members copies of documents that pertain to their own property such as dues, assessments and liens to support the payment of such or in conjunction with the sale of the property.

GTA records and information contained within those records shall not be used for commercial purposes or in any other manner prohibited by Colorado law. CRS § 38-33.3-317 (2) (B) and (7).

Consistent with the rights of each individual member to privacy, attorney-client confidentiality and other considerations, the following records shall not be made available for inspection and copying without the express written consent of the Board of Directors. CRS § 38-33.3-317 (3):

- Architectural drawings, plans, and designs, unless released upon the written consent of the legal owner of the drawings, plans, or designs;
- Contracts, leases, bids, or records related to transactions to purchase or provide goods or services that are currently in or under negotiation;
- Communications with legal counsel that are otherwise protected by the attorney-client privilege or the attorney work product doctrine; confidential litigation files and matters covering “consultation with legal counsel concerning disputes that are the subject of pending or imminent court proceedings” or are “privileged or confidential between attorney and client”;
- Disclosure of information in violation of law;
- Files involving “investigative proceedings concerning possible or actual criminal misconduct”;
- Any matter “the disclosure of which would constitute an unwarranted invasion of individual privacy”;
- Inter-office memoranda, preliminary data, working papers and drafts, and general information or investigations, which have not been formally approved by the Board of Directors;
- Information regarding elections that would violate the secret nature of the ballot;
- Records or minutes of an executive session of the GTA Board of Directors;
- Individual member information other than the information of the requesting member.

The following books and records maintained by GTA are not subject to inspection and copying, and shall be withheld, to the extent that they are or concern. CRS § 38-33.3-317 (3-5):

- Personnel or salary records relating to specific individuals; or
- Personal identification and account information of members, including bank account information, telephone numbers, electronic mail addresses, driver's license numbers, and social security numbers.

**EXHIBIT "A"**  
**GTA RECORDS REQUEST**

NAME AND GAME TRAIL ADDRESS OF REQUESTER: \_\_\_\_\_

\_\_\_\_\_

RECORDS REQUESTED: *Please be as specific and detailed as possible so that the records can be easily identified. Please attach additional sheets as needed.*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ I want to inspect the records.

\_\_\_\_\_ I want copies of the records sent by regular first class mail to: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ I want copies of the records sent by email to: \_\_\_\_\_

I understand that pursuant to Rule and Regulation 13-02 that I will be responsible to pay the reasonable cost of collecting and/or copying the records requested and that this cost must be paid in advance of either the inspection or the copying and mailing of any records. I also understand that if any of the information requested requires redaction in the opinion of the GTA Board to protect members' privacy or identity theft, the redaction shall be done at my expense (limit of \$10 per hour up to a maximum of \$200).

I understand that without the consent of the GTA Board, a membership list or any part thereof may not be:

Used to solicit money or property unless such money or property will be used solely to solicit the votes of the unit owners in an election to be held by the association;

Used for any commercial purpose; or

Sold to or purchased by any person.

\_\_\_\_\_  
REQUESTER SIGNATURE

\_\_\_\_\_  
DATE