

## Document Request and Associated Fees

- The Association needs to establish a policy regarding imposing reasonable charges and collecting the costs being incurred in complying with owners' requests for records of the Association, especially where such requests involve providing access to records for personal examination by the requesting Homeowner. Input from the Association's counsel to the Board indicates that the Homeowners' Association Act of Washington permits our Association to impose and collect reasonable charges and to recover our costs for the handling of such requests.
- In the interest of protecting the interests of the Homeowners' as a whole, and the Association, on the issue of making sure records requests costs and the time and effort spent by the Board members are recovered by requesting owners, so the assessment revenues from Homeowners are not used to cover such matters, a motion was made that, effective immediately, the Board adopt the following policy on requests for Association documents.

1. A Homeowner requesting to examine and/or have copies of records of the Association must do so in writing, sign the request, and the written request must (a) reasonably describe the records so requested and (b) state the reason for the request (i.e., why or for what purpose the owner wants or needs the records).

2. Since the Association does not have an office, records requests by a Homeowner of any substance or significance will and must occur at the Association's attorney's office, at a reasonable time and date coordinated with the attorney's office.

- The requesting owner must pay the Association the following:

- (a) for the hourly charges for the time of an assistant or clerical person of or retained by the Association's attorney's office who shall attend the owners' examination of records, and who will be there to monitor the review and documents involved, and to make or arrange for the making of copies of those records requested by the owner to be copied. The hourly charge payable by the requesting owner for the assistant will be a minimum of \$25 per hour.

- (b) for all copies requested at a per page copying cost of 15 cents.

3. For small scale records requests, if the Association determines it can reasonably comply with the request by itself, by conducting a short search and copying/ mailing to the requesting owner (without need for the requesting owner to examine and search through the Association records), the owner will be charged and must pay a flat search fee of \$25 per request plus 15 cents per page copied for the owner. The fee and copying costs must be paid by the requesting owner at the time of or before the Association provides the copied records to the owner.

4. The requesting owner shall issue and deliver payment to the Association for all such charges and copying costs at the time of or before the requested copies are actually provided to him/her. The charge is based upon the Association or Association's attorney providing owner with the amount(s) so incurred, charged and payable for that particular request.

5. If a Homeowner makes a records request and the Association makes the search/examination effort and incurs charges and costs in doing so, and the requesting owner fails or refuses to pay the Association for the charges and costs described above, for whatever reason, and even if the Homeowner thereafter decides he/she does not want the requested records, the charges and costs shall automatically become an assessment and a lien on the property or properties owned by that owner within the Association community, and thereafter will be subject to all assessment collection provisions under the Declaration. This means the Association may apply the assessment covenant provisions regarding collection enforcement in pursuing requesting owner for payment, including without limitation the recording of a formal assessment lien and its foreclosure, and the Association may recover its attorneys' fees and costs in doing so, whether or not litigation is filed.

6. The Association Board retains the ability and authority to change this policy at any time. If it later becomes obvious that the charges and costs adopted are not adequately covering the actual charges and costs being incurred by the Association for records requests, the amounts can be increased or the nature and process of covering such charges and costs can be amended.

- **>MOTION:** Upon motion duly made, seconded, and passed [unanimously] [by a majority vote of \_8\_ to \_0\_], it was: RESOLVED, that effective immediately, the document request policy with the associated fees are adopted as a new rule of the Association. **CARRIED.**

The Motion was passed at the HOA Board Meeting on February 26, 2002 and included in the minutes published in the March 2002 Fairwood Flyer