

# **WESTERLEY HOMEOWNERS ASSOCIATION, INC.**

## **ADMINISTRATIVE RESOLUTION NO. 2012-2**

### **RESOLUTION ON ACCESS TO BOOKS AND RECORDS**

**WHEREAS**, Westerley Homeowners Association, Inc. ("the Association") came into existence as a property owners' association organized and operating pursuant to the Virginia Property Owners' Association Act, § 55-508, *et seq.*, Code of Virginia, (1950, as amended) ("Act") by the filing of the Declaration of Covenants, Conditions and Restrictions for the Westerley subdivision located in Loudon County, Virginia, which Declaration is of record in the land records of Loudon County, having been filed; and,

**WHEREAS**, Section 55-510.A-D of the Act outlines the records that must be made available, those which may be withheld and allows the Association to charge owners for copies of books and records of the association if the Board of Directors formally adopts a schedule of charges for materials and labor; and,

**WHEREAS**, Article X of the Bylaws states that members shall have access to the books and records of the Association at the principle office of the Association to copy at a reasonable cost; and,

**WHEREAS**, for the benefit and protection of all Owners, and in compliance with the Act, the Board deems it desirable to formally adopt a resolution to establish a policy regarding member access to Association books and records;

#### **NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:**

##### **I. Request for Examination and Copying.**

A. Only members of record in good standing or their authorized agent may request access to Association books and records.

B. A written request for examination and/or copies must be submitted to the Managing Agent at a minimum of five (5) days notice. The request must contain a specific list of all records to be examined. The request form is attached to this resolution as **Attachment A**.

C. Examination of all records shall be at the primary location of the Managing Agent at a time mutually agreed upon by the Managing Agent and the requester, but at all times during normal business hours.

## **II. Books and Records Available for Review.**

A. Members shall have access to books and records of the Association with the exception of those that concern:


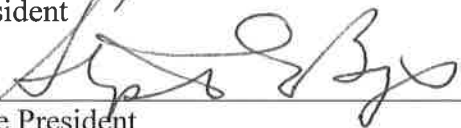


- 1- Personnel matters relating to specific identified persons or a person's medical records;
- 2- Contracts, leases or other commercial transactions currently in or under negotiation;
- 3- Pending or probable litigation
- 4- Matters involving formal proceedings before a government tribunal for enforcement of the association documents or rules and regulations
- 5- Communications with legal counsel that are protected by the attorney-client privilege
- 6- Disclosure of information in violation of law
- 7- Meeting minutes or other confidential records of an executive session of the board of directors
- 8- Documentation, correspondence or reports compiled for the association for consideration in executive session
- 9- Individual unit or member files other than those of the requesting member
- 10- Draft minutes of any board or committee meeting that are less than sixty (60) days old

## **III. Charges.**

The Association is charged fees in accordance with Attachment A-Non-Routine Services, of the contract with the Managing Agent for compiling, overseeing examination and copying Association documents. All such fees will be charged to the requesting member. The schedule of fees is attached to this resolution as **Attachment B** and may be updated annually. All such updates to the schedule of charges shall be published on the Association website or provided to members on request.

**RESOLUTION ACTION RECORD**

Duly adopted at a meeting of the Board of Directors of the Association held  
June 11, 2012, 2012.

VOTE:	YES	NO	ABSTAIN	ABSENT
 _____ President	✓	_____	_____	_____
 _____ Vice President	✓	_____	_____	_____
 _____ Secretary	✓	_____	_____	_____
 _____ Treasurer	✓	_____	_____	_____
_____ Director	_____	_____	_____	_____
_____ Director	_____	_____	_____	_____
_____ Director	_____	_____	_____	_____
_____ Director	_____	_____	_____	_____
_____ Director	_____	_____	_____	_____

Resolution effective: July 1, 2012

Attachment A

REQUEST TO REVIEW WESTERLEY HOA DOCUMENTS

I, \_\_\_\_\_, request to examine the following files/documents:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I understand that this request is subject to the terms and conditions outlined in WESTERLEY HOA Resolution 2012-2 and Section 55-510 of the Virginia Property Owners' Association Act, and that the administrative and copying costs are my responsibility.

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Property Address

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Email

*Instructions: Please complete this form and return it to WHOA, PO box 2070, Purcellville VA 20134 or email it to whoa@horizoncommunityservices.com. Within five (5) business days of receipt of the request, you will be contacted via the telephone number and/or email address above to arrange a time/date for you to review the requested files and/or documents.*

**ATTACHMENT A**  
**SCHEDULE OF ITEMIZED CHARGES FOR ADDITIONAL SERVICES**

<b>ITEM</b>	<b>PRICE</b>
Accounting/Bookkeeping Services (in addition to those specified in Articles IV and VII)	\$100.00/hour (manager/financial admin), \$150.00/hour (principal)
Account Turnover to Collection	\$25.00/account (reimbursed by homeowner-no net cost to HOA)
Administering Special Construction/Capital Repair Projects over \$10,000 (i.e., performing general contractor duties)	5% of total project cost
Architectural Application Processing	\$5/application when not included in Routine Services)
Archiving (digital) of Historical Paper Files	\$35.00/box (i.e., standard size "bankers" box)
Association Disclosure Packet/Resale Certificate	\$250.00 (\$275.00 for 72-hour rush delivery) (paid by homeowner)
Bank Account Setup (new accounts only)	\$25.00
Bank Loan Negotiation and Setup	\$100.00/hour (manager)
Cash Deposits	\$5.00/deposit
Certified Letter	\$6.00/letter (reimbursed by homeowner-no net cost to HOA unless prohibited by Association documents)
Clubhouse Reservation Administration	\$5.00/reservation
Clubhouse Rental Management	\$35.00/event
Community Mailings	\$2.50/piece exclusive of postage
Compilation of Association Documents to Electronic File for On Site Review	\$25.00
Compilation of Unit File Documents to Electronic File for On Site Review	\$25.00
Document Reproduction Annual or Board Meeting Minutes Articles of Incorporation Appraiser Questionnaire Bylaws Budget Covenants/Declaration (CC&Rs) Annual Financial Statements Current (Unaudited) Financial Statements Insurance Declaration Page Reserve Study Rules & Regulations/Architectural Guideline Settlement/Closing Questionnaire	\$25.00 (paid by requesting homeowner) \$25.00 (paid by requesting homeowner) \$50.00 (paid by requesting homeowner) \$25.00 (paid by requesting homeowner) \$25.00 (paid by requesting homeowner) \$25.00 (paid by requesting homeowner) \$25.00 (paid by requesting homeowner) \$25.00 (paid by requesting homeowner) \$25.00 (paid by requesting homeowner) \$25.00 (paid by requesting homeowner) \$50.00 (paid by requesting homeowner) \$25.00 (paid by requesting homeowner) \$150.00 (paid by requesting homeowner)
Covenants Inspection-Walking (if not included in Routine Services)	\$4.00/unit-one time; \$7.00/unit includes re-inspections. Both include letters (certified billed separately) and report

<b>ITEM</b>	<b>PRICE</b>
Covenants Inspection-Driving (if not included in Routine Services)	\$2.00/unit-one time; \$4.00/unit includes re-inspections. Both include letters (certified billed separately) and report
Delinquency Notice Processing	\$6.00/notice
Emergency Visits to Property After Hours (24-hour emergency cell phone access included)	\$100.00/hour (manager), \$150.00/hour (principal)
Financial Certification Requests (from banks, agencies, or lending institutions), processing	\$175.00/certification (\$200.00 for Custom Lender Questionnaire) (paid by homeowner)
Fuel Surcharge	N/A
Governing Documents, developing or revising	\$100.00/hour (manager), \$150.00/hour (principal)
Governing Document Bundle (Articles of Incorporation, Bylaws, CC&Rs, Condo Declaration, Design Document, Rules & Regulations)	\$100.00 (paid by requesting homeowner)
Hearing Scheduling and Attendance	\$100.00/hour (manager), \$150.00/hour (principal)
Insurance Reports – Fulfilling HOA obligations required by insurance companies concerning claims relating to the property as required by the governing documents other than those in Routine Services.	\$100.00/hour (manager), \$150.00/hour (principal)
Land Records Search (County)	\$30.00
Legal Actions or Court Appearances (including preparation)	\$100.00/hour (manager), \$150.00/hour (principal)
Lender Bundle (Budget, Bylaws, CC&Rs, Declaration, Insurance Declaration Page, Litigation (as applicable), Financial Certification)	\$175.00 (paid by requesting homeowner)
Maintenance Actions	\$10.00/tenth of an hour or portion thereof
Material Reproduction-B&W	\$0.16 per copy
Material Reproduction-Color	\$0.50 per copy
Meeting Attendance (if not in Routine Services)	\$100.00/hour (manager), \$150.00/hour (principal)
Meeting Minutes, recording/transcribing	\$100.00/hour (manager), \$150.00/hour (principal)
New Account Setup	\$50.00/account (paid by new homeowner)
Newsletter Service	\$100.00/page/issue (exclusive of postage)
Notary Service	\$5.00/signature
Off-Site Storage	\$3.00/box
Online Owner Account Access	\$0.10/unit/month (pass through from Association Voice)
On site Access to Association records	\$25.00/hour
Owner Coupon Books	\$5.00/each
Owner Statements/Invoices	\$0.30 each
Parking Pass Administration	\$100.00/hour (manager)
Payment Plan Administration	\$25.00/month (reimbursed by homeowner-no net cost to HOA)
Payroll Administration	\$25.00/employee/month

<b>ITEM</b>	<b>PRICE</b>
Pool Pass Administration	\$100.00/hour (manager)
Reinstatement of Corporate Status (if lapse is prior to HCS Management)	\$50.00
Registered Agent Service	\$100.00/year
Returned Check Charge	\$30.00 (reimbursed by homeowner-no net cost to HOA)
Special Assessment, administering	\$15.00/unit
Streamlined Lender Bundle (Budget, Insurance Declaration Page, Financial Certification)	\$125.00 (paid by requesting homeowner)
Survey Preparation/Analysis	\$100.00/hour (manager), \$150.00/hour (principal)
Tax Return Preparation/Filing	\$150.00
Tax- 1099	\$5.00 each
Typing Services	\$3.00/double-spaced page
Website	Contracted separately (stand-alone or through HCS website) Full website set up fee \$300.00 plus \$.35/unit/mo Content management billed at manager hourly rate
Web based Account Access Portal	\$150.00 set up plus \$.10/unit/month

Note: Hourly rates are per hour or portion thereof.