

**Summers Creek Homeowners Association  
Post Office Box 540833  
Merritt Island, FL 32954-0833**

**Requests for information, complaints, questions, and access to Official Association Records is deemed to be received if it is sent to the Official Mailing Address shown above, via certified U.S. Mail. Any communications sent by email to the Summers Creek Home Owners Association (SCHOA) are not deemed to be received by the Association. Communications sent by email or U.S. Mail to the individual homes of Directors or Officers are not deemed to be received by the Association.**

**FREQUENCY OF INQUIRIES AND REQUESTS FOR ACCESS TO OFFICIAL Association RECORDS:**

**The Association will process and respond to no more than one written inquiry or request for access to Official Records from the same individuals in any 30-day period.**

**INSPECTION AND COPYING OF Association RECORDS:**

- I. RECORDS DEFINED** - The Official Records available for inspection and copying are those designated by section 720.303(4), Florida Statutes, as amended from time to time.
- II. PERSONS ENTITLED TO INSPECT OR COPY** - Every member or member's authorized representative, as designated in writing, (hereinafter collectively referred to as "member") shall have the right to inspect or copy the Official Records (hereinafter "Records"), as defined in Chapter 720, Florida Statutes, and subject to the exceptions in the Law, pursuant to the following rule.
- III. INSPECTION AND COPYING OF CERTIFIED MAIL REQUESTS**
  - A.** A member desiring to inspect the Association's Records shall submit a written request via certified mail to the Association, at the Official Mailing Address of the Association. The request for access to the Records for inspection and/or copying must specifically designate the record or records to be inspected with specificity. A general request to inspect and copy the Records is not acceptable. The record to be inspected must be described with sufficient specificity as to allow the Association to locate that Record. In addition, the request must specify the particular Record subject to inspection including pertinent dates or time periods and shall state whether the request is for inspection or a photocopy.

1. The Association will not research the Records. For example, a request to “provide the maintenance bills for the five most expensive months during the past three years” would not be acceptable. A request for “provide access to all maintenance bills for the past three years” would be acceptable.
2. The Association will not be required to interpret any document found within the Records and need not answer questions for an owner during the course of the inspection of the Records. Questions can be submitted to the Association Board for a later response by the Association Board in person, at a meeting or in writing, if appropriate.
3. Any request for access to the Records submitted by a Member who is in litigation with the Association or who has threatened litigation against the Association shall be referred to the Association’s counsel to facilitate the inspection of records by that Member or by that Member’s attorney. Other requests for inspection of Records may be referred to the Association’s counsel for assistance at the request of the Board of Directors.
4. No document or report will be created in a format other than that document or report as kept in the ordinary course of business. To accommodate a request for inspection of the Records, records which are kept in an electronic format will be printed so that they can be reviewed by the Member.
5. The Association shall not be required to deliver records to a Member in any particular form.
6. Notwithstanding the foregoing and in accordance with section 720.303(c), a member shall not have the right to access or inspect the following records:
  - a. Any record protected by the lawyer-client privilege as described in section 90.502, Florida Statutes, and any record protected by the work product privilege, including, but not limited to, any record prepared by the Association attorney or prepared at the attorney's express direction which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the Association and was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings or which was prepared in anticipation of imminent civil or criminal litigation or imminent adversarial administrative proceedings until the conclusion of the litigation or adversarial administrative proceedings.
  - b. Information obtained by the Association in connection with the approval of the lease, sale, or other transfer of a parcel.
  - c. Disciplinary, health, insurance, and personnel records of the members of the HOA Board of Directors.

- d. Medical records of parcel owners or other members.
- B. Inspection or copying of Records shall be limited to those Records specifically requested in advance, in writing.
- C. No member may submit more than one request for inspection or copying of the same Record in any six-month period.
- D. No member may request the inspection of more than twenty (20) Records at any one time, nor shall the Association be required to produce Records for inspection exceeding 200 pages at one time. If the member's request exceeds either of these limitations, the Association shall provide Records for inspection in the order requested by the member up to the limiting factor, and the member shall be notified that the other Records will be made available for inspection at another inspection session upon receipt of another written request of the member. The foregoing limitations shall not apply to any member's request for copies of Records which shall be photocopied and delivered to the member subject to other provisions of these rules.
- E. All inspection of Records shall be conducted at such other location as may be designated by the Association. No portion of the Records shall be removed by the Member from the location of inspection. - No Member may mark, write upon or otherwise alter any portion of the Records. Any violation of this provision may result in a suspension of that Member's right to inspect the Records.
- F. Records shall be made available for inspection by the Association on or before the tenth business day subsequent to actual receipt by the Association of the official written request for inspection. This time frame may be extended by written request of the member. In addition, this time frame shall be extended in the event Records are so voluminous or otherwise in such condition as to render this time frame unreasonable. The Association shall notify the member, by telephone, in person, or in writing, that the Records are available and the time, date and place for such inspection.
- G. Inspections shall be made only by appointment
- H. If a member desires to obtain a copy of any Record, the member shall designate in writing which Record is desired, or during an inspection the Member may designate such Record by use of a tab or clip upon the pages desired. Any written request shall designate the specific Record or portion thereof. For less than 25 pages, copies will be available immediately. For more than 25 pages, copies of the Record(s) shall be available within approximately five working days of receipt of the request. In the event the above referenced time frame is impracticable due to the voluminous nature or

condition of the Records, then copies will be made available as soon as is practical.

- I. The association may impose fees to cover the costs of providing copies of the official records, including, without limitation, the costs of copying. A member shall pay 50 cents per page for regular or legal sized photocopies, payable in cash.

#### **IV. MANNER OF INSPECTION**

- A. No written request for inspection or copying shall be made in order to harass any member, resident or Association director.
- B. All persons inspecting or requesting copies of Records shall conduct themselves in a businesslike manner and shall not interfere with the operation of the Management office or office where the Records are otherwise inspected or copied. There will be a staff person or Board Member present to assist in the inspection. In the event that the conduct of a Member during the inspection of the Records becomes disruptive or otherwise inappropriate for the location of the inspection, the inspection may be terminated at the discretion of the Association or its agent.
- C. The Association shall maintain a log detailing:
  - i. The date of receipt of the written request for inspection;
  - ii. The name of the requesting party;
  - iii. The requested Records;
  - iv. The date the member was notified of the availability of the Records;
  - v. The date the Records were made available for inspection or copying;
  - vi. The date of actual inspection or copying;
  - vii. The signature of the member acknowledging receipt or access to the Records. Every person inspecting or receiving copies of Records shall sign said log or a comparable receipt prior to inspection or receipt of copies.

#### **V. ENFORCEMENT OF INSPECTION AND COPYING RULES**

- A. Any violation of these rules shall cause the immediate suspension of the inspection or copying until such time as the violator agrees in writing to comply herewith.
- B. Any written requests for inspection or copying not complying with these rules shall not be honored. The Association shall indicate in writing the nature of the noncompliance and transmit same to the requesting party within five working days subsequent to receipt of the written request from the member. Any verbal requests for inspection or copying may be responded to at the time by the

Association representative notifying the requesting person of the existence of their rules and pointing out the necessity of complying herewith.

- C. The Board of Directors may take any available legal action to enforce these rules.

**VI. REQUESTS NOT RECEIVED VIA CERTIFIED MAIL**

- A. The Association Board encourages members to submit unofficial requests for information, complaints, or questions to the Association Board of Directors. Unofficial submissions may not be addressed before the next regularly scheduled Association Board meeting.
- B. Any non-certified mail request received by the Association will be acknowledged by the Association Board with a standard response of “at Association Board’s discretion, the request will be addressed on or before the next regularly scheduled Association Board meeting.” Official requests for information, complaints, questions, and access to Official Association Records shall be submitted pursuant to this Association policy.