

LIVINGSTON LAKES CONDOMINIUM ASSOCIATION, LLC
APPROVED January 31st, 2025

**BOARD RESOLUTION REGARDING INSPECTION AND COPYING OF
ASSOCIATION RECORDS**

WHEREAS, The Condominium Association Act provides that the Association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections; and

WHEREAS, the Board of Directors believes it is in the best interest of the Association to adopt rules, as contemplated by the above-referenced statute.

NOW THEREFORE, the following rules governing inspection of the official records of the Association are adopted. Capitalized terms shall have the same meaning as defined in the Act or Governing Documents of the Association:

1. Records Defined. The official records, also referred to herein as "records," available for inspection are those designated by the Act, as the official records of the Association.

1.1 Records Available. No records other than those defined above shall be available for inspection, unless the Board determines it to be in the best interest of the Association to make such records available for inspection.

1.2 Persons Entitled to Inspect. Owners shall have the right to inspect the records of the Association as permitted by law. All references in this Resolution to Owner will include record title holders of a Unit or Lot or Owner's authorized representative, where applicable.

2. Inspection

2.1 An Owner desiring to inspect records shall submit a written request by U.S. Certified Mail, Return Receipt Requested only to the attention of the designated agent acting on behalf of the Association, pursuant to the most recent on-line records of the Florida Secretary of State, Division of Corporations. Requests by facsimile transmission, electronic mail (e-mail) or other means do not comply with this Resolution. Verbal requests do not comply with this Resolution. The written request must specify the records the Owner desires to inspect, including pertinent dates or time periods. The

specification of the records must be sufficiently detailed to permit the Association to retrieve the exact records requested. An Owner's inspection request shall be deemed received as follows, by U.S. Certified Mail, Return Receipt Requested, the date that the receipt card was signed for by the agent acting on behalf of the Association.

2.2 Inspection of records shall be restricted solely to those records designated in the written request for inspection and shall be conducted solely by the Owner signing the inspection request, or his or her authorized representative. The designated agent or representative other than the member must be clearly defined in the request. Including their full name and current address, reflected on their photo ID to enable proper identification of the designated agent. No inspection of any other records shall be permitted. If more than one Owner desires to inspect the same records, the Association may require that such inspections are conducted at different times provided that co Owners may inspect records together. If an Owner has designated an authorized representative, either the Owner or the authorized representative may inspect the records; however, both parties may not inspect the records together. However, this shall not preclude an Owner from inspecting the records with the Owner's representative if such representative is a Certified Public Accountant licensed to practice in Florida, or an Attorney at Law, admitted to practice in Florida.

2.3 An Owner shall not submit more than one (1) written request for inspection of records per 45 days. Any request submitted more frequently shall be null and void and need not be acknowledged by nor responded to by the Association.

2.4 Inspections of records shall be conducted at the office where the Association's records are maintained or at such other location as may be designated by the Association. Records must be made available for inspection in Collier County or within twenty-five (25) miles of the Association property. No Owner shall remove original records from the location where the records are inspected. No marks or alterations shall be made on original records.

2.5 Records shall generally be made available for inspection by the Association on or before the tenth (10th) working day after receipt by the Association of the written request for inspection and the request is conveyed to an Association representative, which may account for administrative processing time. This time frame may be extended upon agreement of the Owner or for good cause. In addition, this time frame shall be extended in the event the records are so voluminous, or otherwise in such condition as to render this time frame unreasonable. In any case, the Association shall always use its best efforts to make records available for inspection by the tenth (10th) working day after

receipt of the request, and the failure to do so shall create a rebuttable presumption that the Association has violated the provisions of this Resolution. The Association may rebut the presumption by obtaining an opinion from legal counsel that the Association has, under the circumstances, attempted to address the Owner's records inspection request promptly and in good faith. The designating agent acting on behalf of the Association shall notify the Owner by email, that the records are available and the time, date and place for such inspection. Inspection shall be made only during normal Association business hours, or during the normal business hours of the location of inspection if other than the Association office. For the purposes herein, "working day" shall mean Monday through Friday, exclusive of federal, state and local holidays in which the office of the Association or office where the records are being made available for inspection is closed. For purposes herein, "normal business hours" shall be the hours the Association office is customarily open, or the hours the location where the records are to be inspected is customarily open, or if there are no customary hours of operation, then 9:00A.M. to 12:00 P.M. and 1:00 P.M. to 5:00P.M., all on a working day. If an Owner or their designated representative fails to show for a scheduled inspection greater than 15 minutes or more, the inspection may be rescheduled on a later date/time at the discretion of the Associations designated agent. If the rescheduled date/time is then a no-show 15 minutes greater than the deadline; the member may be required to restart the record request.

2.6 If, at, or after inspection, an Owner desires to have a copy of a record, the Owner shall designate in a separate writing, which record, or portion thereof, for which a copy is desired, or, in the alternative, shall designate such record by use of a clip or tab upon the page(s) desired. Not more than one (1) copy of each record requested shall be provided. If the location where the records are being inspected or stored has a copy machine capable of making copies of the records designated, and the Owner has requested copying of 25 or less pages of records, then copies of the records shall be available contemporaneously with the inspection. If, however, the records to be copied exceed 25 pages, or there is no copy machine at the location where the records are being inspected or stored capable of making copies of the records designated, the Association may send the records out for copying by an outside source, such as a commercial copying company or make the copies at the location of the records, but available for later pick-up. If copied at the location where the records are kept, copies more than 25 pages shall be made available for pick-up by 5:00 P.M. within three (3) working days from the date of the inspection, the day of inspection not counting in calculating this deadline. Copies made by an outside source shall be available as soon as a copying service can reasonably pick up, copy and return the records to the location where the records are being inspected or stored. Photocopies will be available at the place records are kept or

produced for inspection. Owners requesting copies must arrange for pick-up of records. The Association shall have no obligation to mail or otherwise deliver copies to any place.

2.7 The Association shall allow an Owner to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the Association providing the Owner with a copy of such records. The Association may not charge an Owner for the use of a portable device.

2.8 An Owner shall pay the reasonable expense of copying. In the event the copies are made by the Association, the cost shall be twenty-five cents (\$.25) per page. If copies are made by outside vendors, actual costs shall be charged to the Owner. Payment in advance for the cost of copies shall be required. No copy of a record shall be made unless and until payment for the copy is received.

2.9 If records are kept in computer format, the Association may print such records to paper. The Association may but shall not be obligated to allow Owners to access the Association's computer system. If the Association provides access to records through a computer supplied by the Association or the office in which records access is being conducted, the person inspecting the records shall not email the records inspected to any other computer, person, or e mail account, review other content or programs on said computer, nor otherwise in any fashion download, forward, or otherwise transmit or manipulate the data he or she reads during the inspection of the records by review on electronic mail, internet or computerized format.

2.10 The Association may comply with its obligation to make records available for inspection by providing them to the Owner by electronic mail, the internet, or making them available in a computerized format readable with customary programs used in computers of consumers.

2.11 An Owner must inspect the requested documents within 10 days of notification when the records are available. If documents are not inspected in this time frame, the request will be cancelled and a new request may be submitted 45 days later of this inspection deadline.

3. Manner of Inspection

3.1 For purposes hereof, an Owner and the Owner's authorized representative shall be considered one person. If inspection is requested by any person other than a

record Owner of the Unit, said request shall not be recognized by Association unless and until the record Owners designate such person, in writing, as their authorized representative, or unless such person is an Attorney at Law admitted to practice in the State of Florida.

3.2 All persons inspecting or requesting copies of records shall conduct themselves in a courteous manner and shall not interfere with the normal operation of the Association office and the duties of their personnel, or the office where the records are otherwise inspected or copied, nor the duties of their personnel. The Association office, or office of inspection, may assign a staff person or other person to assist in the inspection and all requests for further assistance and copying during inspection shall be directed to that staff person.

4. Enforcement of Inspection Rules

4.1 Any violation of the Resolution may result in the immediate suspension of the inspection until the violator agrees in writing to comply herewith.

4.2 Any requests for inspection not complying with this Rule need not be honored, but in such cases the Association shall mail, or hand deliver a written response to the person requesting inspection and shall indicate how the request fails to comply herewith.

4.3 The Board of Directors may take whatever appropriate legal action is available against any person who fails to comply with this Resolution, including but not limited to the levy of fines or suspension of use rights subject to the requirements of law.

4.4 Nothing in this Resolution shall be construed as a limitation or restriction upon any of the Association's rights or remedies, or act as an election of remedies. All rights and remedies available to the Association shall be cumulative.

4.5 The President of the Association, or the Manager (under the direction of the President), shall have the authority to interpret and implement the provisions of this Resolution and make decisions and judgments arising hereunder without need for Board approval on a case-by-case basis.

This Resolution shall be effective upon the date approved by the Board of Directors.

This Resolution was adopted by the Board at a properly noticed Board meeting at which a quorum was present, held on the 31st day of JANUARY, 2025.

Livingston Lakes Association, LLC

BY: 

As Secretary