

RIVER PLACE TOWNHOUSE ASSOCIATION, INC.

RULES GOVERNING INSPECTION AND COPYING OF OFFICIAL RECORDS

WHEREAS, Section 720.303(5)(c), Florida Statutes (hereinafter the "HOA Act"), provides that RIVER PLACE TOWNHOUSE ASSOCIATION, INC. (the "Association") may adopt reasonable rules governing the frequency, time, location, notice, records to be inspected, and manner of inspections of the Official Records of the Association; and

WHEREAS, the Board of Directors of the Association believes it is in the best interest of the Association to adopt rules governing the frequency, time, location, notice, records to be inspected, and manner of inspections of the Official Records of the Association as permitted by Section 720.303(5)(c), Florida Statutes;

NOW THEREFORE, the following rules governing inspection of the Official Records of the Association are adopted:

A. RECORDS DEFINED. The Association's records available for inspection and copying by the members of the Association are those designated by Section 720.303(4) of the HOA Act, as amended from time to time, as the Official Records of the Association that are subject to inspection and copying, to the extent that said Official Records actually exist. Official Records of the Association which are not subject to inspection or copying by any member of the Association pursuant to Section 720.303(5)(c), Florida Statutes, or applicable law will not be made available to any member for inspection or copying.

B. RECORDS AVAILABLE. No records other than the Official Records as described in the HOA Act shall be available for inspection or copying.

C. PERSONS ENTITLED TO INSPECT OR COPY. No member shall have the right to inspect or copy the Official Records of the Association, except as permitted by the HOA Act. All references to a member shall include a member's authorized representative as permitted by the HOA Act. No other person shall be permitted to inspect or copy the Association records, unless required by the HOA Act, applicable law or court order.

D. INSPECTION AND COPYING.

1. A member desiring to inspect or copy Association's Official Records shall submit a written request, by Certified U.S. Mail, Return Receipt Requested, to the Association at the official address of the Association, pursuant to the most recent on-line records of the Florida Secretary of State, Division of Corporations (www.sunbiz.org). Requests given or mailed to any member of the Board of Directors of the Association, any officer of the Association, any employee of the Association, the Association's management company and/or the Association's attorney do not comply with this Rule and will be rejected. Requests by facsimile transmission, electronic mail (e-mail or text), first class mail, hand delivery or other similar means do not comply with this Rule and will be rejected. Oral requests do not comply with this Rule and will be rejected. If possible, the written request shall specify the particular records the member

desires to inspect or copy, including pertinent dates or time periods; *provided, however*, that the Association is not obligated to, and will not, locate, copy and/or deliver certain Official Records as requested so as to avoid any allegation or claim (all of which would be unfounded) that the Association has not or did not locate and/or provide the documents requested. If a member is designating a representative to inspect the Official Records, the written request must state the name of the designated representative who will be inspecting the Official Records. A member's inspection request shall be deemed received by U.S. Certified Mail, Return Receipt Requested, on the date that the receipt card was signed for by the Association.

2. Inspection or copying of Official Records shall be restricted solely to those records specifically designated in the written request for inspection or copying and shall be conducted solely by the member signing the inspection request or his/her authorized representative. No inspection or copying of any other records shall be permitted. If more than one member desires to inspect the same Official Records, the Association may, but is not obligated to, require that such inspections are conducted at different times. If a member has designated an authorized representative, either the member or his/her authorized representative may inspect and copy the Official Records; *provided, however*, both parties may not inspect the Official Records together. Notwithstanding the foregoing, a member is permitted to inspect and copy the Official Records with the member's authorized representative if such representative is his/her spouse, a Certified Public Accountant licensed to practice in Florida or an Attorney at Law admitted to practice in Florida.

3. A member is not permitted to submit more than one (1) written request for inspection and copying of the Official Records per calendar month. If a townhouse is owned by multiple owners, only one (1) written request for inspection and copying is permitted for the collective owners per calendar month.

4. Inspections of Official Records shall be conducted at the office where the Association's Official Records are maintained or at such other location as may be designated by the Association, but in any case, the Official Records will be made available for inspection and copying within 45 miles of the River Place community or within Lee County, Florida. No member or member's authorized representative shall remove original records from the location where the records are inspected. No marks or alterations shall be made on original records.

5. Official Records shall generally be made available for inspection and copying by the Association on or before the tenth (10th) working day after the actual receipt by the Association of the written request for inspection. This time frame may be extended upon request of the member for good cause. In addition, this time frame shall be extended in the event the records requested are so voluminous as to render this time frame unreasonable. The Association shall notify the member by telephone, electronic means (e-mail or text) or in writing, 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 is closed. For purposes herein, "normal business hours" shall be between the

hours of 9:00 A.M. and 5:00 P.M., all on a working day. No member shall be entitled to inspect records for more than one eight (8) hour business day in any calendar month.

6. If, at or subsequent to inspection, a member desires to have a copy of a record, the member shall designate in a 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 permitted. 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 pages requested to be copied are 25 or less, then the Association shall make the copies and the copies shall be available within two (2) working days subsequent to the designation of such records. The cost of said copies shall be twenty-five cents (\$0.25) per page, payable in advance. If, however, the records to be copied are more than 25 pages or there is no copy machine at the location where the records are being inspected or stored or there is no copy machine at the location capable of making copies of the records designated, the Association shall send the records out for copying by an outside vendor, such as a commercial copying company. If copies are made by an outside vendor, actual costs shall be charged to the member. Copies made by an outside member shall be available as soon as a copying service can 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 where Official Records are kept. The Association will charge a fee of \$20.00 per hour to the inspecting member to cover the cost of providing the copies of the Official Records requested, including the cost of copying and the costs required for personnel to retrieve and copy the records if the time spent retrieving and copying the records exceeds one-half hour; provided that the fee (\$20.00 per hour) will not be charged for records requests that result in the copying of 25 or fewer pages. In the event payment is made in a form other than cash, cashier's check, money order or certified check, payment shall not be deemed received unless and until payment has cleared. No copy of a record shall be made unless and until payment for the copy and the fee, if applicable, is received. **Owners requesting copies must arrange for pick-up of records. The Association shall have no obligation to mail, email or otherwise deliver copies to any place or member.**

7. Records not normally kept in written form shall be produced for inspection in the form in which they are normally kept. However, if records are kept on computer format, the Association may, but is not obligated to, print such records to paper. The Association may allow members limited and controlled access to the Association's computer system to inspect certain electronic records. The Association will not make copies of computer records which may violate copyright laws, licensing laws or agreements, vendor agreements, or which involve proprietary software or computer data.

8. Many of the Official Records of the Association are located on the Association's website or webpage. If the Association's website or webpage requires a log-in, please contact the Association to obtain your log-in credentials. The Association may comply with its obligation to make Official Records available for inspection by providing them to the member by electronic mail, the Internet (the Association's website or webpage), or making them available in a computerized format readable with customary programs used in computers of consumers. If, however, a member provides the Association with written notice that they do not have access to a computer, the Association shall supply the records in paper format.

9. The Association shall allow a member or a member's representative 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 a member or a member's representative with a copy of such records. The Association will not charge a fee to a member or a member's representative for the use of a portable device.

E. MANNER OF INSPECTION.

1. For purposes hereof, a member (and if the townhouse is owned by multiple persons, they are, collectively, the "member" for purpose of this Rule) and the member's authorized representative shall be considered one person. If inspection is requested by any person other than a member, said request shall not be recognized by Association unless and until the member designates such person, in writing, as his/her authorized representative or unless such person is the member's spouse, a Certified Public Accountant licensed to practice in Florida or an Attorney at Law admitted to practice in Florida.

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 or the duties of their personnel. The Association office, or office of inspection, may, but is not obligated to, 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.

F. ENFORCEMENT OF INSPECTION AND COPYING RULES.

1. Any violation of this Rule may result in the immediate suspension of the inspection or copying until such time as the violator agrees in writing to comply herewith.

2. Any request for inspection and copying that does not comply with this Rule will not be accepted or honored by the Association, but in such cases the Association shall mail, hand-deliver or send by electronic means a written response to the person requesting inspection and/or copying and shall indicate how the request fails to comply herewith.

3. The Board may take whatever appropriate legal action is available against any person who fails to comply with this Rule, including the levy of fines.

4. Nothing in this Rule 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.

5. The Board, or the Manager (under the direction from the Board), shall have the authority to interpret and implement the provisions of this Rule and make decisions and judgments arising hereunder on a case-by-case basis.

Adopted by the Board of Directors on October 30, 2023.