

THE TERN COMMUNITY ASSOCIATION

Policy for Records Inspections and Cost Schedule

Adopted by the Developer acting on behalf of the Board of Directors of the Association on 12/13/19.

1. In accordance with §55.1-1815 of the Virginia Property Owners Association Act, prior to allowing inspection and/or providing copies of any books and records to a member of the Association who requested the same in accordance with the provisions of §55.1-1815 and §13.1-933 of the Code of Virginia, as amended, the Association shall impose and collect a charge for both of the following:

a. for the labor costs associated with the Association's employees and/or agents complying with such copying and production including any review of the requested documents with the requesting owner:

- i. Administrative staff at the fees charged by the Association Manager
- ii. Bookkeeper at the fees charged by the Association Manager
- iii. Manager at the fees charged by the Association Manager

Management shall be the party responsible to determine the appropriate personnel qualified to properly address the specific request (or portions of the request) and shall bill according to the labor rates listed above.

b. for the costs of materials, as charged by the Association Manager. Copies of documents larger in width and/or length than standard (8 ½ x 11) copy paper and/or legal-sized paper shall be charged at a rate that shall be determined by the Association in its discretion, but in no case shall the rate be greater than the actual copying cost thereof. Payment for the requested documents shall be due and payable to management in full upon delivery.

2. This cost schedule shall apply equally to all members of the Association in good standing and this schedule shall be provided to a requesting member at the time a request is made.

3. Inspection and/or copy services shall be commenced only after an owner has complied with the requirements of Section 55.1-1815, which requires that the request is for a proper purpose related to membership in the Association

4. The right of examination may be exercised only during business hours at the office of the association and upon at least five (5) days written notice reasonably identifying the purpose for the request and the specific books and records requested.

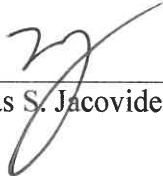
5. The furnishing of records is subject to the right of the Association to withhold certain records pursuant to Section 55.1-1815 of the Act. The following records may be withheld from examination or copying by owners and contract purchasers:

- a. drafts not yet incorporated into the owners' association's books and records or if such books and records concern;
- b. personnel matters relating to specific, identified persons or a person's medical records;
- c. contracts, leases, and other commercial transactions to purchase or provide goods or services, currently in or under negotiation;
- d. Pending or probable litigation where there has been a specific threat of litigation from a party or the legal counsel of a party;
- e. matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the Declaration, Bylaws, Articles of Incorporation or rules and regulations;
- f. communications with legal counsel which relates to subdivisions through or which is protected by the attorney-client privilege or the attorney work product doctrine;
- g. disclosure of information in violation of law;
- h. meeting minutes or other confidential records of an executive session of the executive organ;
- i. documentation, correspondence or management or executive organ reports compiled for or on behalf of the owners' association or the executive organ by its agents or committees for consideration by the executive organ in executive session; and
- j. individual owner or member files, other than those of the requesting owner, including any individual owner's files kept by or on behalf of the owners' association.

SIGNATURES ON THE FOLLOWING PAGE

IN WITNESS WHEREOF the undersigned has caused this instrument to be executed pursuant to due authority this 13th day of December, 2019.

EDC Homes – The Tern, LLC,
a Virginia limited liability company,
acting on behalf of the Board of Directors
of The Tern Community Association

By:  (SEAL)
Nicholas S. Jacovides, Manager

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