

**RIVERWIND COVE HOMEOWNERS ASSOCIATION, INC., RESOLUTION OF THE
BOARD OF DIRECTORS
ADOPTING LIMITATIONS GOVERNING INSPECTION AND
COPYING OF ASSOCIATION RECORDS**

WHEREAS, Riverwind Cove Homeowners Association, Inc., (the "Association") is a Florida not-for-profit corporation charged with the operation of Riverwind Cove Homeowners Association, Inc., located in Lee County, Florida and governed by that certain Declaration of Covenants, Conditions, and Restrictions for Riverwind Cove Subdivision originally recorded at OR2493 PG 0001-0065, as amended from time to time, of the Public Records of Lee County Florida (the "Declaration");

WHEREAS, Florida Statutes Section 720.303(5) states that the official records "shall be made available to a parcel/unit owner for inspection or photocopying within 45 miles of the community or within the county in which the association is located within 10 business days after receipt by the board or its designee of a written request";

WHEREAS, Florida Statutes Section 720.303(5)(c) states, "The association may adopt reasonable written rules governing the frequency, time, location, notice, records to be inspected, and manner of inspections, but may not require a parcel/unit owner to demonstrate any proper purpose for the inspection, state any reason for the inspection, or limit a parcel/unit owner's right to inspect records to less than one 8-hour business day per month"; and

WHEREAS, the Board of Directors of the Association ("Board") believes it is in the best interest of the Association to adopt rules, as contemplated by the above-referenced Florida Statute 720 ("FL Stat. 720").

NOW THEREFORE, the following rules governing inspection of the official records of the Association are adopted and are superseding and replacing any other policies, resolutions, or procedures as it relates to official records and inquiries. Capitalized terms shall have the same meaning as defined in FL Stat. 720 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 FL Stat. 720, as the official records of the Association that are available for inspection and copying by Owners.

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. Non-accessible Official Records are the following records, documents, or group of documents protected by Florida Statute 720.303(5), as may be amended from time to time, which include but may not be limited to:

1.1.1 Any record protected by the lawyer-client privilege as described in s. 90.502 and any record protected by the work-product privilege, including, but not limited to, a record prepared by an 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 which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings or which was prepared in anticipation of such litigation or proceedings until the conclusion of the litigation or proceedings.

- 1.1.2 Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a parcel/unit.
- 1.1.3 Information an association obtains in a gated community in connection with guests' visits to parcel/unit owners or community residents.
- 1.1.4 Medical records of parcel/unit owners or community residents.
- 1.1.5 Social security numbers, driver license numbers, credit card numbers, electronic mailing addresses, telephone numbers, facsimile numbers, emergency contact information, any addresses for a parcel/unit owner other than as provided for association notice requirements, and other personal identifying information of any person, excluding the person's name, parcel/unit designation, mailing address, and property address. Notwithstanding the restrictions in this subparagraph, an association may print and distribute to parcel/unit owners a directory containing the name, parcel/unit address, and all telephone numbers of each parcel/unit owner. However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this subparagraph. The association is not liable for the disclosure of information that is protected under this subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.
- 1.1.6 Any electronic security measure that is used by the association to safeguard data, including passwords.
- 1.1.7 The software and operating system used by the association which allows the manipulation of data, even if the owner owns a copy of the same software used by the association. The data is part of the official records of the association.
- 1.1.8 All affirmative acknowledgments made pursuant to s. 720.3085(3)(c)3.
- 1.1.9 The association or its authorized agent is not required to provide a prospective purchaser or lienholder with information about the residential subdivision or the association other than information or documents required by this chapter to be made available or disclosed. The association or its authorized agent may charge a reasonable fee to the prospective purchaser or lienholder or the current parcel/unit owner or member for providing good faith responses to requests for information by or on behalf of a prospective purchaser or lienholder, other than that required by law, if the fee does not exceed \$150 plus the reasonable cost of photocopying and any attorney fees incurred by the association in connection with the response.
- 1.1.10 Any other official records subject to any protections or exempt from access pursuant to Florida Statute 720, as may be amended from time to time.

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 parcel/unit 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. Mail, nationally recognized trackable mail carrier (FedEx, UPS, etc.), hand delivery, or 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.

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 should reasonably specify the records the Owner desires to inspect, including pertinent dates or time periods if known.

An Owner's inspection request shall be deemed received as follows. If sent by regular U.S. Mail or hand delivery, the date it was actually received by the Association. If by U.S. Certified Mail, Return Receipt Requested, the date that the receipt card was signed for by the Association. If by nationally recognized trackable mail carrier (FedEx, UPS, etc.), the date that the mail tracking number shows it was delivered to the Association unless delivery has been disputed by the Association as not received.

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. Inspection will be limited to records reasonably responsive to the written request. 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 two (2) written requests for inspection of records per calendar month. If a parcel/unit is owned by multiple owners only two (2) written requests for inspection and copying is permitted for the collective owners per calendar month. The same records may not be requested more than one (1) time within the previous twelve (12) calendar months. No Owner shall be entitled to inspect records for more than eight (8) hours cumulatively in any calendar month. At the request of either the Association or the Owner, inspections may be broken up into segments, provided that three (3) inspection visits per calendar month shall be the maximum number of sessions in a calendar month, and eight (8) hours per calendar month shall be the maximum cumulative inspection time in a calendar month.

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 Lee County or within forty-five (45) 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 be made available for inspection by the Association on or before the tenth (10th) business day after receipt by the Association of the written request for inspection. This time frame may be extended upon agreement of the Owner. In any case, the Association shall always use its best efforts to make records available for inspection by the tenth (10th) business 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 shall notify the Owner by telephone or in writing (including e-mail), 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, "business 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 9:00 A.M. to 12:00 P.M. and 1:00 P.M. to 4:00 P.M., all on a business day.

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 4:00 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's 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. If the time spent retrieving and copying the records exceeds one-half hour and if the personnel costs do not exceed \$20 per hour personnel cost may be charged. Personnel costs may not be charged for records requests that result in the copying of 25 or fewer pages.

2.9 If records are kept on 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 or connect any device to the 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 e-mail 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. If, however, an Owner provides the Association with written notice that they do not have access to a computer or other device

for viewing records electronically, the Association must supply the records in paper format or the Association may provide the records via the Association's own computer pursuant to Section 2.7 above.

2.11 The Association is not required to organize or assemble records in any particular manner for an inspection except for the Association's convenience.

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 parcel/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.

3.3 No written request for inspection or copying shall be made to harass any parcel/unit owner, resident, Association agent, officer, director, manager, or employee. Inspection and copying requests not in conformance with these rules could be deemed to be harassment.

4. Inquiries.

4.1 Owners must file his/her inquiry by certified mail or other type of registered mail, such as Federal Express or U.S. Priority Mail service, and addressed to the Board of Directors at the property management office. Mailing to association registered agent must also be by certified mail ONLY or other type of registered mail, such as Federal Express or U.S. Priority Mail Service. The purpose of this requirement is to ensure that there is no dispute as to the running of applicable time periods.

4.2 An inquiry shall be limited to no more than three (3) separate questions or requests for information. Each part of a multi-part question or request shall be deemed a separate question.

4.3 The Association is obligated to respond only to one (1) inquiry per parcel/unit in any given thirty (30) day time period. If any additional inquiries are received from the same parcel/unit, the Association need not respond before the end of the thirty (30) day period following the last date on which the Association could have timely responded to the Inquiry last received from such parcel/unit. Any additional inquiry or inquiries by the Owner must be filed by the Owner in the subsequent 30-day period, or periods, as applicable.

4.4 When an Owner files a written inquiry by certified mail or other type of registered mail, such as Federal Express or U.S. Priority Mail service, with the Board of Directors, the board shall respond in writing to the parcel/unit owner within 30 days of receipt of the inquiry except as may otherwise be provided herein.

4.5 The Board of Director's response shall either give a substantive response to the inquirer,

notify the inquirer that a legal opinion has been requested, or notify the inquirer that advice has been requested from Association counsel.

- 4.6 If the Board requests advice from the Association counsel, the board shall, within ten (10) working days of its receipt of the advice, provide in writing a substantive response to the inquirer.
 - 4.7 If a legal opinion is requested, the Board shall, within sixty (60) days after the receipt of the inquiry, provide in writing a substantive response to the inquiry.
 - 4.8 The written inquiry must be in the form of a question. The Board of Director will not respond to position statements, complaints, or demands for action.
5. Reference to Attorney. The Association may refer any inquiry or records request to its legal counsel for response, or assistance with a response, if the records request or inquiry includes any question or request that the president or board determines to require a legal opinion or interpretation, or if the President or Board of Directors reasonably find that an inquiry or records request threatens, suggest, or implies, directly or indirectly, that the parcel/unit owner may file a complaint, action or claim against the association or it's officers or directors, or that the records request or inquiries suggest, or implies, directly or indirectly, that the association acted in any manner that is or may be in violation of law or the condominium documents, or otherwise be such as may expose the association to potential liability. In making such a decision, the association may take into consideration any statements or correspondence from or on behalf of the parcel/unit owner, as well as prior inquiries submitted by the parcel/unit owner.

6. Enforcement of Inspection Rules

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

6.2 Any requests for inspection or inquiries not complying with this Resolution 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.

6.3 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.

6.4 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.

6.5 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.

6.6 The Association reserves the right to amend this Resolution from time to time as deemed necessary.

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

IN WITNESS WHEREOF, the undersigned has hereunto affixed a hand and the seal of the Association this 11th day of July, 2026 and this Resolution shall be effective on an even date herewith.

Riverwind Cove Homeowners Association, Inc., A
Florida not-for-profit corporation

By: Cindy Presson

Name: Cindy Presson

Title: President, Board of Directors