

THORNHILL COMMUNITY ASSOCIATION, INC.
c/o Brawley Management, LLC

10015 Park Cedar Drive, Suite 100 • Charlotte, N. C. 28210 • 704-364-2139 • Fax 704-364-5812

Thornhill Community Association, Inc (the “Association”) is required to keep certain records and provide access to or copies of those records to its Members under certain terms and with certain restrictions.

The minimum requirements and policies regarding records and their inspection are detailed in North Carolina General Statutes (N.C.G.S.) 55A-16-01, 55A-16-02, 55A-16-03, 55A-16-20 and 47F-3-118 and by the Declarations and Bylaws of the Association. The following provisions are consistent with the requirements of the N.C.G.S., as well as to provide additional rights of inspection of the Association’s records. The meaning of the term “Association” as defined above shall have the same meaning as the term “corporation” in the statutes.

The following describes the types of records maintained by the Association and further provides the rules under which a Member may request to inspect them and, if applicable, make reproductions of them.

A. Required Records

Pursuant to the N.C.G.S the following records are required to be maintained:

1. Minutes of all meetings of its Members and Board of Directors.
2. A record of all actions taken by the Members or Directors without a meeting.
3. A record of all actions taken by committees of the Board of Directors in place of the Board of Directors on behalf of the Association.
4. Appropriate accounting records (audits, reviews, accounting statements, and financial reports).
5. A record of its Members, in a form that permits preparation of a list of the names and addresses of all Members, in alphabetical order by class, showing the number of votes each Member is entitled to cast.
6. Financial records (receipts and expenditures, invoices and vouchers authorizing payments, receivables, and relevant bank statements, records related to the reserve funds “or any other funds” of the Association and bank statements related to those records, canceled checks, electronic payment records, purchase orders, and vendor invoices).
7. The aforementioned records shall be maintained in written form or in another form capable of conversion into written form within a reasonable time.

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B. Records at Principal Office

The Association keeps copies of the following records at its principal office:

1. Its articles of incorporation or restated articles of incorporation and all amendments to them currently in effect;
2. The Declaration of Covenants, Conditions and Restrictions governing the Association and the Associations' Rules and Regulations;
3. Its bylaws or restated bylaws and all amendments to them currently in effect;
4. Resolutions adopted by its Members or Board of Directors relating to the number or classification of directors or to the characteristics, qualifications, rights, limitations, and obligations of Members or any class or category of Members;
5. The minutes of all Membership meetings, and records of all actions taken by the Members without a meeting, for the past three years;
6. All written communications to Members generally within the past three years, and the financial statements, if any, that have been furnished or would have been required to be furnished to a Member upon request during the past three years;
7. A list of the names and business or home addresses of its current Directors and officers.

C. Other Records Maintained by the Association

The Association may maintain other records that are not statutorily required but are generally available for inspection by Members. These records include, but are not limited to:

1. All current insurance policies for Association;
2. Executed contracts (contracts for work to be performed or services to be provided);
3. Election records, with reasonable exceptions;
4. Any other records which the Board of Directors has authorized for release.

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D. Records excluded from public inspection

There are certain records, which are excluded from public inspection because they affect an individual right to privacy whether or not such privacy laws are governed by statute. Accordingly, these records will not be made available without the express written consent of the Board of Directors. These records include but may not be limited to:

1. Any records, including minutes of administrative hearings, pertaining to the imposition of fines, late fees or other punitive disposition against specific Members;
2. Any records where disclosure would violate a constitutional or statutory provision or applicable public policy;
3. Any records where disclosure could result in a discernable harm to the Association;
4. Information, including legal opinions and legal correspondence, which is privileged due to the relationship between an attorney and client and which is not otherwise addressed to the Membership at large;
5. Personnel records;
6. Inter-office memoranda;
7. Contracts under negotiation;
8. Current Litigation records;
9. Preliminary data, information or investigations, which have not been formally approved by the Board of Directors, such as contractor bid prospect;
10. Any records where disclosure may result in an invasion of personal privacy, a breach of confidence, or privileged information;
11. Any records where disclosure would unreasonably interfere with or disrupt the operation of the Association;
12. Any records where access may result in a private harm or damage that outweighs the right to access.
13. Any records kept in Homeowner's Files identified by street addresses, including any actions taken or pending that would result in private harm.

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E. Inspection of Records by Members

The following are the Association's rules for inspection and reproduction of Association records:

1. A Member is entitled to inspect and copy, at a reasonable time specified by the Board of Directors at the principal/registered office of the Association, any of the following records of the Association on receipt of (5) business days written : notice duly filed with the registered office of the Association: Excerpts from any records required to be maintained under A(1)-A(5) above [the records under A(6) are required by 47-F to be made available for inspection] if the Member gives the Board of Directors written notice of his request to inspect and copy:
 - a) Accounting records of the Association and;
 - b) The membership list.
2. A Member is entitled to inspect and copy, at a reasonable time specified by the Board of Directors at the principal/registered office of the Association, any of the records of the Association described in B(1)-B(7) if the Member gives the Board of Directors written notice of his request to inspect and copy.
3. A Member may inspect and copy the records identified in subsection E(1) and E(2) of this section only if:
 - a) The Member's request is made in good faith and for a proper purpose
 - b) The Member describes with reasonable particularity the purpose and the records the Member desires to inspect;
 - c) The records are directly connected with this purpose and;
 - d) The Member gives the Board of Directors written notice of his request at least five business days before the date on which the Member wishes to inspect and copy.
4. For records included in Section C, Members shall submit a notice in writing to the Board of Directors or its duly authorized agent of their intent to inspect, or if copies are requested, such request shall be in writing, stating specifically what is being sought;
5. The notice described in E(4) must state a proper purpose;

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6. Upon receipt of written notice of the Member's request described in E(1), E(2) or E(4), the Board of Directors, its duly authorized agent or the Association Secretary will respond in writing within a reasonable time to set the date and time of the inspection;
7. The Board of Directors, acting through the Association Secretary, shall determine if Members are allowed to make copies of the records identified in C(1)-C(4);
5. All records to be inspected are located at the principal/registered office of the Association and be available for inspection between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday;
6. At the discretion of the Association Secretary or the Board of Directors or its agent, certain records may only be inspected in the presence of a board member, an authorized agent or an employee of the Association;
7. The person(s) requesting access shall not disrupt the ordinary business activities of the principal/registered office or its employees during the course of inspection;
8. All costs of inspection shall be borne by the person requesting access. In the event the person reviewing the records is desirous of making photocopies, all costs of copies will be incurred by the person requesting same;
9. No actual records of any kind may be removed from the principal/registered office or any other location designated as a record repository.

These rules were adopted on January 16, 2006 by unanimous vote of the Board of Directors pursuant to Article 6, Section 4 of the Bylaws of Thornhill Community Association, Inc. and the relevant North Carolina General Statutes