

AMENDMENT TO THE RULES & REGULATIONS OF THE OAKS AT BOCA RATON PROPERTY OWNERS' ASSOCIATION, INC.

RULES AND REGULATIONS GOVERNING INSPECTION AND COPYING OF ASSOCIATION RECORDS

In the event anything in the Rules and Regulations conflicts with this Rule, this Rule controls.

RECORDS DEFINED

The records available for inspection and copying are defined as only those records designated by Chapter 720, Florida Statutes, as amended or renumbered from time to time, as the Official Records of the Association open to inspection and copying by Owners, and only to the extent the Association is required to and has maintained such records.

RECORDS AVAILABLE

No records, other than those defined above, are available for inspection or copying. Without limiting the foregoing, the following records are not available to Owners for inspection or copying: (1) any information or record protected by the lawyer-client privilege, (2) any information or record protected by the lawyer work-product privilege, (3) any information or record in connection with the lease, sale, or other transfer of a Lot, (4) any information or record concerning the disciplinary, payroll, health, and insurance records of Association or management employees, (5) any information or records concerning the medical records of Lot Owners or community residents, (6) any social security numbers, driver's license numbers, credit card numbers, e-mail addresses, telephone numbers, facsimile numbers, emergency contact information, any addresses of a Lot Owner other than as provided to fulfill the Association's notice requirements, and other personal identifying information of any person, excluding the person's name, Lot designation, mailing address, and property address, (7) any electronic security measure used by the Association to safeguard data,

including passwords, (8) the software and operating system used by the Association allowing manipulation of data, even if the Owner owns a copy of the same software used by the Association, and (9) any information or records now or hereafter not available to Owners pursuant to Florida Statutes, Sections 720.303(4) and 720.303(5), both as amended or renumbered from time to time.

PERSONS ENTITLED TO INSPECT OR COPY

A Lot Owner, or a Lot Owner's authorized representative, cannot inspect or copy the records of the Association, except as permitted by law. Only Lot Owners of record (a person whose name appears as a grantee on the deed conveying title to the Lot) can submit a records request. Non-Lot Owners, including those who hold a power of attorney, are prohibited from making a records request. In the event a Lot is owned by a trust, the trustee is the Lot Owner for purposes of this rule. In the event a Lot is owned by an entity, the person designated as the voting member for that entity is the Lot Owner for purposes of this rule. No person can actually inspect or copy the records of the Association as a Lot Owner's authorized representative, unless such person delivers to the Association a written document signed and dated by the Lot Owner, in which such person is expressly appointed as the Lot Owner's authorized representative for this purpose. Only the Lot Owner making the request to inspect or copy the records of the Association, or that Lot Owner's authorized representative, can physically enter the location where the records are to be inspected, so that not more than one (1) person actually performs the inspection. Other persons are prohibited from inspecting or copying the Association records.

INSPECTION AND COPYING

1. A Lot Owner, or a Lot Owner's authorized representative, wanting to inspect or copy Association records must submit a written request to the Association. The written request must be mailed by first class mail postage prepaid to the Association's official mailing address at 9950 Bridgebrook Drive, Boca Raton, FL 33496. All other methods of and locations for delivering a written request are prohibited and all other methods of and locations for delivering a written request cannot be accepted. The written request must specify the particular records the Lot Owner wants to inspect

or copy, including pertinent dates or time periods. The specification of the particular records must be sufficiently detailed to permit the Association to retrieve the exact records requested.

2. Inspection or copying of records is restricted solely to those records specifically designated in the written request for inspection or copying. Inspection or copying of any other records is prohibited.

3. A Lot Owner, or a Lot Owner's authorized representative, cannot submit more than one (1) written request for inspection or copying of records per calendar month. If more than one (1) written request for inspection or copying of records is made within a calendar month, then all such written requests subsequent to the first written request are void, cannot be honored, and inspection or copying of records requested in such subsequent written requests are prohibited. Although a written request for inspection or copying of records can request inspection or copying of any number of records, inspection and copying is limited to one (1) eight (8) hour inspection per month. If the Lot Owner or Lot Owner's authorized representative requests to inspect and copy the official records of the Association, and the Association or its representative schedules an inspection, the Lot Owner cannot further request to inspect or copy records until the next calendar month, whether the Lot Owner or the Lot Owner's representative actually inspects and copies the records or not, and whether the Lot Owner or Lot Owner's representative uses the entire eight (8) hour inspection period or not.

4. Inspections of records must be conducted at the office where the Association's records are maintained, or at such other location as is designated by the Association. No Lot Owner or authorized representative of a Lot Owner can remove original records from the location where the records are inspected. No Lot Owner or authorized representative of a Lot Owner can destroy or make any marks or alterations on original records.

5. The Association reserves the right to have its attorney or any other person or representative present at any inspection of the official records of the Association, and if applicable, must schedule an inspection to accommodate the availability of such person.

6. Records will be made available for inspection on or before the tenth (10th) business day subsequent to actual receipt by the Association of the written request for inspection. This time frame can be extended upon written request from the Lot Owner or the Lot Owner's representative. This time frame must be extended in the event the records are so voluminous, or in such condition, or are so old, that obtaining the records within the timeframe is not reasonable. The Association can, but is not obligated to, notify the Lot Owner or the Lot Owner's authorized representative, personally, or by telephone, electronic transmission, facsimile transmission, or in writing, that the records are available for inspection, and the time, date and place when the records can be inspected. Records can be inspected only at the time, date and place designated by the Association and only during normal Association business hours, or during the normal business hours of the location where the records are to be inspected, if other than the Association office. For the purposes herein, "business day" means Monday through Friday, exclusive of Federal, State, and local holidays on which the office of the Clerk of Court of Palm Beach County is closed for business. For purposes herein, "normal business hours" means 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 5:00 P.M., all on a business day. A Lot Owner or a Lot Owner's authorized representative can have up to, but not more than, one 8-hour business day per month to perform and complete a records inspection. In the alternative to a physical inspection, the Association can make the records of the Association available to a Lot Owner or a Lot Owner's authorized representative either electronically via the Internet, or by allowing the records to be viewed in electronic format on a computer screen and printed upon request. If the Association makes its records available electronically via the Internet, then those records are automatically, continuously and immediately available to a Lot Owner or a Lot Owner's representative and the Association has satisfied all of its obligations in this rule and under Chapter 720, Florida Statutes, as amended from time to time. The Association will not research or otherwise review its records to locate any of the specific records requested to be inspected or copied by the Lot Owner or the Lot Owner's authorized representative. The Association will merely indicate the drawer, file cabinet, box, or other

storage facility in which the official records are kept containing the type of record requested to be inspected or copied by the Lot Owner or the Lot Owner's authorized representative. The Lot Owner, or the Lot Owner's authorized representative, is required to sift through, research and/or review the records contained in such storage facility in order to locate the specific records requested to be inspected or copied. Notwithstanding the above, if requested by the Lot Owner or the Lot Owner's authorized representative, the Association can, but is not obligated to, arrange for the Association to research, review and/or find the requested records on behalf of the Lot Owner or the Lot Owner's authorized representative.

7. If, during or immediately upon completion of inspection, a Lot Owner or a Lot Owner's authorized representative wants a copy of a record, the Lot Owner or the Lot Owner's authorized representative must designate, in a separate writing, on a form provided by the Association, the specific record, or portion thereof, including page numbers, for which a copy is desired, or in the alternative, must designate such record, or portion thereof, by use of a "clip" or "tab" upon the page(s) of the record. Not more than one (1) copy of each record requested is permitted. If the location where the records are being inspected or stored has a copy machine capable of making copies of the records designated, then copies of the records will be made upon request. If there is no copy machine at the location where the records are being inspected or stored capable of making copies of the records designated, or if the number of pages requested to be copied exceeds twenty-five (25) pages in length, then copies of the records will be made available within a reasonable time after a copying service can pick-up, copy and return the records to the location where the records are being inspected or stored. In the event the copies of the records are so voluminous, or a copy machine or copy service is not available or too busy, or the records are in such condition or form that copies cannot be made available within the above-stated time periods, then copies will be made available as soon as practical. The Association will not copy records, or make copies of records available, unless the Lot Owner or the Lot Owner's authorized representative actually inspects the records and designates which records the Lot Owner wants copied. The Association will not mail, electronically transmit, or otherwise deliver the copies of the records to the Lot Owner or the Lot Owner's authorized representative. The Lot Owner, or the Lot Owner's authorized representative, must go to the location where the records were

inspected and pick up the copies. Notwithstanding the above, if requested by the Lot Owner or the Lot Owner's authorized representative, the Association can, but is not obligated to, make copies of records without the Lot Owner or Lot Owner's authorized representative actually inspecting the records and can, but is not obligated to, arrange for the copies to be mailed, electronically transmitted, or otherwise delivered by any method agreed to between the Association and the Lot Owner or the Lot Owner's authorized representative. Further, if the Association makes copies of records without the Lot Owner or Lot Owner's authorized representative actually inspecting the records, such copying constitutes the Lot Owner's inspection of the Association's official records for that calendar month, no additional records can be viewed by that Lot Owner or that Lot Owner's authorized representative until the following calendar month, and the Association can condition copying the records upon receipt of written agreement of same by the Lot Owner. If no inspection of the records is made and the Association agrees to make copies, then copies of records will be available within a reasonable time, but not less than two (2) working days subsequent to the last date the records would have been available for inspection.

8. A Lot Owner or a Lot Owner's authorized representative desiring a copy of a record must pay twenty-five cents (25¢) per page copied, or the highest amount permissible by law. A Lot Owner or a Lot Owner's authorized representative, who has made an agreement with the Association for the Association to make copies of records without the Lot Owner or Lot Owner's authorized representative actually inspecting the records, must pay a reasonable expense for finding, obtaining, researching, and reviewing the Association's records to locate and copy the records requested, including labor, which expense cannot be less (but may be more) than the actual expense incurred. Payment in advance is required for the cost of obtaining, researching and reviewing records or making a copy. In the event payment is made in any form other than cash, cashier's check, money order, or certified check, payment is not deemed received unless and until full payment has cleared. No record will be obtained, researched, reviewed, or located and no copy of a record will be made, unless and until full payment therefor is received and cleared. Records not normally kept in written form will be produced for inspection in the form in which they are normally kept, unless the law requires the record to be converted to written form. The cost of converting such records to written form will be in addition to any other

expense. The Lot Owner or the Lot Owner's authorized representative will pay the reasonable expense of converting such records to written form, which expense cannot be less (but may be more) than the actual cost of the conversion, or the highest amount permissible by law, unless the law requires the Association to pay the cost of converting the records to written form.

MANNER OF INSPECTION

1. No written request for inspection or copying can be made solely to harass another Lot Owner or resident, the Association, or any Association officer, director, employee, or agent.

2. All persons inspecting or requesting copies of records must conduct themselves in a courteous manner and must not interfere with the normal operation of the Association's office and the duties of its personnel, or the operation of the office where the records are being inspected or copied and the duties of their personnel. The Association, or the office of the location where the records are being inspected, can assign one (1) or more staff person(s) to assist in the inspection of the records, and, if someone is assigned, all requests for assistance and copies during the inspection must be directed to that person(s). If the person inspecting or requesting copies of records does not conduct themselves in a courteous manner, if the person inspecting or requesting copies of records interferes with the normal operation of the office where the records are being inspected or copied or the duties of their personnel, if any threats are made, including but not limited to the threat of litigation, by the person inspecting or requesting copies of records, these actions constitute misconduct by the Lot Owner or the Lot Owner's representative, and will result in termination of the inspection by the representative of the Association conducting the inspection, in which case the Lot Owner must wait until the subsequent calendar month to submit a new request to inspect and copy the official records of the Association.

3. The Association will maintain a log sheet that will include: (i) the date the written request for inspection or copying of records is received, (ii) from whom the written request for inspection and copying was received, (iii) what records are requested for inspection or copying, (iv) if applicable, the date

the person requesting inspection or copying was notified the records would be available for inspection or copying, (v) the date the person requesting inspection or copying actually inspected or received copies of the records, (vi) and a place for the person requesting inspection or copying to sign, acknowledging the records were made available for inspection or copies were received. Every person permitted to inspect or copy records must sign the log sheet, prior to actual inspection and prior to taking actual delivery of the copies. No inspection of records is permitted and no copies of records will be delivered, unless and until the person requesting inspection or copies signs the log sheet.

4. A written request to inspect and copy the official records of the Association is **NOT AN INQUIRY**. No questions can be asked by the Lot Owner or the Lot Owner's representative of the representative of the Association conducting the inspection, and no questions can be answered by the representative of the Association conducting the inspection. Any questions asked by the Lot Owner or the Lot Owner's representative must be ignored by the representative of the Association conducting the inspection. Repeated questions by the Lot Owner or the Lot Owner's representative of the representative of the Association conducting the inspection, constitutes misconduct by the Lot Owner or the Lot Owner's representative, and will result in termination of the inspection by the representative of the Association conducting the inspection, in which case the Lot Owner must wait until the subsequent calendar month to submit a new request to inspect and copy the official records of the Association.

ENFORCEMENT OF INSPECTION AND COPYING RULES

1. If, during a record inspection, or while making copies of records, a Lot Owner or a Lot Owner's authorized representative violates any of these rules, the Association must suspend the record inspection or copying until such time as the violator agrees in writing to comply, in which event the inspection or copying will resume on the next available day after receipt of the written agreement, at a time designated by the Association.

2. Requests for inspection and copying not complying with the foregoing rules cannot and will not be honored, but the Association can, in person, by telephone, mail, facsimile transmission, or electronic mail, notify the person

requesting inspection and/or copying how the request fails to comply, although the Association is not obligated to give this notification.

3. The Board of Directors can, in accordance with the fining authority and procedures set forth in Chapter 720, Florida Statutes, levy a fine against any person who fails to comply with these rules.

4. The Board of Directors can take whatever appropriate legal action is available against any person who fails to comply with these rules.

5. Nothing in these rules can 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 are cumulative.

NOTE: NEW WORDS INSERTED IN THE TEXT ARE UNDERLINED AND WORDS DELETED ARE LINED THROUGH WITH HYPHENS.