

SUNDERBRIAR CLUSTER ASSOCIATION RESOLUTION 2015-1 RECORDS RETENTION & DESTRUCTION POLICY

WHEREAS, Sunderbriar Cluster Association ("Association") is a Virginia non-stock corporation and subject to the provisions of the Virginia Non-stock Corporation Act; and

WHEREAS, Section 13.1-932 of the Virginia Non-stock Corporation Act requires a non-stock corporation to retain certain corporate records for a prescribed period of time;

WHEREAS, Virginia Code 55-510 (Property Owners' Association Act) requires a Property Owners Association (POA) to retain its association records, and to make such records available for membership inspection subject to Sections G and C of the section; and

WHEREAS, Article V, Section 1(c) of the Association Bylaws states that Board of Directors shall have the power to "exercise for the corporation all powers, duties and authority vested in or delegated to this corporation and not reserved to the membership by other provisions of the By-Laws, the Articles of Incorporation, or the Deed of Dedication."

WHEREAS, the Board has determined that it is in the best interest of the Association and its members, to adopt a policy for the maintenance and retention of the Association records.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby adopts the following Record Retention Policy:

1. The Association's books and records shall be retained (either in paper or electronic format, as determined by the Board) for the time periods listed in the Records Retention Table included in this Resolution. The list is not exhaustive. The Board shall use its best judgment in determining the retention period for any record not expressly referenced in the table.
2. Regardless of the retention periods specified in the table, in the event litigation against the Association is threatened or filed, the Association shall use its best efforts to preserve any books or records of the Association that might reasonably be related to the threatened or filed litigation until after the dispute is resolved, settled, or the applicable statute of limitations has expired.
3. Any books and records that are discarded in accordance with this Policy shall be shredded, permanently deleted if in electronic format or otherwise destroyed if such books and records contain financial information, contact information for individuals, or other confidential matters, including but not limited to the types of documents that can be withheld from inspection and copying pursuant to the Virginia Property Owners' Association Act. Prior to being disposed, electronic storage devices containing Association books and records shall be securely erased to prevent potential data mining and compromise.

ATTEST: Resolution was adopted at a Regular Meeting of the Sunderbriar Cluster Association's Board of Directors held on March 12, 2015.

President, Dennis Broderick

Vice President, William Schillig

Treasurer, Zachary Teague

Secretary, Charlene Fuhrman-Schulz

Member-at-Large, Bruce Jones

Records Retention Table

RETENTION PERIOD	RECORD TYPE	SPECIFIC RECORD/FILE
Permanently	Audit Records	
	FEDERAL, STATE AND COUNTY TAX RETURNS AND OTHER FILINGS	<ul style="list-style-type: none"> Tax filings (Forms 1120 & 8879-C) Annual reports filed with State Corporation Commission and with CICB
	GOVERNING DOCUMENTS	<ul style="list-style-type: none"> Articles of Incorporation, Declarations of Covenants, Bylaws, and Rules & Regulations/Resolutions (including amendments and documentation showing how notice was given for proposed amendments to Articles, Declaration and Bylaws)
	FINANCIAL RECORDS	<ul style="list-style-type: none"> Budgets Year-end financial statements
	LEGAL OPINIONS	
	LOT FILES	<ul style="list-style-type: none"> Architectural applications and decisions Resale disclosure packets issued for Lots
	MEETING MINUTES & ACTIONS WITHOUT MEETING	<ul style="list-style-type: none"> Association, Board and Committees Unanimous written consents to actions without a meeting
	RESERVE STUDIES	
20 Years	DELINQUENT OWNERS' ASSESSMENT ACCOUNT LEDGERS (from after the date the owner is no longer owner of record, or if longer, from the date on which legal counsel's file is closed on the account)	<ul style="list-style-type: none"> Accounts that were forwarded to legal counsel for collection <p>(note: as general rule, judgments recorded in land records act as a lien for 20 years on real estate owned by the judgment debtor in the county/city where the judgment is recorded)</p>
	ACCIDENT/INJURY REPORTS	<ul style="list-style-type: none"> Minors may reopen a case once they reach the age of majority
	ACTIVITY AND EVENT LIABILITY WAIVERS - MINORS	

Records Retention Table (continued)

RETENTION PERIOD	RECORD TYPE	SPECIFIC RECORD/FILE
7 Years	BOARD MEETING PACKETS	
	CONTRACTS (from after date work or event completed or, if applicable, after termination or expiration date); Including amendments, addendums, exhibits and insurance certificates	<ul style="list-style-type: none"> • Rentals agreements • Vendor agreements • Sponsorship agreements, • Maintenance and construction contracts, • Service providers contracts, • Professional and legal services contracts, • Office lease agreements,
	FINANCIAL RECORDS	<ul style="list-style-type: none"> • Bank Statements, • Bank reconciliations, • Deposit slips & lockbox deposit reports, • Cancelled checks, • Cash receipts batch records, • General ledgers and trial balances, • Monthly financial statements, • Purchase orders, • Vendor invoices,
	ACTIVITY AND EVENT LIABILITY WAIVERS – ADULTS	
	INSURANCE CLAIMS	
	COVENANT/RULE ENFORCEMENT (from date violation cured or, if later, date enforcement action concluded)	<ul style="list-style-type: none"> • Violation notices and related enforcement documents
	GENERAL NOTICES/COMMUNICATIONS TO MEMBERSHIP	
	OWNERS' ASSESSMENT ACCOUNT LEDGERS (from after the date the person is no longer owner of record)	<ul style="list-style-type: none"> • Account charges • Account adjustments/write-offs • Payment plan promissory notes • Not including delinquent owners or former owners whose accounts were forwarded to legal counsel (see above for 20 year retention)
	CONTRACT PROPOSALS	
2 years or, if later, when the minutes (reflecting the election results) are approved for the meeting at	ELECTIONS RECORDS	<ul style="list-style-type: none"> • Proxies • Ballots