



110 Old Tree Line Trail
DeLand, Florida 32724-1300
www.twhoa.com

Trails West Homeowners Association RULES AND REGULATIONS

The Bylaws provide the Board of Directors with the power and duty to adopt, make, and amend rules and regulations deemed necessary for the benefit and enjoyment of the Association.

The Declaration obligates each member of the Association to comply with the rules and regulations promulgated by the Board.

HOMEOWNERS AREAS OF RESPONSIBILITY

A. Mailboxes

Mailboxes must meet state and federal laws and be consistent with surrounding homes and landscapes. Each owner is responsible for the maintenance, repair and replacement of his or her mailbox. Mailboxes must have reflective numbers so that emergency vehicles may locate your home after sunset.

B. Weeds, Grass and Refuse

Grass is to be cut and maintained on a weekly basis during growing season of March 1 through October 31st and bi-weekly from November 1st to February 28th. This includes proper edging along the sidewalk and driveway. No weeds, underbrush or other unsightly growth should be permitted to be grown or remain upon any homeowner's property. Flower beds should be weeded at least once per month and more often as needed during the summer months.

C. All Homeowners are responsible for ensuring that their family members, employees, visitors, guests, tenants, and agents observe and comply with all rules and regulations as may be adopted by the Board of Directors.

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USE OF THE UNIT

(Reviewed 8-29-17 no changes made)

- A. Each unit will be used for single family purposes only. Individual rooms may not be rented out.
- B. Units for rent are to be provided a current copy of the Association's Rules and Regulations, Declarations and By-laws. for the review of the tenant. Owners are responsible for providing Association with name and phone number of all new tenants.



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- C. Barbeque grills are to be used outside in open areas and at a safe distance from all buildings.

PARKING

(Revised in 2017 & 2021)

- A. Homeowner's vehicles shall only be parked in a garage and or on the driveway. The vehicle if parked on the driveway may not hang over the sidewalk or into the street.
- B. No parking is permitted on any grass area (landscaped area) including all common ground and privately owned lots at any time. Street parking is allowed only under conditions described in this document. *This neighborhood was not built to handle on street parking. We must allow a rescue and or fire engine to have the ability to respond to an emergency.*
- C. **All overnight parking of vehicles on Trails West roadways is prohibited strictly prohibited.** Vehicles found to be parked on the roadways between the hours of 11 PM and 7 AM will be towed and the contact information for the towing company can be found on the signage posted at both the front and rear entry points of the community. The Association is not responsible for any damage to your vehicle or property that may result from towing. The vehicle owner is responsible for paying all towing fees.

Guest and visitors are encouraged to park in the owner's driveway and/or use the additional parking spot areas located throughout the community.

- D. Automobiles, motorcycles and trucks not exceeding one (1) ton capacity may be parked in driveways overnight.
- E. Guest parking and visitors are encouraged to park in the owner's driveway and/or use the additional parking spot areas located throughout the community. All guests must adhere to the parking rules of the Association or risk being towed at their expense.
- F. Parking or storing of a boat, boat trailer, motor home, mobile home, house trailer or camper, or other recreational vehicle or equipment, open utility trailer, enclosed trailer, or box truck, shall be prohibited to be parked on the street, driveway, or common areas for more than 48 hours.
- G. Excess vehicles may use the clubhouse parking lot for additional overnight parking. Residents and guests using the clubhouse parking lot for 24 hours or longer must place a card on the vehicle dashboard identifying the vehicle owner's address. There is no long-term storage of vehicles in the clubhouse parking lot or on any common area.



- H. There shall be no storage in the clubhouse parking lot, for a period longer than three (3) days of boats, trailers, campers, RV'S and other like articles. On Street Parking in direction of traffic flow only. If you fail to park with the flow of traffic your vehicle is subject to towing at the owner's expense. Vehicles cannot block any driveway or mailbox.
- I. On Street Parking in direction of traffic flow only. If you fail to park with the flow of traffic your vehicle is subject to towing at the owner's expense. Vehicles cannot block any driveway or mailbox.
- J. On Street Parking permitted only on outer perimeter (odd numbered units' side) of Trails West roadway. *This rule is more for the residents with the wider streets and not the smaller cul-de-sac residents.*
- K. On Street Parking on Trails West roadway permitted only adjacent to common property: tennis court, club house, between residential buildings.
- L. On Street Parking vehicles cannot block any driveway unless given permission by the unit owner of the blocked driveway.
- M. On Street Parking vehicles (owners and guests) must display a unit number card on the dashboard of the parked vehicle in order to prevent towing of the vehicle.
- N. Residents and guests are encouraged to use the unit owner's driveway for parking first and then the clubhouse secondly before using On Street Parking during the daytime.

INOPERATIVE VEHICLES

- A. No vehicle shall be repaired anywhere upon the property except in an enclosed garage.
- B. Any vehicle with a malfunction of an essential part required for the legal operation of the vehicle or which is partially or totally disassembled by the removal of tires, wheels, engine, or other essential parts required for legal operation of the vehicle.
- C. Major repairs or maintenance to vehicles, painting of vehicles, or the drainage of automobile fluids is not permitted anywhere in community, except for minor repairs or maintenance, such as repairing a flat tire or re-charging of a dead battery.
- D. Vehicles that are not operational and/or to not have valid tags are not permitted to be parked on the owner's driveway or the common areas. Vehicles with expired tags or without tags will be reported to local code enforcement.
- E. Vehicles may not be covered with a cover on the owner's driveway, the storage of any vehicles is prohibited unless said vehicle is parked in an enclosed garage.



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UNAPPROVED VEHICLES

Commercial Vehicles are prohibited unless parked in a garage.

The definition of commercial vehicle in accordance with Florida Statutes is a vehicle used for commerce and/or transport. (a) Commerce: transactions (sales and purchases) having the objective of supplying commodities (goods and services), (b) Transport: of more than 15 people, commercial enterprise of goods and services or hazardous material, (c) Any unmarked vehicle with commercial paraphernalia or equipment attached, strapped, or affixed to the exterior of the vehicle, including, but not limited to, storage containers, racks, ladders, pipes, and (d) Any agricultural, industrial, construction or similar machinery or equipment.

Police, Sheriff, Fire, Rescue, or any other vehicle, vehicles owned by a City or County Police or Sheriff's Department, Highway Patrol, or other local, county or state governmental agency is not considered a Commercial Vehicle and may be parked in the community.

OVERFLOW PARKING

DAYTIME:

- A. Residents and guests are encouraged to use the owner's driveway for parking first and then the clubhouse secondly before using On Street Parking during the daytime.
- B. Guest Parking Spaces. These parking spaces (TBD) may be used by guests or residents.

OVERNIGHT:

- A. Excess vehicles may use the clubhouse parking lot for additional overnight parking. Residents and guests using the clubhouse parking lot for 24 hours or longer must place a Parking Permit* on the vehicle dashboard identifying the vehicle's owner's address. There is no long-term storage of vehicles in the clubhouse parking lot or on any common area. Vehicles parked for more than 24 hours without a parking pass are subject to towing at the owner's expense.
- B. Boats, trailers, campers, RV'S and other like articles shall be allowed to use in the clubhouse parking lot for a period of three (3) days with a Parking Permit*.
- C. The HOA President or Secretary may grant a maximum of two days exception to this rule. All exceptions must be in writing, an email constitutes writing.

*Parking Permits shall be provided by the association's manager.



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GOLF CARTS

(New for 2021)

- A. Golf carts are permitted in the neighborhood provided it is registered with the HOA. When driving a golf cart, you must be at least 16 years of age with a valid driver's license. Golf carts may not be driven on the sidewalk or grass.
- B. Golf carts are subject to the same "rules of the road" commonly applied to licensed motor vehicles. This includes obeying all traffic signs such as yield and stop signs.
- C. Pedestrians and bicycles shall, at all times be given due consideration and reasonable right of way.
- D. Golf carts should always drive to the far-right side of the road, allowing licensed motor vehicles the ability to pass safely on the left.
- E. At a minimum, all golf carts should be equipped with efficient brakes, safe tires, and all lights, mirrors, signals and other safety equipment which may be required by FL state law. Electric turn signals are highly encouraged. If not equipped, the use of standard hand signals is mandatory.
- F. Golf carts driven in the evening hours or during times of low visibility must be equipped with both headlights and taillights.
- G. Golf carts are not permitted to drive or park on any common areas or green spaces.
- H. Nothing shall be pulled behind a golf cart for any reason.
- I. Golf cart owners and/or operators will be held personally liable for injuries, and damage caused to Association property or private residential property.
- J. Off road vehicles of any kind (ATV's, dirt bikes, etc.) are prohibited anywhere in our community.

PARKING EXCEPTIONS

- No towing during Thanksgiving weekend (dates to be determined).
- No towing from December 23rd – January 2nd.
- No towing Super Bowl Sunday and overnight post game.



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Extenuating Circumstances:

- Overnight and daytime parking of health providers, family members visiting at times of illness or bereavement is allowed with Parking Permit.
- A homeowner may request a Parking Permit if construction activity impedes the use of the homeowner's driveway.
- Parking Permits shall be provided by the association's community manager.

VEHICLE REMOVAL

- A. The Board of Directors shall have the authority to have any vehicle not in compliance removed from the Association Property. This authority may be delegated to the Management of the Association. All costs and risks of towing and impoundment shall be the sole responsibility of the vehicle's owner.
- B. Should a vehicle be towed the contact information for the tow company is posted at both points of entry to the neighborhood.
- C. Random towing of vehicles will be done between the hours of 11 PM and 7 AM.

GARAGE DOORS

(Revised 08-29-2017; 09-26-17)

- A. Garage doors shall not be open unless resident is engaging in work in the enclosed portion of the garage or driveway area. Otherwise, garage doors are not to be left open.
- B. All Garage Screening Systems must be pre-approved by ARC.

DOG HOUSES/PENS

- A. Dog Houses must be of the same material or color of the home and be located within a dog pen behind the home.
- B. Dog Pens must be constructed of wood, vinyl, or dark coated chain link fence (see ARC Fence Guidelines) with appropriate landscaping if necessary. The pen can be no larger than twelve by eighteen feet (12' X 18') and located near the rear of the home and not visible from the street.

TRASH COLLECTIONS

(Revised 05-23-2017)

- A. Trash containers may be placed at the curb after 8:00 p.m. on the evening before the pick-up. Empty trash receptacles must be placed into garage or car port of the unit by 8:00 p.m. the day of trash pick-up.



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- B. For large household items owner must contact the local trash vendor to schedule a pickup. These items should be placed at the end of the driveway no earlier than 8:00 p.m. the night before the day of the scheduled pick-up.
- C. When possible, delay placing yard/shrub/tree waste at end of driveway until after 8:00 p.m. on the evening before the pick-up.
- D. Please refer to the current vendor for yard/shrub/tree waste pick-up day assignments.

GARAGE SALES

(Revised 05-23-2017)

- A. All garage sales require prior board approval.
- B. The board may also consider requests for individual estate sales under special circumstances: death of an owner, i.e., Estate Sales, owner selling the property, etc. These requests need to be in writing to the Community Manager.
- C. Community wide garage sales may be held twice a year with dates to be determined by the board.
- D. Approved garage sales may only be held on Saturdays from 7 a.m. until 2 p.m.
- E. Garage sales items may only be displayed on resident's driveway or in resident's garage.
- F. Resident's participating in approved garage sales are responsible for all City of DeLand Garage Sales permits and/or fees.

INTENT TO SELL, LEASE OR RENT

(New for 2021)

Form(s) can be downloaded at: WWW.TWHOA.COM / REFERENCE / BUY & SELL

The Board of Directors must approve all sales and leases.

ESTOPPEL REQUESTS

(New for 2021)

Form can be downloaded at: WWW.TWHOA.COM / REFERENCE / ESTOPPEL.



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DISPLAYING OF HOUSE NUMBERS

(New for 2021)

All homeowners are required to install and properly place clearly identifiable and visible house numbers. The numbers must be visible from street view. Numbers should be 3 inches or higher and of contrasting color with the immediate background (*Volusia County Ordinances, Sect 22-206 Posting of Numbers*)

COMMUNICATIONS WITH THE BOARD OF DIRECTORS / VENDORS

Residents/Homeowners are respectfully requested to communicate all matters of concern involving management, grievances, policy or personnel directly to the Community Association Management Company. Residents/Homeowners who wish to communicate any particular matter, concern or questions to the Board of Directors should do so in writing and send directly to the Management Company. Homeowners/Residents should not communicate directly with contracted vendors but direct any requests or concerns to the Community Association Management Company.

CLUBHOUSE RULES AND REGULATIONS

(Revised 05-23-2017; 09-26-17)

The clubhouse shall remain locked and its lights turned off until an Association resident is allowed access by an appointed Board or Committee Member. It is the responsibility of the resident using the clubhouse to turn off all lights, lock all doors, and set air conditioning thermostat to 78 degrees upon leaving.

No unsupervised children are permitted in the clubhouse.

The clubhouse may be reserved for private use on a first-come first-serve basis under the following conditions:

1. Any Association member, homeowner or tenant, being 21 years or older may apply to reserve the clubhouse upon written request to the Management company manager.
2. The member who has reserved the clubhouse must be present at the event.
3. The member will be required to pay a non-refundable **\$75 usage fee** and sign a form acknowledging their liability for any damages done to the facility. If the clubhouse is left dirty, in disrepair, the trash not taken out or in any state other than the way it was found upon arrival, the member will be charged a cleanup fee commensurate with the cost to clean the facility and/or repair or replace any damage done.
4. The member will be required to prepay a non-refundable **\$65 cleaning fee** in advance of the approved scheduled clubhouse event.



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5. The member shall separately provide a **\$200 deposit** for booking of any event(s).
6. Reservation of the clubhouse does not entitle exclusive use of the pool.
7. Smoking is not allowed inside the clubhouse and is strictly prohibited.
8. Clubhouse furniture is not allowed in the pool area and may not be removed from the building.
9. Residents approved for private use of the clubhouse are responsible for providing their own items: cups, paper plates, napkins, paper towels, plastic ware, etc.
10. Trash must be removed and disposed of by the resident who signed the agreement of use.

SWIMMING POOL RULES

- A. Pool area is for the use of Trails West Residents, Tenants and Guests only. Keys are issued by written request to the manager.
- B. Pool area hours are 7:00 AM until dusk however no later than 10 PM.
- C. Owners who rent their units lose their pool privileges to their tenants and should provide a key for their access.
- D. Flotation devices are permitted as long as they do not interfere with swimmers.
- E. Drinks must be in non-glass containers. Glass containers are prohibited.
- F. All safety and health regulations as well as rules posted for the pool and must be observed.
- G. No pets allowed in the pool area.
- H. No unsupervised children are permitted in the pool area. All children using the pool must always have adult supervision!
- I. Trails West residents, tenants and guests using the pool or pool area must lock the pool gate, bathroom doors when leaving the pool area.
- J. Trails West residents, tenants and guests using the pool or pool area must pick up and take all of their trash with them when exiting the pool area.



- K. No smoking inside pool fence area on lanai or in the bathrooms.
- L. Members shall be charged \$25 for lost pool keys due to the special locking system.

PLAYGROUND AREA

(New for 2021)

- A. All children (12 and under) must be always accompanied by an adult under supervision.
- B. No smoking allowed within the playground area. Designated smoking shall be up at the parking lot area near the bike rack.
- C. The association is not responsible for any toys, bicycles or play equipment left behind.
- D. No skateboards, roller skates, bicycles, etc. may be used within the playground area.
- E. Playground hours are 7:00 AM until dusk however no later than 10:00 PM

TENNIS COURT

(Reviewed 5-23-17 no changes made)

- A. Tennis court is for the use of Trails West Residents, Tenants and Guests Only.
- B. Designated smoking shall be up at the parking lot area near the bike rack.
- C. Tennis court hours are from 7:00 AM until dusk however no later than 10 PM.
- D. No skateboards, roller skates, bicycles, etc. may be used on the tennis court.
- E. Play is on a first-come first-serve basis. However, if someone is waiting to use the court please limit your use to one hour.

HALF BASKETBALL COURT

(New for 2021)

- A. Court is for the use of Trails West Residents, Tenants and Guests Only.
- B. Court hours are 7:00 AM until dusk however no later than 10:00 PM.
- C. No skateboards, roller skates, bicycles, etc. may be used on the court area.
- D. Play is on a first-come first-serve basis. However, if someone is waiting to use the court please limit your use to one hour.
- E. Designated smoking shall be up at the parking lot area near the bike rack.



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SHUFFEL BOARD COURT

(New for 2021)

- A. Court is for the use of Trails West Residents, Tenants and Guests Only.
- B. Court hours are day light hours only due to lack of lighting.
- C. Equipment used must be properly cared for and returned to its storage unit.
- D. No skateboards, roller skates, bicycles, etc. may be used on the court area.
- E. Play is on a first-come first-serve basis. However, if someone is waiting to use the court please limit your use to one hour.

OUTDOOR PICNIC AREA

(New for 2021)

- A. First come first serve unless booked privately with the Board of Directors in advance.
- B. All children under 12 must be always accompanied by an adult under strict supervision.
- C. No smoking allowed within the picnic area. Designated smoking shall be up at the parking lot area near the bike rack.
- D. The association is not responsible for anything left behind.
- E. Clean up after use and dispose of trash properly upon leaving.
- F. No skateboards, roller skates, bicycles, etc. may be used within the playground area.

COMMUNITY DOCK

(New for 2021)

- A. All children (12 and under) must be always accompanied by an adult under supervision.
- B. All persons using the community dock must wear the appropriate safety equipment.
- C. The association is not responsible for any type of equipment left behind.
- D. No skateboards, roller skates, bicycles, etc. may be used on the dock.
- E. Drinks must be in non-glass containers. Glass container are prohibited.
- F. Trash must be disposed of by persons using the community dock.



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RECORDS INSPECTION - COPYING OF ASSOCIATION RECORDS (New for 2021)

I. RECORDS DEFINED

A. The official records available for inspection and copying are those designated by the Florida Homeowners Association Act, as amended from time to time.

II. PERSONS ENTITLED TO INSPECT OR COPY

A. Either the Lot owner, or the Lot owner's authorized representative, as designated in writing (hereinafter collectively referred to as "Lot owner"), but not both concurrently, shall have the right to inspect or copy the official records pursuant to the following rules.

III. INSPECTION AND COPYING

A. A Lot owner desiring to inspect the Association's records shall submit a written request by certified mail, written in the English language, to the Manager of the Association. The request should specify the particular record whose inspection is desired, including pertinent dates or time periods desired for such inspection by the requestor, and shall state whether the request is for inspection or a copying. The request must be sufficiently detailed to identify the record(s) desired to be inspected.

B. Inspection or copying of records shall be limited to those records requested in advance, in writing.

C. No Lot owner may submit more than one request for inspection or copying of *the same record* in a thirty-day period.

D. No owner may submit more than two (2) requests per month as the term "requests" is described herein.

E. No request shall encompass the inspection of more than twenty-five (25) separate records at any one time, nor shall the Association be required to produce records for an inspection exceeding 250 pages per request. If the owner's request exceeds either of these limitations, the Association shall provide records for inspection in the order requested by the owner up to the limiting factor, and the owner shall be notified that the other records will be made available for inspection at another inspection session upon receipt of another written request of the Owner. *The foregoing limitations of this paragraph E shall not apply to an Owner's request for copies of records which shall be addressed subject to subsequent provisions of these rules.*



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- F. All inspection of records shall be conducted at the Association's office or at such other location designated by the Association. No Lot owner shall remove original records from the location of inspection. No alteration of the original records shall be allowed.
- G. Upon the actual receipt by the Association of the written request for inspection, the Association shall strive to make records for inspection available within the time-frames referenced in the Homeowners Association Act, unless a later date is desired by the requestor; therefore, this time frame may be extended by written request of the Lot owner or by the Association if deemed necessary. In addition, this frame may be extended in the event records are so voluminous or otherwise in such condition as to render this time frame unreasonable. The Association shall notify the Lot owner, by telephone, e-mail, in person, or in any writing, of the time, date and place for such inspection.
- H. Inspections shall be made only during office hours 10:00 a.m. to 4:00 p.m. on days the Association office is open, or during the normal business hours of the location of the inspection if other than the Association office, or as otherwise designated by the Secretary or Manager. Irrespective of the length of office hours, the period of time for any inspection shall not exceed 6 hours per day, and no Lot owner shall be entitled to inspect records upon more than three (3) days per month.
- I. If a Lot owner desires to obtain a *copy* of any record, the Lot owner shall designate in writing which record is desired, or during an inspection the Owner may designate such record by use of a tab or clip upon the pages desired.
- J. As determined by the Board, a Lot owner shall pay up to twenty-five cents (25 cents) per page for regular or legal sized photocopies, payable by personal check, at the time the copies are requested at the inspection delivered; provided however, payment in advance of copying may be required by the Secretary or Manager in their discretion, taking into account such factors as the amount of the copying charge the payment record of an Owner, and other relevant factors the association may impose fees to cover the costs required for personnel to retrieve and copy the records 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 costs may not be charged for records requests that result in the copying of 25 or fewer pages.



- K. If a record is kept as both a "hard-copy" (on paper) and digitally (on computer), the Association may limit inspection or copying of the record to the hard-copy version only.

IV. MANNER OF INSPECTION

- A. No written request for inspection or copying shall be made in order to harass any Lot owner, resident or Association agent, officer, director or employee.
- B. All persons inspecting or requesting copies of records shall conduct themselves in a businesslike manner and shall not interfere with the operation of the Association office or office where the records are otherwise inspected or copied. During an inspection, a requestor is only entitled to inspect or copy records, and is not entitled to demand that Association personnel explain, research or justify purported deficiencies in records inspected or copied or in Association record-keeping.
- C. The Association may maintain a log detailing:
 1. The date of receipt of the written request for inspection.
 2. The name of the requesting party.
 3. The requested records.
 4. The date the owner was notified of the availability of the records.
 5. The date the records were made available for inspection or copying.
 6. The date of actual inspection or copying.
 7. The signature of the Lot owner acknowledging receipt or access to the records.
(Every person inspecting or receiving copies of records shall sign said log or a comparable receipt prior to inspection or receipt of copies.)

IV. ENFORCEMENT OF INSPECTION AND COPYING RULES

- A. Any violation of these rules shall cause the immediate suspension of the inspection or copying until such time as the violator agrees in writing to comply.
- B. Any written request for inspection or copying not complying with these rules shall not be honored. The Association shall indicate in writing the nature of the non-compliance and transmit same to the requesting party within five working days subsequent to receipt of the written request from the Lot owner. Any verbal requests for inspection or copying may be responded to at the time by the Association representative notifying the requesting person of the existence of their rules and pointing out the necessity of complying herewith.



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- C. The Board of Directors may take any available legal action to enforce these rules, including the levy of fines.

V. ASSOCIATION RECORDS UNAVAILABLE FOR INSPECTION OR COPYING

All records identified by the Homeowners Association Act as inaccessible for inspection or copying, including but not limited to the following, shall be unavailable for same, as the Act may be amended from time to time.

- A. Information obtained by the association in connection with the approval of the lease, sale, or other transfer of a Lot
- B. Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll (including payroll taxes and other payroll deductions), health, and insurance records.
- C. Medical records of Lot owners.
- D. Social security numbers, driver's license numbers, credit card numbers, e-mail addresses, telephone numbers, facsimile numbers, emergency contact information, 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, property address, and any address, e-mail address, or facsimile number provided to the association to fulfill the association's notice requirements. The association is not liable for the inadvertent disclosure of information that is protected under this paragraph 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.
- E. Electronic security measures that are used by the association to safeguard data, including passwords.
- F. The software, programs and operating system used by the association which allow the manipulation of data, even if the owner owns a copy of the same software. (For example, a Lot owner is not entitled to "download" an entire *QuickBooks* file; that is, in this example, pursuant to a properly submitted inspection request, the Owner would only be entitled to inspect and copy a print-out of any of the Association's official records which are contained within such file, redacted as necessary to prevent the



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release of records unavailable for inspection pursuant to this Article VI, and assuming no hard-copy (paper) version of the record already exists.)

- G. Confidential attorney communications will not be available for inspection. Attorney invoices will be redacted and will only provide the date and amount of the invoice since the invoice will contain confidential information regarding litigation or the potential for litigation.

02/22/2021 Reviewed, revised and approved for 14-day notification to the membership.

03/15/2021 Scheduled approval and adoption by the Board of Directors.

Wm. Tom Rose, President of the Board

Judith Bruce, Secretary of the Board