



DEVELOPER TRANSITION CHECKLIST

Transitioning from a developer-controlled to homeowner-controlled development can be complex and confusing. Getting it wrong can be costly. When an association makes this transition, it is important to obtain all necessary documents and records, well beyond the governing documents.

GOVERNING DOCUMENTS

- Articles of Incorporation** with all amendments, filed and endorsed by the Secretary of State
- Bylaws** with all amendments; ensure they are signed and adopted
- Recorded Declaration of Covenants, Conditions and Restrictions (“**CC&Rs**”) with all amendments; ensure all exhibits are included
- Evidence CC&Rs have been provided to each member
- All operating **rules and policies** adopted by the board, including, but not limited to: election rules, architectural rules or guidelines, schedule of fines, collections and enforcement policies, solar rules, parking rules

On behalf of our clients, we regularly work with municipalities and government agencies to negotiate, draft, interpret, and enforce agreements and advise clients regarding their rights and responsibilities. Additional needs can include transfers of common area and related inspections, bond releases, adherence to maintenance manuals, and elections of directors. You can trust us to efficiently handle all aspects of these transitions, including board transitions, maintenance responsibility analysis, component inspections, and drafting rules and policies.

ASSOCIATION INFORMATION

- All **Declarations of Annexation**
- Easement Agreements**
- Any **Supplemental Declarations**, including Supplemental Declarations related to dispute resolution with the declarant and/or builders
- Any **Maintenance and/or Repair Obligation Agreements** binding the association to third parties (including municipalities), including Agreements related to off-site improvements
- Deeds** of all properties owned by the association or subject to the declaration
- All approved and disapproved **architectural review requests**
- Complete **condominium plan** (if a condominium project)
- Subdivision map** or maps (if a planned development)
- As many sets of **tract maps** as possible
- Most recent **Annual Budget Report, Annual Policy Statement**, and all other **annual disclosure information** provided to the members
- Most recent **reserve study**
- Most recent **budget** (additional years, if possible), including back-up worksheets
- All **financial documents**
- All board and annual **meeting minutes**

MAINTENANCE & OPERATIONS

- Maintenance manual**
- Association equipment **warranties**
- List of all **construction subcontractors** and their principals
- List of current key **vendors** (e.g., CPA, attorney, collection company, landscapers, maintenance company, security company) and contact information for each
- Original copies of all **contracts** signed by the board
- Inventory** of all association property
- All tangible **association property**
- “As-built” drawings** of all buildings, facilities, irrigation, and water and sewer systems that the association maintains
- Complete set of **landscape drawings** and specifications showing all plants and lawns
- A **schedule of quantities**, such as square feet of roof, square feet of private roadway, etc.
- Specifications and manufacturers** of paints and roofing materials used in common areas
- A complete **list of all members** with names and addresses of mortgage companies
- All **insurance policies** in which the members, association, or its directors and officers are named as insureds
- Control over all **association funds**
- A complete set of **financial books**, records, ledgers, and bills
- A **certified audit** of the association’s books from the association’s inception to the date of the transfer of control, prepared by an independent CPA

ADDITIONAL RECORDS

- Statement that the street, traffic, safety, and **regulatory signs** are installed in conformance with all ordinances and association documents
- Confirmation from local authorities that the **fire hydrants** were placed under the local government maintenance plan
- Copies of all state and federal **tax returns** since the date of incorporation
- Copies of any **tax-exempt election** made by the developer-controlled board and filed with the state and federal government
- Confirmation that city or county **emergency centers** have mapped the association for the dispatch of emergency vehicles and that private addresses are visible
- A statement of determination of public agency or utility responsibility for **street lights and sewer** systems maintenance
- A statement that appropriate public agencies have or have not released the **completion bonds** on the improvements where those bonds are required
- Copy of the Department of Real Estate (**DRE**) **budget**
- Copies of any **certificates of occupancy** and/or other permits issued by governmental bodies
- Copies of **public reports**, offering statements, or other disclosure documents, if any, that must be provided to purchasers
- Original copies of all association **employment contracts**