

## **California Corporations Code - § 20. Electronic Transmission by the Corporation**

"Electronic transmission by the corporation" means a communication (a) delivered by (1) facsimile telecommunication or electronic mail when directed to the facsimile number or electronic mail address, respectively, for that recipient on record with the corporation, (2) posting on an electronic message board or network which the corporation has designated for those communications, together with a separate notice to the recipient of the posting, which transmission shall be validly delivered upon the later of the posting or delivery of the separate notice thereof, or (3) other means of electronic communication, (b) to a recipient who has provided an unrevoked consent to the use of those means of transmission for communications under or pursuant to this code, and (c) that creates a record that is capable of retention, retrieval, and review, and that may thereafter be rendered into clearly legible tangible form. However, an electronic transmission under this code by a corporation to an individual shareholder or member of the corporation who is a natural person, and if an officer or director of the corporation, only if communicated to the recipient in that person's capacity as a shareholder or member, is not authorized unless, in addition to satisfying the requirements of this section, the consent to the transmission has been preceded by or includes a clear written statement to the recipient as to (a) any right of the recipient to have the record provided or made available on paper or in non-electronic form, (b) whether the consent applies only to that transmission, to specified categories of communications, or to all communications from the corporation, and (c) the procedures the recipient must use to withdraw consent."

## **California Civil Code - § 4040. Individual Document Delivery**

(a) If a provision of this act requires that an association deliver a document by "individual delivery" or "individual notice", the document shall be delivered by one of the following methods:

- (1) First-class mail, postage prepaid, registered or certified mail, express mail, or overnight delivery by an express service carrier. The document shall be addressed to the recipient at the address last shown on the books of the association.
- (2) E-mail, facsimile, or other electronic means, if the recipient has consented, in writing, to that method of delivery. The consent may be revoked, in writing, by the recipient.

(b) Upon receipt of a request by a member, pursuant to section 5260, identifying a secondary address for delivery of notices of the following types, the association shall deliver an additional copy of those notices to the secondary address identified in the request:

- (1) The documents to be delivered to the member pursuant to Article 7 (commencing with section 5300) of Chapter 6.
- (2) The documents to be delivered to the member pursuant to Article 2 (commencing with section 5650) of Chapter 8, and section 5710.

(c) For the purposes of this section, an unrecorded provision of the Governing Documents providing for a particular method of delivery does not constitute agreement by a member to that method of delivery.

### **California Civil Code - § 4045. General Document Delivery**

(a) If a provision of this act requires “general delivery” or “general notice”, the document shall be provided by one or more of the following methods:

(1) Any method provided for delivery of an individual notice pursuant to section 4040.

(2) Inclusion in a billing statement, newsletter, or other document that is delivered by one of the methods provided in this section.

(3) Posting the printed document in a prominent location that is accessible to all members, if the location has been designated for the posting of general notices by the association in the annual policy statement, prepared pursuant to section 5310.

(4) If the association broadcasts television programming for the purpose of distributing information on association business to its members, by inclusion in the programming.

(b) Notwithstanding subdivision (a), if a member requests to receive general notices by individual delivery, all general notices to that member, given under this section, shall be delivered pursuant to section 4040. The option provided in this subdivision shall be described in the annual policy statement, prepared pursuant to section 5310.

### **California Civil Code - § 4050. Completion of Document Delivery**

(a) This section governs the delivery of a document pursuant to this act.

(b) If a document is delivered by mail, delivery is deemed to be complete on deposit into the United States mail.

(c) If a document is delivered by electronic means, delivery is complete at the time of transmission.

### **California Civil Code - § 4055. Electronic Delivery**

If the association or a member has consented to receive information by electronic delivery, and a provision of this act requires that the information be in writing, that requirement is satisfied if the information is provided in an electronic record capable of retention by the recipient at the time of receipt. An electronic record is not capable of retention by the recipient if the sender or its information processing system inhibits the ability of the recipient to print or store the electronic record.

**CHATEAU LAKE SAN MARCOS HOMEOWNERS  
ASSOCIATION**

**ELECTRONIC COMMUNICATION CONSENT/CHANGE FORM  
("Consent Form")**

While every member has the right to receive certain notices, documents, and information (collectively Electronic Communications) by mail or personal delivery, many of the documents that the Association mails out can be sent to you via e-mail.

By signing and returning this Consent Form, I wish to:

**Please check the applicable box(es) below (you may check more than 1 box):**

- Consent to receiving Electronic Communications from the Association via e-mail at the following e-mail address(es):

\_\_\_\_\_

- Withhold my e-mail address from distribution in the Associations Membership List. I wish to opt-out of sharing such information pursuant to Civil Code Section 5220.

**I already have a signed Consent Form that is on record with the Association, now I wish to:**

- Change my e-mail address on record with the Association to:

\_\_\_\_\_

- I understand this change will become **effective only after I reply** to an e-mail sent to me at the above e-mail address by the Association **and the Association receives my reply email.**
  - I understand the Association will no longer send Electronic Communications to the previous e-mail address.
  - I must add the Associations e-mail address(es) to my contacts list for this new e-mail address.
  - All terms in the Rule apply to this new e-mail address.
- Withdraw my Consent on record with the Association.
- I do **NOT** want to receive **ANY** Electronic Communications from the Association via e-mail. All Electronic Communications will be sent to me via personal delivery or first-class mail, or otherwise in accordance with the Governing Documents and law.
  - I understand my withdrawal of my previous Consent to receive Electronic Communications from the Association via e-mail will become **effective only after I reply to a confirmation of withdrawal** e-mail sent by the Association.
  - All other owners, if any, that own my property are informed of this withdrawal of Consent and authorize me to withdraw any previous Consent on file with the Association.

By signing this Consent Form, I acknowledge and agree that I have read and understand the terms in this Consent Form.

Signature\_\_\_\_\_

Date\_\_\_\_\_

Printed Name\_\_\_\_\_

Association Address  
\_\_\_\_\_

Mailing Address (if different)  
\_\_\_\_\_

**Multiple Owners: Check if applicable:**

The Association property address listed above is owned by more than one owner. I declare that I have the authority to bind all owners/members by signing this Consent Form and that I am authorized to receive correspondence on behalf of the other owner(s), and that I will advise and forward to the other owners all correspondence I receive from the Association pursuant to this Consent. All owners/members must Consent to the undersigned being the sole recipient of Electronic Communications on their behalf. The Association is not responsible for members other than the designated recipient not receiving Electronic Communications sent by the Association to the e-mail address on record with the Association.

Initial:\_\_\_\_\_

**Signature of Other Owners(s), if any:**

I/We agree to the terms in this Consent Form and consent and agree to \_\_\_\_\_ (above listed name) being the sole recipient on my/our behalf(vest) of all Electronic Communications sent by the Association in relation to my/our ownership of the above Separate Interest in the Association. If fewer than **ALL** owners sign this Consent Form, the Consent is ineffective and the Association may communicate with the members via first-class mail, or other authorized non-electronic means.

Signature of Owner 2

Signature of Owner 3

Signature of Owner 4

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Printed Name

Printed Name

Printed Name

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\* Please return this signed Consent Form to the Association Office at:  
1502 Circa del Lago, Lake San Marcos, California 92078