§ 6023. Books and records; right of inspection, prima facie evidence. 1. Each corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its stockholders, board and executive committee, if any, and shall keep at the office of the corporation in this state or at the office of its transfer agent or registrar in this state, a record containing the names and addresses of all stockholders, the number and class of shares held by each and the dates when they respectively became the owners of record thereof. Any of the foregoing minutes or records may be in written form or in any other form capable of being converted into written form within a reasonable time.

2. Any person who shall have been a stockholder of record of a corporation for at least six months immediately preceding his demand, or any person holding, or thereunto authorized in writing by the holders of, at least five percent of any class of the outstanding shares, upon at least five days' written demand shall have the right to examine in person or by agent or attorney, during usual business hours, its minutes of the proceedings of its stockholders and record of stockholders and to make extracts therefrom. If an investment company has failed to pay wages as defined in subdivision two of section six thousand twenty-nine, any person to whom a stockholder may be liable thereunder upon at least five days' written demand shall have the right to examine in person or by agent or attorney during usual business hours, the record of stockholders and to make extracts therefrom.

3. An inspection authorized by subdivision two may be denied to such stockholder or other person upon his refusal to furnish to the corporation, its transfer agent or registrar an affidavit that such inspection is not desired for a purpose which is in the interest of a business or object other than the business of the corporation and that he has not within five years sold or offered for sale any list of stockholders of any corporation of any type or kind, whether or not formed under any law of this state, or aided or abetted any person in procuring any such record of stockholders for any such purpose. The enforcement of liability of an investment company under section six thousand twenty-nine shall not be an object other than the business of

the corporation.

4. Upon refusal by the corporation or by an officer or agent of the corporation to permit an inspection of the minutes of the proceedings of its stockholders or the record of stockholders as herein provided, the person making the demand for inspection may apply to the supreme court in the judicial district where the office of the corporation is located, upon such notice as the court may direct, for an order directing the corporation, its officer or agent to show cause why an order should not be granted permitting such inspection by the applicant. Upon the return day of the order to show cause, the court shall hear the parties summarily, by affidavit or otherwise, and if it appears that the applicant is qualified and entitled to such inspection, the court shall grant an order compelling such inspection and awarding such further relief as to the court may seem just and proper.

5. Nothing in this section contained shall impair the power of courts to compel the production for examination of the books and records of a corporation when not inconsistent with any other provision of this chapter.

6. The minutes of the proceedings of stockholders, record of stockholders and the books and records of account of the corporation specified in subdivision one shall be prima facie evidence of the facts therein stated in favor of the plaintiff in any action or special proceeding against such corporation or any of its officers, directors or stockholders.