



# The Bent Tree Log

*The Bent Tree Property  
Owners' Association  
Newsletter*

*January 2007*

## *From the President of the Bent Tree Property Owners' Association*

I hope you all had a Great Holiday Season, and a Happy New Year to all of our friends and neighbors in Bent Tree. As the newly elected President of the BTPOA, I'd like to take this opportunity to share some new information with you since the September report.

I would first like to congratulate John Heiser on his continued service to the BTPOA. John has been on the Board of Directors (BOD) for seven years, with the last five of those years as President. He is still on the BOD serving as Vice President and will be helping me take over the reins and providing continuity in the transition. Thank you, John, for your dedication and continued service.

Gail Bates resigned from the BOD as a director at large. We thank her for serving.

Tom Hilfers, who is the new ACC Chairman taking over from Bruce Bates, is also now on the BOD as a director at large, taking the position vacated by Gail. We welcome Tom; he has served on the ACC for over two years now, understands our goals of serving Bent Tree and is willing to help. With Tom and me on the BOD and on the ACC, I feel the cooperation of ACC and the CCC to be very closely tied.

Debbi Maser has accepted continuing in the position of Secretary. Debbi will be included on all correspondence and will be the central repository of all documents of the activities and meetings that concern the BOD.

William McDonnell resigned because of medical treatment; we wish him well and a speedy recovery. Debbi Maser will assume the Treasurer duties while we are looking for a Treasurer. If you have experience and education in finance and would like to support the BTPOA, we would welcome talking to you. There is one opening on the BOD and we really need to fill that position.

Steve Fuhrmann continues to help us with the web site and has given us great advice; he has previously served as a BOD member and continues to give greatly of his time. We thank you, Steve, for your contributions and sage advice.

I would like to reiterate that the Bent Tree BOD is in place to serve you, the owners of Bent Tree property – we are your representatives, and strive to be the catalyst, the central organizers and to provide a repository of the BTPOA documentation. The members of the BOD are on a quest to get other residents in Bent Tree more involved in our community. We passed out sign-up sheets at the homeowners' annual meeting and many of you volunteered to help us with the needs of the community.

We appreciate your interest and desire to participate, and if there are others that would like to help us maintain the reputation of Bent Tree as one of the most prestigious areas around, which hopefully will help retain our property values, please contact any of the Board members to volunteer. Some of the committees are formed and operational. I want to take this opportunity to thank each and every one of you that are volunteering your time and efforts to make our community better.

Each BOD member has an assignment to get these committees functioning as soon as possible. Many are already operational: Beautification is headed up by John Stahl; they are working on fixing the trail and organizing for the beautification of the entrances in the spring. Engineering is being chaired by Jerry Lopez and he is also the Chairman of Water Augmentation Committee. Jerry gave us a report on the annual reporting to the State on our water usage already this year. Neighborhood Watch is vacant at this time. Newsletter and Directory is being worked on by Debbi Maser, and with her workload it would be nice to have some more help for Debbi. There are others that are helping but newsletter and directory takes a lot of time, and more help is really appreciated. Wayne Claybaugh is heading up the Welcoming Committee and tasks are underway. John Anderson chairs the Forestry Committee, and gives us great advice on the mistletoe and beetle issues. The CCC is forming and will be operational soon. We are looking for a representative in each of the Bent Tree filings. We are also working on a contract for an outside firm to handle CCC complaints.

As you can see, the committees will appoint their own chairperson, work to identify and prioritize objectives and goals, and then establish a budget and action plan to achieve them. The chairperson, along with the BOD liaison, will present to the BOD a summary of what the anticipated budget requirements (if any) are to accomplish the task, will define a plan of action, and identify if any additional help is needed. There are some things that will be done immediately and others maybe wait until spring, such as trail repair and enhancing the entrances to the Bent Tree. If we had 100 people helping just an hour a month, just think of the progress we could make!

The BOD is planning on have regularly scheduled meetings at the same place and time each month (which will be held on the 2<sup>nd</sup> Monday of each month at 7:00pm, at the Monument Sanitation District board room, 130 2<sup>nd</sup> St., Monument), and all residents of Bent Tree are invited to attend. All homeowners are welcome to actively participate and provide input, or to just listen to the topics of discussion. An agenda will be published on the Bent Tree web site no later than three days prior to the meeting. If you would like specific topics to be added to the agenda, please contact the BOD Secretary before the agenda is published. Meetings will adjourn at 9:00pm and all business not covered in the allotted time will be moved to the next meeting.

In order to defray costs we will publish meeting schedules and other documents on the web site, and will also send to as many email subscribers as we have. If you are not getting email communications and would like to, please self-subscribe on the BTPOA website. If you don't have email or internet access, please let us know so an alternative method of providing BTPOA information to you can be established. The more we have using the internet the less expense we have for the BTPOA.

As President of the BTPOA, I will strive to keep everyone in Bent Tree informed of the activities and decisions of the BOD. I sincerely hope that the renewal of these committees enhance the quality of life for the residents Bent Tree. Your involvement and support will contribute greatly to this. We have a beautiful spot in a beautiful state; let's enjoy it and work together to make it even better.

***Duane A. Fitch***  
***President, BTPOA***

# BTPOA 2006 Annual Property Owners' Meeting

The **Bent Tree Property Owners' Association (BTPOA) 2006 Annual Meeting** was held on September 14<sup>th</sup>, 2006 at the Woodmoor Barn. John Heiser, President of the BTPOA Board of Directors, welcomed all attendees and, in accordance with two Colorado Senate Bills (SB05-100 and SB06-89), presented an Owner Education slide-show, discussing the history of Bent Tree, the Bent Tree organization, Bent Tree property owner rights and responsibilities, and a summary of the governing documents.

**Quorum:** Sign-up sheets were available for attendees and it was determined that a quorum had been established with 56 lots represented. Additionally, sign-up sheets were distributed to the attendees asking for volunteers for the various Bent Tree committees.

**Introductions:** The BTPOA attorney, Mr. Lebel, was introduced, as were the Board of Directors (BOD) and Architectural Control Committee (ACC) members.

**Minutes:** Minutes of the September 16, 2005 Annual Meeting and the February 16, 2006 Budget Meeting were approved.

**Rules and Regulations:** John Heiser presented the revised BTPOA Rules and Regulations (R&R's) that incorporated the requirements of the two Colorado State Senate Bills. Compliments were given to Steve Fuhrmann who had drafted the previous version. Discussed were the mandated changes and extensive discussion of the covenant compliance process, to include incorporation of the SB requirements for notification, hearings, and fine structure.

There was robust discussion of these changes, and Mr. Lebel provided information and answered many of the questions asked.

**Elections:** Bruce Bates was re-elected to another three-year term on the ACC ending at the 2009 Annual Meeting.

**Treasurer's Report:** Kathy Decker presented the Treasurer's Report, which was then approved.

**Confirmation of Board Member Appointments:** Duane Fitch was confirmed for a BOD position ending at the 2007 Annual Meeting. Debbi Maser was confirmed for a BOD position ending at the 2008 Annual Meeting. Bill McDonnell was confirmed for a BOD position ending at the 2007 Annual Meeting that was vacated by the resignation of Kathy Decker effective with this Annual Meeting.

**Elections of Board Members:** John Heiser and Gail Bates were elected to two open BOD positions.

**Other Discussion:** Residents were encouraged to bring other subjects up for discussion, which included questions regarding paving of roads, owner participation in BOD meetings and decisions made by the BOD, communications from the BOD to the residents, including many requests for email from the BOD, appreciation of the efforts of the BOD, the condition of the trails around the perimeter of Bent Tree, and John Anderson provided a Forest Management Committee update that the residents of Bent Tree have done a good job the last two years controlling mountain beetles, and that many trees were currently going thru a normal cycle of browning and dropping of needles.



## Welcome to Bent Tree!

Wayne and Rae Jean Claybaugh have assumed the Chair Responsibilities for the Bent Tree Welcoming Committee. Other members of the committee are Bob and Elly Hostetler, Deanne McCullough, and Barbara Hughes. If you have new neighbors, let us know so that we can welcome them in a timely manner, or if anyone new to Bent Tree would like further information, please contact Wayne or Rae Jean at 559-2031 or email:

[kwayne1110@comcast.net](mailto:kwayne1110@comcast.net)  
or  
[raejean1110@comcast.net](mailto:raejean1110@comcast.net).

Bent Tree welcomes the following new property owners in 2006, who have all been contacted by the Welcoming Committee:

*Douglas E & Catherine E Lee  
Steven T Heieck  
Larry & Patrice Stevens  
Christopher J & Terri D Patterson  
Jason L Beck  
Matthew W Dunston  
Michael D Jensen  
Thomas L & Patricia C Borsos  
Bryan S & Tamie L Boyce  
Mark & Susan Sakoi  
Thomas Lance & Diane Go Dodd  
Patrick J Quinlan  
Randal Construction, Inc.  
Mark A & Faith J Wester  
John & Melinda S Zark  
Donald Woody  
Patrick & Jennifer L Wrynn  
Michael J & Tracy D Hicks  
William J & Linda M McDonnell*

## Bent Tree Email List

*Receive timely notices and announcements about  
Bent Tree!*

Thanks to Steve Fuhrmann's technical talent and hard work, you may self-subscribe to an email distribution list operated by the Bent Tree Property Owners' Association. This list is hosted by our web site, [btpoa.org](http://btpoa.org), and is named BTPOA\_General\_Mail. The mailing list provides a medium for the Board of Directors of the BTPOA to provide timely announcements to the association members.

The postings to this list will be of a general nature such as meetings, forestry, beautification, water management, architectural control and covenant compliance. The use of the mail list will generally be parallel with announcements on the BTPOA web site. The list is not for discussion, chat or classified advertisement. All postings must be approved by the Board's moderator. Attempted postings outside the stated use of the mailing list will not be approved.

Anyone may subscribe to this list, including people not affiliated with Bent Tree. The BTPOA Board of Directors and people providing direct support (such as list administration and secretary or legal services) can see who has subscribed, but neither subscribers nor the public will be able to see subscribers or their email addresses. BTPOA will not post mail that compromises membership or directory information. BTPOA will not sale or share the subscriber list.

Subscribing to the mailing list does not impact your preference about what to share with neighbors in the Bent Tree Family Directory.

BTPOA\_General\_Mail and the Bent Tree Family Directory are separate processes with no cross-talk.

## Bent Tree on the Web

Our web site features items that you might find useful. Ever heard of Woodberry? You're living on it, as you would learn in the *About Bent Tree* section of the web site. Have a concern and don't know who to present it to? Look us up in *Bent Tree Contacts*. Wondering how you could serve the neighborhood? Scan a brief description of the *Committees*. Received a notice from the Covenant Compliance Committee and want to read the covenant? See *Declarations of Protective Covenants* summaries, full text, and a handy guide to which of the three versions applies to you. Does nature interest you? See Chuck Loeffler's great series, *The Nature of Bent Tree*, in *Newsletters*. Want to telephone a neighbor? See the *Bent Tree Basic Directory* (which, incidentally, is more current than the *Bent Tree Family Directory* printed in January 2006). Do you want to address a matter with the Board of Directors? See future *Meetings*, as well as *Minutes* of past meetings. Do you like facts such as the elevation of the Palmer Divide or how many lots in Bent Tree? Browse *About Bent Tree*. And suggestions for web site content are always welcome!

These features and much more are available to you at [www.btpoa.org](http://www.btpoa.org). **Check it out!**

If you are not getting BTPOA communications and would like to self-subscribe to the email list, please navigate to the subscription page from the Bent Tree web site at:

[www.btpoa.org](http://www.btpoa.org)

or go to:

[http://btpoa.org/mailman/listinfo/btpoa\\_general\\_mail\\_btpoa.org](http://btpoa.org/mailman/listinfo/btpoa_general_mail_btpoa.org)

**Policy questions? Please contact any director of the BTPOA.**

**Technical questions? Contact Steve Fuhrmann, [benttreesf@msn.com](mailto:benttreesf@msn.com), 488-0544.**

## Change in Password for Bent Tree Directory

Effective with the mailing of this issue of the *Bent Tree Log*, we will change the password for directory information on the BTPOA website to 1986Bt257. The User ID remains btpoaall. The directory is password-protected so that only those on the mailing list for the *Bent Tree Log* have access.

## Lost and Found?

The Bent Tree directory includes names and addresses of owners who wish their information to be published. Did you know that many owners include additional information such as types and names of their pets? This is particularly helpful when stray animals are found wandering in Bent Tree. None of us want our lost pet to be wandering the streets or exposed to the elements, and by listing your pets in the directory, it helps track down owners when pets are found.

However, not all pets are listed, nor are all the owners. So what do we do when a lost animal is found? Debbi Maser, Secretary of the BTPOA BOD, has volunteered to be a single point of contact in Bent Tree for people to call to report a lost animal, or to report a found animal.

Please call Debbi at 487-8845 to report either of these situations, making sure you leave your name, address and a phone number where she can reach you. If a "matched" set of calls come in, Debbi will connect the two!



## Bent Tree Water Usage Concerns

At the November 13th, 2006, Board of Directors (BOD) Meeting, resident certified engineer and water expert, Jerry Lopez, provided an extensive and detailed summary of water usage and concerns in Bent Tree. He specifically addressed how Bent Tree acquires and is required to replenish water, and that there are limits to the amount of water allocated to Bent Tree. He provided us the report that is filed with the State of Colorado about the water usage for Bent Tree. He reiterated that the Bent Tree homeowners face sanctions if we are out of decreed compliance, which in the extreme, could include loss of all well usage permits. This compliance issue has the potential to be a very serious issue that all Bent Tree property owners need to be aware of, and all homeowners need to ensure they are in compliance with their allotted water usage.

The amount of water that each household uses for the inside of the house, on average, is 1/3 of the allotment that each owner is given. Typically the problem is the exterior of the house, which is attributed to watering of landscaping. In the decree, each lot is authorized no more than 2000 sq ft. of turf or garden. Unfortunately, this has not been monitored and it is suspected that many lots exceed this threshold. Additionally, there are pools in Bent Tree, and although some of these have been approved (as required), some have not, and all pools need to have their water usage monitored. Another concern is that the definition of "pools" implies swimming pools of 15,000 gallons or larger, and does not address water features that many homeowners have installed. The BOD feels that the intended definition of "pool" is any body of water that is replenished from the homeowners well, and should be included into the irrigation allotment.

There is a challenge in monitoring water usage. The majority of the Bent Tree lots do not have water meters, and we only have a small number of lots that have been identified at this time to represent the whole of Bent Tree. Only Bent Tree IV and Bent Tree V properties are required to have meters, which is the only way that the State and Bent Tree have to monitor water usage.

The reporting to the State is only on Bent Tree IV lots, and 34 out 36 lots in Bent Tree IV have meters. However, these meters are supposed to be externally accessible, but only one of the 34 lots has an external meter. This is an issue that the BOD and the ACC is working to resolve.

We have been under our reported threshold in the past because all of the lots were not built out and therefore this kept the average usage in Bent Tree IV well under the radar. Now, with the addition of more houses, more meters, and more usage, the threshold is approaching quickly. As of the 2006 meter readings, 15 of these 34 wells in Bent Tree IV are at or above allocation, and that the usage trend is up in all lots. This has the potential to be a serious issue because, overall, the report indicates that Bent Tree is at 90% usage. If we exceed our threshold, we are at risk of corrective action from the State of Colorado that would affect all owners in Bent Tree.

BTPOA President Duane Fitch will be working these issues with John Heiser, Jerry Lopez, Matt Dunston and other volunteers to ensure that all residents are aware of the importance of water conservation, and will implement a plan to comply with the requirements of Bent Tree.

*Sincere thanks to all of the efforts by Jerry Lopez – your knowledge and research on this critical subject is invaluable!*



# Bent Tree Needs You!

Bent Tree BOD meetings are scheduled to be held on the 2<sup>nd</sup> Monday of each month at 7:00pm at the Monument Sanitation District board room, 130 2<sup>nd</sup> St., Monument. All BTPOA residents are encouraged to attend these meetings and bring their concerns and input to the BOD. If there is something specific you would like added to the agenda, please notify the BTPOA Secretary, Debbi Maser, three days prior to the meetings via email at [dmaser@adelphia.net](mailto:dmaser@adelphia.net). The BOD agenda for the meeting is posted on the web site. Check it out, come and participate.

There have been several committees established to focus on various aspects of Bent Tree. The following committees currently exist and need your input to ensure that they address your requests and concerns. The more people on a committee the less individual work is required. Please help out. If you are interested in participating in these committees, please contact the liaison identified below:

**BEAUTIFICAL AND TRAILS:** Tom Hilfers

- Committee Chairperson John Stahl

**COVENANT COMPLIANCE:** Duane Fitch

- Committee Chairperson TBD

**ENGINEERING:** John Heiser

- Committee Chairperson Jerry Lopez

**FOREST MANAGEMENT:** TBD

- Committee Chairperson John Anderson

**NEIGHBORHOOD WATCH:** TBD

- Committee Chairperson TBD

**NEWSLETTER/DIRECTORY:** Debbi Maser

- Committee Chairperson Steve Fuhrmann

**WATER AUGMENTATION:** John Heiser

- Committee Chairperson Jerry Lopez

**WELCOMING:** John Heiser

- Committee Chairperson Wayne Claybaugh

## Thank you in advance!

As the New Year starts, many Bent Tree residents may be thinking about the seasons ahead and perhaps making plans for visits from friends and family, or activities when kids are out of school. There are Bent Tree covenant violations that seem to repeatedly occur during these times. Perhaps this is due to lack of knowledge, so we'd like to remind you of a few of them.

We have covenants that define what is allowed for visitor's vehicles and recreational vehicles (like trailers, horse trailers, campers, boats, or motor homes), and temporary structures (like trailers, and tents). The intent of our covenants is to maintain a clutter-free appearance such that vehicles or other structures or equipment are not visible from streets or from other lots, as these detract from the beauty of Bent Tree.

There is a specific covenant that states "Open fires in Bent Tree are prohibited," which includes not only bon fires, but also fireworks or bottle-rockets, which continue to be a cause of concern typically around the 4th of July. Besides being covenant violations, these types of activities put all of Bent Tree at risk.

Our covenants also state "No activity shall be permitted which will generate a noise level sufficient to interfere with the reasonable quiet enjoyment of the persons on any adjoining or nearby lots," and "No noxious, noise polluting or otherwise offensive activities" shall be carried on upon any track," and "No trail bikes, minibikes, motorcycles, ATVs, or other such noise causing vehicles are to be operated within Bent Tree other than on County roads going to and from residences."

In addition to being legally binding requirements attached to our property, our Bent Tree covenants exist to maintain the safety and quality of our neighborhood, and to ensure the peaceful nature of our community. We encourage all residents to please review our covenants, and if you have any questions or concerns, please contact one of the Board Members.

## **Covenant Compliance Concerns Continue**

An ongoing subject of discussion and concern within Bent Tree is covenant compliance. As has been addressed at annual meetings in the past, as well as at just about every BTPOA Board meeting, there are ongoing violations that are not only are nuisances to neighbors, but are in violation of the legal agreement owners of Bent Tree have attached to their property.

At the September 2006 Annual Property Owners' Meeting, the BOD presented an overview of the BTPOA's responsibilities to enforce these covenants and how the revised Rules and Regulations address the requirements of recent Senate bills. All owners of Bent Tree need to ensure that their properties are in compliance with these covenants, as violators will be notified of non-compliance.

Homeowners associations with covenants and enforcement of adherence to covenants have been shown to have a positive contribution to property values. All of us want to ensure that Bent Tree maintains its reputation as one of the most prestigious neighborhoods in the area, and we can all do our part by following the rules that apply.

It is up to each property owner to ensure that their property is in compliance with the BTPOA covenants. Unfortunately, common violations continue to be ATVs or dirt bikes being driven on Bent Tree property, vehicles parked outside, including RVs, trailers and boats; lawn tractors and snow blowers in open view; trash cans outside or not shielded from view; miscellaneous junk, clutter or slash piles in yards or by houses; nuisances from loud noises audible to neighbors; and pets which are unrestrained and wander on and deposit on other people's properties.

The BOD continues to struggle with the best way to achieve compliance with these relatively simple requirements, and has had difficulty in rallying enough volunteers in the community to dedicate their time and energy to effectively educate their neighbors and friends on the value of compliance. The BOD is considering outsourcing covenant compliance enforcement. Costs to do this vary depending on exactly what services are contracted, but the BOD may determine that this is most effective way to ensure Bent Tree has a fair and consistent process to ensure covenant compliance.

### **To All Bent Tree Owners:**

Annual Dues Assessment Notices of \$72 per lot were sent to all BTPOA owners December 14<sup>th</sup>, 2006, due January 1<sup>st</sup>, 2007. A \$10 per lot additional fee will be assessed for payments received after January 31<sup>st</sup>, 2007.  
Mail payments to:

**BTPOA Attn: Treasurer  
P.O. Box 2631  
Monument, CO 80132-2631**

## **THE BENT TREE ANNUAL BUDGET MEETING**

**will be held Thursday, Feb. 15<sup>th</sup>, 2007 at 6:30pm at the Woodmoor Barn, 1691 Woodmoor Dr.**

All BTPOA owners are invited to attend the Annual BTPOA Budget Meeting to be held on February 15<sup>th</sup>, 2007 at 6:30pm at the Woodmoor Barn, 1691 Woodmoor Dr. At this meeting, the BTPOA will provide information related to income and expenses for 2006, and projected budget plans for 2007.

The Bent Tree BOD has a fiduciary responsibility to ensure that adequate funds are collected from the owners, and that prudence is applied to all expenses, and that the BTPOA has enough reserve in its accounts to be prepared for potential expenses.

There are two significant risk areas that contribute to the BOD's financial management and commitment to ensure adequate reserve of funds. First, it is only a matter of time before one of the two water augmentation wells fails. Since the BTPOA is a major participant in the Great Divide Water Company that owns and operates the water augmentation wells, the BTPOA would be expected to pay a substantial part, perhaps 40%-50%, of the cost of re-drilling or re-outfitting the well. Depending on which well failed and what sort of failure occurred, the total cost could be \$150,000 to \$300,000. Our share could easily be \$60,000 to \$150,000, therefore it is extremely important to maintain this reserve in our budget.

Potential lawsuits are a second justification for the current reserve. In its 20-year history, BTPOA has fortunately never had a lawsuit brought against it. Many HOAs have been through one or more lawsuits. Over the years, the Woodmoor Improvement Association has been through numerous lawsuits as is evident from the frequent references to WIA lawsuits in the Colorado Statutes. Legal fees can add up quickly. Our present reserve would pay for less than 400 hours of our lawyer's time. One moderately complex lawsuit could easily cost that much. Having adequate reserve means that the immediate legal expenses could be covered without having to go through the cumbersome and time-consuming process of imposing a special assessment on the owners.

There are a number of items that residents have expressed concern over within our community and this budget meeting would be an opportunity to provide input as to what you feel is important for BTPOA to expend funds on.

The BOD has been made aware of concerns regarding the walking trail that exists around the perimeter of Bent Tree. This trail exists on county land and Bent Tree has no legal right to "claim" this as ours. Bent Tree does have easement rights to many of the properties within Bent Tree, and some residents have suggested that Bent Tree exercise their easement rights and install a trail on Bent Tree property which would encroach on these easements. However, after much research and discussion, the BOD authorized the Beautification and Trail Committee, headed by John Stahl, to spend up to \$4600 on improvements to the existing trail.

Many residents have shared with the BOD that the Bent Tree entrances do not exude the "classiness" of a prestigious neighborhood, and have requested that an investment be made to improve these entrances, including adding landscaping, maintenance of the landscaping, and lighting.

Another ongoing concern has been that people do not clean up after their pets. It is only common courtesy that anyone walking their dog to carry with them the "tools" required to clean up. It is extremely rude and unsanitary to leave your pets' mess on these paths. Some residents have requested that "Pooper Scooper" stations be set up at various points in Bent Tree. Again, this would involve installation costs, as well as ongoing costs associated with maintenance of the stations, if installed.

Any and all inputs and suggestions are welcomed by the BOD, but funds are limited based on the annual dues assessment. It may be that the solution to implementing and maintaining these improvements and still maintain the reserve required to offset our potential exposure related to water or legal expenses would require an increase in the Bent Tree annual dues. We all have a vested interest in maintaining the property values in Bent Tree, and this may be a topic of discussion with the owners of Bent Tree.



# **The Bent Tree Log**

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***HAPPY NEW YEAR TO ALL!***

***THE BENT TREE LOG IS CREATED BY AND FOR THE OWNERS IN BENT TREE***

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