



The Bent Tree Log

The Bent Tree Property
Owners' Association
Newsletter

July / August 2004

Volume 15 Number 1

BTPOA Annual Budget Meeting

The Annual Budget Meeting was held February 21, 2004 at the Monument Town Hall. John Heiser, President of the Bent Tree Property Owners Association (BTPOA) Board of Directors, welcomed the group

Protocol: Colorado law, the Colorado Common Interest Ownership Act (CIOWA), and the newly adopted Bylaws require that an annual budget meeting be held. It is imperative for Bent Tree property owners to attend this meeting; as the Bylaws, adopted in September, 2003, do not allow the use of proxies and further require a minimum of 39 lots (15% quorum) to be represented (in person) at the meeting. To vote on matters that come before the meeting, the property owner(s) must be current on payment of the annual assessment of \$72 per lot. The covenants specify that each lot has one vote.

Quorum: After ensuring that all in attendance had the opportunity to register, it was established that a quorum was not present. Without a quorum, no decisions can be made, and the meeting would proceed with discussion only. CIOWA states that if a quorum does not exist, the budget is automatically ratified.

Committee Reports: The *Architectural Control Committee (ACC)* reported no budget requirement for 2004. Nine homes had compliance refunds pending. Lot 197 received a two month extension for construction completion. Seven new homes are presently under construction. All construction plans and cutting of trees greater than four (4) inches in diameter must be pre-approved by the ACC.

One of the *Beautification and Trails Committee's* objectives is the realignment of the BT Trail. A significant portion of the trail lies in the easement or outside of Bent Tree property. A large part of the trail system is actually on County property. As a result, the trail could be construed for public use. The budget estimate to realign the trail so as to lie entirely on BT property/easement is \$4,000, correspondingly the lowest priority of the committee's budget proposal of \$9,960. Concern was expressed as to the Association's liability with regard to the trail and requested the Board's looking into liability concerns, and the limits on a payout. The committee has had a difficult time getting contracts/

bids for roadside ditch mowing and entrance maintenance. County maintenance is understaffed, Falcon Mowing bid \$600-700 and other independents are hesitant to take small jobs.

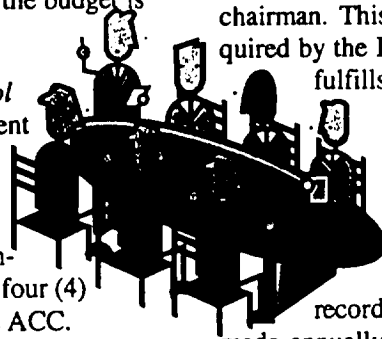
The *Covenant Compliance Committee* has generally gotten good cooperation and communication from the community. In two years, thirty-four notices (of non-compliance) have been issued; eight are still "open". Twenty of the 34 have been for vehicles outside of enclosures. Mechanisms to accomplish clarification of compliance enforcement would require a covenant revision or a bylaw change, both, requiring a "vote" by the community. An alternative is the creation of a "rules and regulation" document. Steve Fuhrmann offered to take the "lead" on establishing such a document. (further information on page 4)

The 2004-2005 edition of the BTPOA Family Directory went to print the end of February. (See page 3 for recent updates.

Jerry Lopez was announced as the *Engineering Committee* chairman. This committee is a "Standing Committee" required by the Bent Tree bylaws "to ensure the Association fulfills its obligations to El Paso County to maintain the detention ponds and other drainage facilities in Bent Tree." Last year, the budget for "Flood Control" was \$1,000; \$1,452.25 was actually spent. Bent Tree has 14 detention ponds in BT-4 area and the major detention pond in BT-3. The recorded requirement is: "Inspections shall be made annually by a qualified inspector and more often if the detention structure has been subjected to heavy rainfall." "Maintenance includes the structures themselves, spillways, overflow, rip rap basin and channels, culvert pipes, and pipe outlets, and keeping them in effective working condition to retain design flows. In addition, it means correction of severe erosion in drainage areas."

The *Forest Management committee*, with eight members, will be seeking annual information from homeowners. Beetle infestation and mistletoe can be a problem; particularly, with absentee lot owners. A report (of 7-8 years ago) by editor of the Black Forest News will become a part of

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the "welcoming" package distributed to new residents.

Neighborhood Watch reported having received two separate notifications of criminal activity in the local area. Several daytime forced-entry burglaries had occurred during February in Northern El Paso County. Reports also indicated some activity in Bent Tree. The Board had sent these reports to all BT residents via an urgent email message. Hopefully, Bent Tree residents will be watchful, take note of suspicious activities and report them. Please contact the sheriff's office at 390-5555 with any information! You can remain anonymous! The information you provide will be kept confidential. You do not need to give your name, although this is often helpful. More importantly – alert your neighbors. Ask your neighbors to watch for suspicious activity when your house is vacant. Keep your doors locked at all times. BE ALERT. Anything that seems slightly "out of place" or is occurring at an unusual time of day could be criminal activity. NEIGHBORHOOD WATCH is based on – **neighbor helping neighbor**. Neighborhood Watch signs have been posted near our entrances but, without significant "threat", little activity has been reported. Families, today, are more transient, children have more activities that take them and their parents away from home, and there are more families with both parents working. This trend away from personal contact in the neighborhood and the decrease in time families spend at home are two of the essential ingredients that make communities ripe for crimes of opportunity. The Board of Directors is now in the process of gathering information and attempting to energize our program and are seeking volunteers for the committee – for the community.

The annual Bent Tree *Water Augmentation* Administration

ATTENTION!

Pet Owners & Trail Users



A resident writes, "On some Colorado Springs trails, dog owners are required to carry a bag (or some manner of a "picker-upper"). That shouldn't be necessary in Bent Tree but dog walkers could at least clear the walking area. Then people could enjoy the scenery without having to watch their feet every step or opting to walk on the roadway."

Our trails are for the enjoyment of all our residents – hopefully we can all help make it a pleasant experience for everyone.

Plan summary for the period of 1 Nov 2002 to 31 Oct 2003 was filed with the State Engineer, as required on 1 Nov 2003. A copy was sent to the Great Divide Water Company. The report summarizes water uses in each of the South Platte and Arkansas River Basins and the Augmentation Schedule required by all of Bent Tree. Bent Tree is one of 24 members of the Great Divide Water Company. Great Divide owns and operates the deep well pumps located in the Bent Tree area, used to provide augmentation water. For last year, Bent Tree's share of Operating Expenses and Capital Replacement Reserves was \$12,214. This year, due to a reapportionment of Operation Expenses based on "Lots" versus shares, our share of the Great Divide Budget is \$8,900. John Heiser added some historical background on our water augmentation responsibilities. Since the 1800's, all surface water in Colorado has been spoken for. The notion of doing no injury to downstream water rights holders is a fundamental tenant of Colorado water law. Anyone unduly delaying drainage from their property is viewed as injuring downstream water rights holders; thus, our use of "detention ponds" to smooth storm water surges but then releasing the water from our properties at approximately the historic rate. Our water augmentation plan's goal is to eliminate any injurious effect upon the owners/persons entitled to vested water rights in the Arkansas River or South Platte River systems. We believe these court rulings place responsibility on the BTPOA to protect downstream water rights holders.

Treasurer's Report: Ken Blutt presented the Bent Tree financial report; showing Total Assets of \$75,594 and Total Liabilities and Equity of \$75,594. For the year 2003, the BTPOA's Total Income was \$20,703 and Total Expenses are \$20,156; a net income of \$547. Our Reserve for Future Capital Expenses is \$70,547. This amount is being held in reserve for future potential capital outlays.

Budget Discussion: According to the BTPOA Bylaws, the Annual Budget Meeting is required to be held on or about February 15 each year; the Board of Directors setting the date, place, and time of the meeting. Further, the Colorado Common Interest Ownership Act (CIOWA). Section 38-33.3-303 (4) says, "Within ninety days after adoption of any proposed budget for the common interest community, the executive board shall mail, by ordinary first-class mail, or otherwise deliver a summary of the budget to all the unit owners and shall set a date for a meeting of the unit owners to consider the budget. Such meeting shall occur within a reasonable time after mailing or other delivery of the summary, or as allowed for in the

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bylaws.” Although the CIOWA does not require approval from the unit owners for the budget proposed by the executive board, the Bylaws require a minimum of 39 lots to be represented in person at the meeting to vote for approval of the proposed budget. All property owners had been mailed an Agenda for this Budget Meeting with the Draft BTPOA Budget proposal, as adopted by the BTPOA Board of Directors, on January 17, 2004. Since a quorum not present, approval cannot be acclaimed by vote. Therefore, this meeting can only review and discuss the “Draft BTPOA Budget” presented. Much of the foregoing committee reports addressed the budgetary concerns reflected in the Board’s “balanced” budget proposal. More than 95% of the total revenue is derived from property owner’s dues (\$72 per lot).

Schedule: Times and dates for future Association meetings were set; location is to be determined, pending attendees and availability of sites, as follows:

Annual meeting – Saturday, September 18, 2:00 pm
 Board of Directors’ meetings – Saturdays: April 17, July 17 and September 18 (following the Annual meeting), 2:00 pm

No Other Business, the meeting was adjourned.

For our new BTPOA neighbors, and a reminder for all residents: The Bent Tree Family Directory is on the internet at www.nepco.org/benttree/ and is password protected. The password is **monkey**.

BTPOA

SITE

Annual Meeting Agenda

Since we have many items to cover, with the exception of those giving reports, all other speakers will be limited to five (5) minutes each. No one will be allowed to speak a second time on a topic until all who want to speak on the topic have had a chance to speak.

- 1) Call to order, introductions, conduct of the meeting and determination of quorum
- 2) Approval of Annual Meeting (9/13/03) and Budget Meeting (2/21/04) minutes
- 3) ACC Election to fill one 3-year position
 - a) Nominations
 - b) Candidate statements
 - c) Balloting
- 4) Election of directors to fill two 3-year positions
 - a) Nominations
 - b) Candidate statements
 - c) Balloting
- 5) Treasurer’s Report – Ken Blutt
- 6) Water Augmentation Report – Ken Blutt
- 7) Any Other Business
- 8) Announcement of the winners of the door prizes
- 9) Adjourn

2004-2005 Bent Tree Directory Updates (as of July 20, 2004)

BOTEN, Dennis and Beth (Lot 240) (1315 Ambergate Ct.) 10146 S Jill Ave., Highlands Ranch, CO 80130	303-470-5238
BRAGG, Robert and Patricia (Lot 257) 1415 Burgundy Ct., Monument, CO 80132	
BROOKER, Curt and Theresa (Lot 198) 17830 Queensmere Dr., Monument, CO 80132	
DAVIS BUILDERS (Lot 255) (1430 Burgundy Ct.) 2535 Cardigan Dr., Colorado Springs, CO 80921	
HANER, James and Colleen McAllister (Lot 22) 17770 Radbourne Ct., Monument, CO 80132	488-8385
HILFERS, Tom and Joelle (Lot 94) 17450 Charter Pines Dr., Monument, CO 80132	592-9069
HOLLENBACH, M.Dana (Lot 245) (1310 Boldmere Ct.) 15560 Falcon Ridge Ct., Colorado Springs, CO 80921	488-3526; 488-6722
JOHNSON, Daniel and Darlene (Lot 194) 17190 Colonial Park Dr., Monument, CO 80132-8472	
LIGHTSEY, Wayne and Bernardette (Lot 189) 17250 Colonial Park Dr., Monument, CO 80132-8498	
MACPHERSON, John and Diane (Lot 130) 17225 Colonial Park Dr., Monument, CO 80132	481-4310 John/cell 719-210-8779 Diane/cell 719-330-7848
MICHON, Dan and Sara (Lot 243) 17855 Queensmere Dr., Monument, CO 80132	481-1175
RESSLER, Michael L. and Tamara K. (Lot 254) 1440 Burgundy Ct., Monument, CO 80132-8453	Emergency 310-3335/238-4246
UHDE, Bill and Marilyn (Lot 5) 17760 Merryhill Ct., Monument, CO 80132-8453	457-0077
ZARKOVACKI, George and Lily (Lot 233) (1340 Ambergate Ct.) P.O.Box 2682, Monument, CO 80132	481-8302

BENT TREE FORESTRY COMMITTEE

John Anderson, Chairperson

I think most of us moved to Bent Tree because of the wonderful trees in this area. However, if you are like many of us, you did not realize how much there was to know about the trees and how to take proper care of them. You move in and soon your neighbors are talking about tree trimming and removal, weeds, and fire dangers and all you can think of is unpacking your boxes. They are trying to be helpful, but between dwarf mistletoe, mountain pine beetle, noxious weeds and fire mitigation, it can all be overwhelming. But, if we all work together as neighbors, we can ensure the health and safety of our properties as well as making the job a lot easier.

As you have probably already noticed, this edition of the Bent Tree Log includes information that will prove help-

ful in managing your property. This is just a small portion of the information that is available from the Colorado State Forest Service. They can provide site inspections for a small fee. The telephone number is 687-2921. The Forestry Committee is also available to answer questions or to head you in the right direction to obtain the needed information.



Along with the information sheets, we have also included a survey card to help us collect information about the condition of Bent Tree properties. Please fill out the survey and return the cards ASAP. If you check that you need assistance, someone from the Forestry Committee will contact you. We have an enthusiastic, but small committee this year and we will contact you as soon as we can. If you have an interest in the forest and it's health, you should think about joining our group. Again, if we can be of any help, please be sure to contact us.

Submitted by Gail Wittman

HELP WANTED

- *If you are a concerned community citizen,*
- *If you are interested in keeping Bent Tree a desirable place to live,*
- *If you believe in preserving a high quality and valued residential area,*

Join us, the BTPOA Board and Committees, in our effort, to maintain the attractive, beautiful and enjoyable community that we have come to value and appreciate. Many talents abound in the community. Two Board of Directors positions and one Architectural Control Committee position will be on the election ballot at the Annual Meeting. Consider placing your name in nomination prior to or at the meeting September 18th. This is a great opportunity to share your ideas, time and talents to help **your community, your Board and your committees** in maintaining the standards and the qualities that drew all of us to the area. Contact any of the Board members with your thoughts, questions and suggestions.



Protective Covenants – Bent Tree Needs Your Help!

by Steve Fuhrmann, Chairperson,
Covenant Compliance Committee



With near completion of the build-out in Bent Tree, principle work of the Bent Tree Property Owners' Association has now turned to the maintenance of Bent Tree's quality and appearance. A crucial aspect of quality and appearance is our collective adherence to the Declarations of Protective Covenants. To be a "covenant-protected community" (to use a popular marketing slogan) we must be vigilant that we don't let our appearance standards whittle away. This article deals with three current topics about Bent Tree covenants: documenting practices and processes in a new Bent Tree document called Rules and Regulations, recruiting people to participate on the Covenant Compliance Committee, and providing guidance about the number one covenant violation, vehicle parking.

Rules and Regulations

The Colorado Common Interest Ownership Act grants to homeowner associations, such as the BTPOA, the power to adopt and amend a document called "Rules and Regulations." Rules and Regulations apply to all members of the BTPOA (each lot owner is automatically a member of the association). The BTPOA Board of Directors is preparing Rules and Regulations that address covenant compliance.

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The enforcement of the covenants necessarily involves some interpretation of the covenants and traditional levels of enforcement. Most of Bent Tree's covenants need no comment. The Rules and Regulations clarify select covenants that have generated relatively more communication and enforcement activity. The Rules and Regulations are intended to be helpful to Bent Tree residents in understanding what is expected. It also promotes consistent interpretation and enforcement of the Covenants throughout the years of differing volunteer Board, Architectural Control Committee and Covenant Compliance Committee members.

The Covenant Compliance Committee has drafted Rules and Regulations and incorporated suggestions from the Board and Architectural Control Committee. The draft, as well as the covenants themselves, may be viewed on the internet at www.nepco.org/benttree/. The current plan is to finish the document after hearing feedback from the BTPOA membership at our annual meeting on 18 September. Those wishing to comment in writing may do so by emailing benttreesf@msn.com or by writing Covenant Compliance Committee, P.O. Box 223, Monument, CO 80132.

Bent Tree Needs You—Now!

The Covenant Compliance Committee (CCC) is ready for new members. Several of your neighbors on the CCC are ready for a break, but the work must go on. We serve for a time—a year or two—then need to step back and pass the torch to others.

The CCC is an extension of the BTPOA Board of Directors, serves under the supervision of the Board, and relieves the Board of the early stages of monitoring and correcting. The jurisdiction of the CCC covers appearance and behavioral matters not specifically reserved for the Architectural Control Committee. A CCC member receives complaints and questions, proactively monitors a segment of neighborhood, notifies residents about covenant violations and answers questions about the notice. The authority of the CCC is limited to the first notice ("Friendly reminder" letter) and second notice (follow-up letter). If the property owner remains at odds with the covenants, the CCC refers the matter to the Board for enforcement as prescribed in the covenants. The CCC is crucial in the preservation of Bent Tree's stature as a covenant-protected community—it is the "front line" of consistent adherence to Bent Tree's protective covenants.

What does it take to serve on the Covenant Compliance



Committee? The paramount qualification is enough desire that Bent Tree maintain its covenants to do something about it in addition to personal compliance. It also takes some time. The time required varies from an hour or two every other week to

monitor an area and handle communications to longer times for those chairing the committee and keeping records. Also, basic word processing skills come in handy.

To volunteer or check it out further, please contact me at 488-0544 or benttreesf@msn.com or any of the following members of the CCC: Lillie Saunders, 481-6952; John Decker, 484-0333; Chuck Loeffler, 488-2458; David McIntosh, 481-0164; Erik Pfanku, 481-4160.

Vehicle Parking

This section attempts to shed some light on Bent Tree's vehicle parking covenant, which generates the most compliance activity. The covenant is not all that difficult to understand. Paragraph 3, Dwelling Size, includes the sentence, "Automobiles and small boats will not habitually be parked overnight outside of garages." Also, Paragraph 19 or 20 (depending upon which Bent Tree filing you live in) states, "VEHICLE PARKING AND EQUIPMENT: No vehicles shall be stored or parked within the subdivision except in a closed garage; however, recreation vehicles to include travel trailers, horse trailers, campers, boats or a motor home and various equipment may be kept in an organized manner to the rear of a house if not readily visible from public streets nor reasonably from other lots within the subdivision. Screening such vehicles from public view with proper garaging or fencing, approved by the ACC, is recommended. The intent of this covenant is to prevent clutter and enhance natural appearance."

The Covenant's core sentence is absolute, no vehicles shall be stored or parked within the subdivision except in a closed garage or screened from view. BTPOA expects residents to garage vehicles or screen them from view. This vehicle-free appearance is a high standard, higher than some residents may be accustomed to from prior habits or expected.

Reasonable parking situations are accepted in Bent Tree and are listed in the draft Rules and Regulations on the internet at www.nepco.org/benttree. These are minor, common sense accommodations to Bent Tree's high standard. A Rules and Regulations document will not and cannot rewrite the covenant, allowing us to habitually

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NOTICE

2004 BTPOA Annual Meeting will be held

Saturday, September 18, 2004
2:00 PM

at the

Monument Town Hall
166 Second Street

Meeting agenda on page 3.

(Door Prizes)



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park outside. The Rules and Regulations also recap some of the solutions neighbors have used to comply with the parking covenant.

Thank you!

The clear majority of BTPOA members quietly carry out their affairs in compliance with the covenants. Thank you! Lots of members have promptly corrected their violations upon notice. Thank you! We have met wonderful, cordial neighbors in working these issues. Thank you! People have spent money and changed their lifestyles to comply with Bent Tree covenants. Thanks again! The job will never be done, but together we can stay on top of it. We need your cooperation and participation, and thank you in advance.

Your BTPOA Board of Directors

John Heiser	President
(Vacant)	Vice-president
Jerry Wagner	Secretary
Ken Blutt	Treasurer
Corrine Warren	At-Large

*If you have questions or comments regarding this newsletter please contact Jerry Wagner, Editor, (719) 487-2898.
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