



The Bent Tree Log

The Bent Tree Property
Owners' Association
Newsletter

July / August 2005

Volume 16 Number 2

BTPOA 2005 Special Meeting

The Special BTPOA Meeting on Tuesday, March 22nd, was called to order at 6:40 pm. John Heiser, President of the BTPOA Board of Directors, presided.

Introductions, Protocol, Determination of Quorum: John welcomed the group and all the property owners in attendance introduced themselves. The BTPOA Bylaws require a 15% quorum (minimum of 39 lots; one vote per lot) 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. After validating the registration rosters, it was established that a quorum (48 property owners; 47 current on assessment) was present; the meeting could proceed. Each property owner received a handout, containing meeting agenda, reports and letters to be addressed at this meeting. Bruce Bates moved and Dan Bossie seconded the motion for approval of the agenda as presented. The agenda was approved by unanimous consent.

Minutes of 2005 Budget Meeting: The minutes of the February 12, 2005 budget meeting, included in the (aforementioned) handout, were reviewed. Jean Freitas and Gail Bates noted that the intent, of paragraph 7 (of the minutes), was for an independent investigator, rather than the Board of Directors (BOD), to conduct the mandated investigation. After brief discussion, Gary Wright moved and Jean Freitas seconded the motion for amending the minutes to reflect same. The amendment was approved (many vs. 1). Caroline Murphy moved and Gail Wittman seconded the motion to approve the budget meeting minutes, as amended. The minutes were approved.

Reports Regarding Lot 5: John Heiser opened by saying that all of the ensuing reports are contained in the handout package, pages 18-31.

ACC – Joyce Blutt: Joyce overviewed her report and opened to questions/discussion. Don Fichtel questioned the report's minimal reference to "size" of the proposed garage. Jean Freitas asked if the ACC had sent the garage plans to the neighbors adjacent to Lot 5. Joyce acknowledged that the ACC had not but that she would personally do so in the future. Tim McLaughlin queried whether anyone considered the height of the garage and Gail Bates asked if there was any other structure in Bent Tree of this size, scale and function. Joyce said that, at the time of submission, the ACC

decided that the structure was not out of proportion. Chet Sulewski suggested two corrections to Joyce's letter: 1) this garage is NOT the typical (normal size) for a RV garage – 10' vs. 12' doors and motor homes 35' in length, and 2) the "enormity" of the structure is NOT like Bent Tree as described in the report's second to last paragraph. Discussion that followed indicated RV's can exceed 35' in length and mobile homes can be up to 48' in length. Joyce said that her (report) statements would stand. Jean Freitas asked if the ACC ever considered consulting an architect; the ACC has not.

Regional Building – Gail Bates: Gail summarized her report by reviewing the plat drawings, renderings and elevations presented in the handout, pages 20-23.

Site Visit – Jerry Wagner: Report of his site visit, with the Uhdes, subsequent to the February 12th meeting, appears on pages 24-25, with pictures on pages 26-27. It was noted that the report had been inadvertently truncated (page 25), "...an industrial sheet metal shop"; without..." Jerry provided remaining paragraph, from the original report: "...without some major modifications. Equipment for Mr. Uhde's metal working hobby includes: a small sheet metal press (not industrial sized), a welder and a spot welder, a small cutter, a couple soldering irons heated in a 8-10" cubed (approximate size) "soldering pot" (gas 'stubbed') (Photo 8) and other small tools, parts, and materials (Photo 9 & 11); nothing, in my opinion, indicative of an "Industrial sheet metal shop". Sally Lopez asked Jerry if he had ever been in a sheet metal shop; he acknowledged that he had not been – no further discussion.



Ordinances, Covenants, and Rules on Commercial Use – John Heiser: Pages 28-29 of the handout addresses the rural-residential use of properties and structures thereon. This ordinance states that only one principal use may be conducted on a lot or parcel of land. Any 'use of this building' would have to meet "zoning" restrictions; the Bent Tree subdivision was developed as 'pure' residential. Any commercial/industrial use of the building would be in violation of County residential regulations, in addition to Bent Tree covenants, and would not be tolerated. John cited the BTPOA Rules & Regulations (page 30, of the handout) highlighting "Building Type and Use: ... provided that such are not used for any commercial purpose" Further, the nuisance issue is addressed in the Protective Covenants, in that, "No noxious, noise polluting or otherwise offen-

sive activities or commercial businesses or trades shall be carried on upon any tract." The Covenants clearly rule out any property use that does not have the look and feel of a single-family residential dwelling. There are business operations that are permitted; some that are prohibited – addressed in the Covenants and the Rules & Regulations.

Fire Inspection – Chief Denboske: In the Chief’s absence, his letter with reference to 17760 Merryhill Court (Lot #5) was presented on page 30, of the handout.

Statements:

Dave Scarboro (Lot 4) – Dave states that he is looking at an “industrial building”. This structure has clearly “devalued” his property and he suggested that it has “devalued” the properties of all of Bent Tree. This building “looks like nothing in the area” – a “snow plow” shed. What are we going to do to correct now? What are we going to do to correct in the future?

Bill Uhde (Lot 5) – Bill assures the assemblage that he is NOT going into business. From the beginning, he intended only a garage/hobby shop; he had an architect draw up his plans, he submitted his request (with plans) to the ACC for approval, he secured the required permits – he followed all the rules. Questioned about entry/exit, he stated he would have no drive-out on the back side. Helen Fichtel asked what he (Bill Uhde) was doing to soften the ‘appearance’. Bill offered that, when the weather permitted, plans were to landscape three sides (not in back) with ‘mature’ trees, mounds and driveways in the front.

Motions and Discussion: John Heiser reiterated his statement of the February 12th meeting regarding the ‘broad powers’ and ‘autonomy’ of the ACC, per the BTPOA’s “Protective Covenants” and changes have been suggested by residents regarding ACC procedures. Since the inception of Bent Tree (as a development), the Bylaws and Protective Covenants have established the ACC and the Association as separate entities; not accountable to each other. To change our Covenants would require a review, proposal and a vote, by the Association, and that is not an easy task. The Bylaws and Rules & Regulations would be easier to change. John continued; saying the process in which the garage received approval was legal, binding and appropriate. Bruce Bates expressed concern that the approval process did not consider “aesthetics”. Jean Freitas suggested that, in this approval process, ‘laymen’ were making ‘expert’ decisions. Tim Rector questioned if the ACC did any notification of neighbors in the approval process. Joyce Blutt moved that the ACC should send notification to adjoining/adjacent (encircled) neighbors of pending applications for construction and/or change events; Helen Fichtel seconded the motion. Discussion followed, with Claude Todaro stating that Bob Moore (BT developer) routinely gave notification, of pending construction or changes, to neighbors requesting. Jerry Lopez questioned if cost of these notifications were budgeted for; Kathy Decker stated ‘Reserve’

funds are available. No further discussion on the motion, the motion was unanimously approved. Jean Freitas moved that the ACC seek professional advice before approving future construction plans; Gail Bates seconded the motion. Dan Bossie, an ACC member, objected because of the time-constraint demand placed on ‘volunteers’. Ken Blutt also objected; pointing out that the architects, submitting the plans for approval, have drawn the plans up in accordance with existing Regional Building codes, other governmental regulations, etc. and the ACC views as to accord with the Covenants. Duane Fitch, John Decker, Joyce Blutt and Steve Prileszky also spoke in opposition to the motion. Gail Bates stated that the structure was not harmonious within the community and looks like an “auto body shop”; favors the motion. Because of the ‘proportions’ of the building, Benny Robertson also favors the motion. John McCullough moved to amend the motion to allow the ACC discretion, and funding, to seek an architect’s advice and if an adjacent neighbor requests a professional opinion, the ACC must seek; Caroline Murphy seconded the motion. Duane Fitch favored the amendment; Tim Rector suggested clarifying the ACC’s authority through the CC&Rs. Gail Bates asked Chet Sulewski, “could a trained architect tell us?” Chet’s response was that he “would not have approved” (this structure); but he is in favor of the amendment, however, opposes the motion. Joyce Blutt and Sally Lopez also expressed favor with the amendment. The amendment to the motion was approved. (Many to 1) The amended motion was subsequently approved. (Many to 5) Steve Fuhrmann moved that the BTPOA expend the funds to purchase the materials necessary to bring the “garage” on Lot 5 to satisfactory acceptability (in trim and appearance); John Decker seconded the motion. Jean Frietas, Caroline Murphy, Sally Lopez and Steve Prileszki expressed opposition to the motion; the motion was disapproved (5 to many). Bruce Bates moved that future plans for construction of additions/out-buildings be accompanied by ‘elevation’ drawings; Jayne Wroblewski seconded. The motion was unanimously approved.

Any Other Business: Joyce Blutt made a plea for help! – on the ACC, at least one position is up for election this fall; there may be two positions on the ballot, as Brian Roos has resigned, Phil Perry was appointed to fill the vacant position.

Adjourn: Due to the late hour and dwindling attendance, Ron Britt moved to adjourn; Gail Wittman seconded the motion and approval was unanimous. Meeting adjourned at 9:20 P.M.

Your BTPOA Board of Directors

- John Heiser President
- Tim McLaughlin Vice-president
- Jerry Wagner Secretary
- Kathy Decker Treasurer
- Gail Bates At-Large

BTPOA Annual Budget Meeting

The BTPOA 2005 Annual Budget Meeting, Saturday, February 12th, was called to order at 2:15 pm. John Heiser, President of the BTPOA Board of Directors, presided.

Introductions, Protocol, Determination of Quorum:

John welcomed the group. Four of the five Board Directors present and the property owners in attendance introduced themselves. Colorado law, the Colorado Common Interest Ownership Act (CIOWA), and the BTPOA Bylaws require that we hold an annual budget meeting. Further the Bylaws do not allow the use of proxies and require a 15% quorum (minimum of 39 lots) 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 there is one vote per lot. Ensuring that all in attendance had the opportunity to register, including late arrivals, it was established that a quorum was present; the meeting would proceed with required discussion and any subsequent voting required.

Minutes of 2004 Annual Meeting: The minutes of the September 18, 2004 annual meeting were published in the January 2005 *Bent Tree Log*. Extra copies of the newsletter were available for all in attendance. After brief discussion, Steve Fuhrmann moved and John Anderson seconded the motion for approval of the annual meeting minutes. The minutes were approved by unanimous consent.

Board Vacancy: Due to Corinne Warren's resignation from the Board, John Heiser announced that Corinne's term expires September 2006 and requested nominations from the membership present. Donna Grosse moved and Judy Woodley seconded the motion to nominate Gail Bates for the vacancy. With no further nominations forthcoming, Bruce Temkin moved and Chet Sulewski seconded the motion for closing the nominations and Gail was elected by acclamation.

Committee Reports:

Architectural Control – John Heiser, in the absence of ACC representation, described the ACC's charter, per the bylaws and covenants, as functioning independently of the

(Budget Meeting—Continued on page 4)

(**SB 05-100**—Continued from page 6)

required to adopt seven specific policies and procedures as well as use secret ballots for all board member elections. These changes must be made by January 1, 2006.

You may view and download a copy of the bill at www.nepco.org. There is also a comprehensive outline of what SB 100 requires and how to comply at www.ortenhindman.com.

SB05-100 is a complex bill. The BTPOA board will be working to ensure our association is in compliance. Please contact me at 488-9031 or j.heiser@iecc.org if you have questions or comments.

Preliminary

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 the Special Meeting (3/22/05) minutes
- 3) **ACC Election to fill three positions**
 - a) Nominations
 - b) Candidate statements
 - c) Balloting
- 4) **Election of directors to fill one 3-year position**
 - a) Nominations
 - b) Candidate statements
 - c) Balloting
- 5) Treasurer's Report – Kathy Decker
- 6) Other Business
- 7) Announcement of the winners of the door prizes
- 8) Adjourn

(Budget Meeting --Continued from page 3)

Board and they are elected separately. Their function and responsibilities are specifically addressed and outlined in the BTPOA covenants. The powers of the ACC are separate from the Board, but their funds are drawn from the association. The ACC has no budget requirement for 2005.

Beautification and Trails – John Heiser – the Committee provides for maintenance of the perimeter trail and landscaping (mowing) of the ditches, entrances and other common properties. A significant portion of the trail lies in the easement or outside of Bent Tree property; actually on County property. The budget estimate 2005 is \$4,000. The missing "N" in the sign on BT's southwest entrance "monument" is still missing.

Covenant Compliance – Claude Todaro – Vehicles (of all kinds) parked outside (of enclosures) remain the largest issue of non-compliance. Remaining non-compliant issues are ATV's without licenses and operating unsafely, dogs loose, trash cans out (or exposed), and garage doors open. The Rules and Regulations of Bent Tree were approved and went into effect January 9, 2005.

Directory – Sally Lopez – reported that the 2004-2005 edition needs updating; approximately 35% of the residents listed are now incorrect, 70% of the business section is inaccurate. Reports indicate that some of the community likes the directory and some never use..

Engineering – Sally Lopez, for Jerry Lopez – The engineering survey for 2004 is complete. Next cycle (survey period) is set for August 2005. All residents are asked to watch for 'slash' accumulation, erosion and/or burrowing near detention ponds and, if noted, to notify the Engineering committee. The purpose of keeping these ponds clear of debris and natural degradation is to preclude, during heavier watershed, more water downstream than the 'historic flow', in accordance with the original plans. Downstream (water) abuse is the responsibility of the POA.

Forest Management – John Anderson – John indicated that about 29 lots in Bent Tree are infested or show 'beetle kill'; trees 'browning' (needles) evidence 2004 infestation, dead pines would indicate years prior. By law, "you must remove and destroy the tree(s) of concern...failure to comply could ultimately result in a lien being placed on your property by the County." We need to be 'proactive' in preserving and protecting the health and beauty of our forest. The Forest Management Committee, the El Paso County Forestry and Noxious Weed Division, as well as a number of tree services in the area, can/will meet and work with all homeowners to determine if you have beetle infestation and make recommendations on how best to treat and remove the infested trees. Five of the major tree trimmers in our area say that mitigation can be started as late as July, however, earlier (April/May) is better. Pamphlets of information

were sent out with a recent BT LOG addressing the beetle and mistletoe threat in our area. Reprints are still available. Because of these forestry concerns, the committee is requesting to double their proposed budget for 2005.

Neighborhood Watch – Jerry Wagner – Within the past year, we have had several reported burglaries in Northern El Paso County and two cases of vandalism in our Bent Tree community. Isolated areas have always faced a special vulnerability to crime and vandalism indicating a need for more positive measures in curtailing these activities. Bent Tree has had a neighborhood watch committee for some time now. Neighborhood Watch signs are in place at each of the seven entrances to the community. Throughout the country, dramatic decreases in burglary and related offenses are reported by law enforcement agencies in communities with active Neighborhood Watch programs. Active volunteers are needed. Lacking a formal budget or source of funding, volunteers donate their time and resources but 'Neighbors helping neighbors' are positive steps for positive results.

Newsletter – Jerry Wagner – January's issue was mailed to all Association members recently; special thanks to Corinne Warren (and her family) for 'stuffing', stamping and mailing.

Water Augmentation – John Heiser – The annual Bent Tree Water Augmentation Administration 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. 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. 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. Bent Tree wells typically get their water from the 'shallow' Denver/Dawson aquifers. 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. The water courts (lawyers) have determined that ten percent of the surface water gets lost to the water rights holders and must be replenished. These court rulings place responsibility on the BTPOA to protect downstream water rights holders. The Great Divide Water Company owns and operates the deep well (Arapahoe aquifer) pumps located in the Bent Tree area, used to provide augmentation water. Bent Tree is one of 24 members of the Great Divide. In overseeing the water augmentation program, the BTPOA's "share" represents the greatest portion of our proposed budget each year.

Website – Steve Fuhrmann – For our new BTPOA neighbors

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and a reminder for all residents: All of the Association's basic documents, Bylaws, Covenants and Rules & Regulations can be viewed on our website – www.nepco.org/benttree/. The Bent Tree Family Directory is also on the website and is password protected. The password is **monkey**.

Welcoming – Twelve new families were welcomed in 2004.

Treasurer's Report: Kathy Decker presented the "corrected" 2004 Bent Tree financial report showing Total Assets of \$84,583.08 and Total Liabilities and Equity of \$84,583.08 (printout copies were available to all attendees). For 2005, to date, the BTPOA's Total Income is \$10,228.85 and Total Expenses are \$9,706.16; a net income of \$522.69.

Budget Discussion: John Heiser reiterated the BTPOA By-laws requirement for convening an Annual Budget Meeting on or about February 15 each year. 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 9, 2005 (additional copies were available for meeting attendees). More than 95% of the total revenue is derived from property owner's dues (\$72 per lot). Budgetary concerns and historic budgetary considerations were prime factors reflected in the Board's "balanced" budget proposal. Rick Smith moved and Claude Todaro seconded the motion to approve the "Draft 2005 BTPOA budget, as proposed. The 2005 BTPOA budget was approved by unanimous consent.

Dave Scarboro's complaints regarding Lot 5: John Heiser provided an overview of Dave Scarboro's (resident Lot 4) letter, to all Bent Tree residents this week, requesting an Association response to the "construction of a detached structure on lot #5". The crux of Mr. Scarboro's complaint involved "fiduciary failure by the ACC". John Heiser again reiterated the 'broad powers' and 'autonomy' of the ACC, per the BTPOA's "Protective Covenants". Dave Scarboro presented his concerns, as addressed in his letter, and raised some questions regarding the ACC's 'approval process'. Were any 'variances' requested? Is the owner (Lot 5) merely engaging in his 'hobby'? Did the ACC consider associated hazards? County ordinances? Zoning restrictions? Burial of "material" (environmental)? Jean Freitas moved and Chet Sulewski seconded the motion to review the ACC's decisions toward approval of the structure. The motion was unanimously approved. Since Mr. Scarboro's complaints allege several (potential) violations that need to be addressed, Chet Sulewski posed two questions: was the structure (plans for the structure) misrepresented to the ACC?; is there an impropriety/criminal consideration involved? Chet continued that the ACC address, specifically, as to "how the project was represented (to the ACC) and what materials were submitted". Gail Bates moved to require this response (from the ACC) to be "written" and submitted within one

week of this meeting. Sally Lopez seconded Gail's motion; motion was passed. Mark Woish further moved, second amendment, that the Board of Director's (BOD) act as the intermediary in conveying to the ACC and getting their response (to this issue) and distributing (by mail). Chet Sulewski seconded the motion (second amendment); the motion was passed. Gary Wright motioned the the BOD be designated to pursue environmental issues/fire restrictions/safety regulations/building codes (of governmental entities, outside of Bent Tree) and any other areas that would potentially affect this approval process; Ron Britt seconded and motion was unanimously passed. In concluding, Gary Wright moved to hold a subsequent 'special' Association meeting, with the homeowner of Lot #5 present, to discuss the results (outcome) of preceding actions; John Decker seconded and the motion was unanimously passed.

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

Annual meeting – Saturday, September 17, 2:00 pm

Board meetings – 2 pm, 2nd Sunday of the first month of each quarter and following the membership meetings: February 12, April 10, July 10 and September 17

Door Prize Drawing: Shirley Britt won a \$50.00 gift certificate.

No Other Business: Meeting was adjourned at 4:45 pm. With some people remaining, John Heiser presented an update of developments in the area: Home Place Ranch, Wal-Mart, Roller Coaster and Baptist Road. A short board meeting followed.

BTPOA Board Activities

An ad hoc committee of concerned Bent Tree residents formulated and proposed a "Rules and Regulations of Bent Tree" document to supplement our By-laws and Protective Covenants. After further review, the committee forwarded the "Rules and Regulations of Bent Tree" (Third Draft, 29 July 2004) to the Board of Directors for final review and approval. The board reviewed and unanimously adopted. These "Rules and Regulations" can be seen, in their entirety, on the website or a written copy may be requested from the Board.

Because of the drought conditions the past several years, infestation (Mountain Pine Bark beetle, IPS beetle and mistletoe) of our forests has become a big concern. Our forestry committee has been 'proactive' in monitoring this issue and taking action to aid in mitigation before it becomes epidemic. The Board reviewed the committee's letter of notification to residents noted to have a problem and approved to adopt. For more information, see Forestry's report on page 6.

Our Covenant Compliance Committee (CCC) reports that, at present, the most common covenant violations in the community

(Board Activities—continued on page 6)

Mountain Pine Beetle & Bark Beetle Report

John Anderson, Chairman, Bent Tree Forestry Committee

In February and April, your Forestry Committee tree monitors completed a drive by of Bent Tree lots and viewed (from the streets) 56 properties that appeared to be infected with the Mt. Pine Beetle (MPB), red turpentine beetles and IPS beetles. We notified these property owners that their forest appeared to have some beetle infestation. We offered our help to survey their property (with them) to determine if their trees were infected and make recommendations for their removal.

All 56 property owners responded to our offer. Forty five of the lots have beetle infestation. We were assured by the owners that they will have the infected trees removed by July 15th.

This past spring, we also sent a letter to all Bent Tree property

owners offering to inspect their lots for beetles. To date, we received 21 responses and have inspected those lots. Of the twenty-one, seven had beetle infestation. Some property owners contacted the State/County Forestry Service for the inspection of their property.



This coming winter, our monitors will again do drive/walk-bys in the community to determine the extent of any MPB kill that will have to be addressed next Spring.

Mistletoe remains a problem. We again recommend that branches/trees infested with mistletoe be reasonably removed. Thinning of diseased trees/saplings will improve the health and growth of remaining trees.

Our committee...Cathy Corley, Gerald Neufeld, John MacPherson, Steve Pileszky, George Saunders, Howard Schmitz, Al Thaut, Gail Wittman, Judy Woodley and I, thank you for responding to the MPB problem.

HELP WANTED

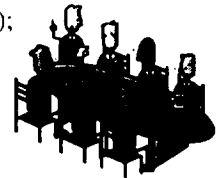
- *If you are a concerned community citizen,*
- *If you are interested in keeping Bent Tree a desirable place to live,*
- *If you believe in preserving a high quality and valued residential area,*

*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.*



(Board Activities—continued from page 5) include:

- Many vehicles (approx. 60) are parked outside/not garaged;
- Parking of RVs/trailers;
- Lawn tractors/snow blowers (in open view);
- Trash cans (out/not shielded from view);
- Junk (beside house);
- Loud noises;
- Slash piles, and
- Mailboxes.



Internal (within the Association) compliance enforcement has been tedious and time-consuming. A suggestion was made that the Association hire an outside consultant to handle covenant compliance issues and inspections; even if it meant increasing the association dues. Because of the significant "growth" and "resale" within the community, the Board feels that this action may indeed be warranted and are investigating the possibilities of outside management of the ACC/CCC inspection and enforcement responsibilities. Several management arrangements have been researched; more are pending. Services range from occasional drive-throughs to check compliance, residents calling with concerns about covenant violations and the writing of the required covenant compliance letters could be charged at an hourly rate. For our 257 lots, estimated costs for this limited service, to the Association, would run \$3,000 to \$4,000, annually. Other property management companies offer a wide variety of services. Many include recordkeeping, preparing minutes and newsletters, sending invoices for assessments, covenant enforcement, and obtaining bids for landscaping, detention pond maintenance, and tree inspection. Costs for the full services range from \$24,000 to \$36,000. These estimates are from management com-

(Board Activities—continued on page 7)

Highlights of Colorado Senate Bill 100

SB 05-100 was passed by the Colorado legislature this past spring and the Governor signed the bill into law in June. John Heiser's article on page 8 cites the provisions that are effective immediately. Although 28 pages in length often stated in highly technical terms/phrases, the law additionally addresses the following issues:

- Fire safety – homeowners have the right to remove vegetation that represents a fire danger to the home, as well as replace flammable roofing materials with non-flammable materials.
- Mediation – Owners or Home Owner Association boards (HOAs) can submit any controversy to mediation.
- Public disclosure of information – the association is required annually to provide written notice of certain information to owners.
- Accounting records and governance policies – HOAs must maintain accounting records and adopt "reasonable governance policies."
- Budget and audit – HOAs are required to undergo an audit under certain circumstances outlined in the law.
- Association records – Associations must maintain permanent records and make them available to owners at no charge (except for copying costs) on five days notice.
- Notice of meetings – HOA meetings must be posted electronically and/or physically at least 24 hours in advance and meetings must be open to all owners; boards can set rules regarding how the meetings are run as long as there is an open forum for owners to speak publicly.
- Education – HOAs are required to provide annual no-cost education about the operations of the association and the rights and responsibilities of the property owners in the community governed by the association.
- Insurance claims – owners are allowed to file a claim directly against the association's insurance and the insurance company is required to respond to owners.
- Amendment percentage – sixty-seven percent of owners is the state-mandated majority needed to pass HOA amendments.

BTPOA SITE

You can find useful documents about Bent Tree and the Bent Tree Property Owners Association at the Bent Tree web site, <http://www.nepco.org/benttree/>. It contains a directory of property owners (in Microsoft Excel with password monkey), how to contact the officers and volunteers of the association, meeting minutes, by-laws and declarations of protective covenants. Forward questions and suggestions to webmaster Steve Fuhrmann, 488-0544, bent-treesf@msn.com. The Bent Tree family directory, with more detailed information about family members, pets, multiple phones and email will soon be available. Contact directory manager Sally Lopez with questions, 487-3090, sallylopez@runbox.com.

(Board Activities—continued from page 6)

panies in use by the Ridge at Fox Run, King's Deer and the Woodmoor associations, with annual assessments 2-3 times our current annual rate of \$72. There are other management companies operating in the area; the Board's findings will be presented at the annual association meeting in September. Pending a final decision on the direction taken for covenant compliance, the previously proposed covenant compliance "guidelines" and a "draft" letter were reviewed, discussed and approved; authorizing the compliance enforcement, with additional costs borne by the addressee.

The governor signed Colorado Senate SB 05-100. The Board has received copies of the final signed legislation and other materials; including a checklist for policies and procedures and a comprehensive analysis of SB05-100 and ways to comply. The new law necessitates numerous changes in our Bylaws and Rules and Regulations. The Board is studying the materials and preparing proposed changes to the Bylaws and Rules and Regulations. The Board's president summarizes the bill on page 8 and other highlights of the bill appear in adjacent column.

- Seller disclosure – a seller in an association is required to provide information about the covenants and the association administering the covenants to the buyer; including bylaws, financial reports about potential covenant violations affecting the property being sold. The association must accommodate the seller's request for copies of the applicable records. A buyer will have the right to cancel a purchase contract if the buyer finds any of this information subjectively unsatisfactory.

NOTICE

2005 BTPOA Annual Meeting will be held

Friday, September 16, 2005

6:30 PM

at the

**Woodmoor Barn
1691 Woodmoor Drive**

Preliminary Meeting agenda on page 3.

(Refreshments & Door Prizes)

Colorado Senate Bill 05-100 By John Heiser, President, BTPOA

On June 6, 2005, Governor Owens signed SB05-100 into law. This law applies to community associations throughout Colorado. In particular, it will affect the governance and operation of the Bent Tree Property Owners' Association.

Although most of SB05-100 will take effect January 1, 2006, the following provisions became effective when the governor signed the bill June 6:

1. A provision that grants homeowners broad rights to xeriscape their property;
2. A provision that grants homeowners the right to fly the American flag and display political signs during elections; and
3. A provision that under certain circumstances restricts the BTPOA's ability to prohibit the parking of emergency vehicles in the community.

Your BTPOA Board of Directors will be revising our policies and procedures to reflect SB05-100. For example, associations are

(SB 05-100 Continued on page 3)



MARK YOUR CALENDARS

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