

RETREAT LANDOWNERS ASSOCIATION
Board of Directors Meeting – June 11, 2011 @ 9:00am
Mary Nolan's Residence – Elkridge Drive

Attending: Mary Nolan, Dick Boggs, Amanda Gordon, Terry Larsen, Danny Perugini, Peter Sinnott,

Also Attending: Dennis Bicknell, Peggy Burch, Alice and Paul Gash, Marv Gee, Joe Lavaux, John Nolan, Duke Sumonia

An executive session of the RLA Board was held immediately preceding and following this 9:00am Board meeting regarding the pending lawsuit.

President Mary Nolan called the meeting to order and the agenda was adopted. It was moved, seconded and carried that the March 19, 2011 Board Meeting minutes be approved.

President Nolan then noted that an executive session of the RLA Board was held May 15, 2011, a teleconference meeting was held with RLA attorneys on June 6, 2011, and that an executive session was held prior to this meeting and would also be held immediately following this regular Board meeting, all regarding the pending lawsuit. President Nolan then read the following statement:

An owner in the community, Ms. Rebecca Lorenz, has filed a lawsuit against the Association. The Retreat is reviewing the lawsuit with the assistance of legal counsel. The Association's insurance policy is covering the cost of defending the lawsuit. Because this is an active lawsuit, the Board has to limit public comments about the legal claims and issues. The Board will post periodic updates to the website about the lawsuit when available. Please know that the Board continues to act in the best interest of the membership.

Board member comments included the concern of the number of unpaid assessments and that the Bylaws procedures of filing liens on delinquent assessments should be followed. It was then moved, seconded and carried with one abstention that the RLA attorneys (including the RLA insurance carrier's attorney) be directed to file liens or other appropriate legal action on the unpaid assessments unless such would be determined by the attorneys to compromise the lawsuit.

REPORTS:

Treasurer – Written financial reports were submitted by Hobert Office Services. The checking account balance was \$714.31 and the money market account balance was \$69,969.88 as of June 10, 2011. Five assessments for 2010 and twenty-one assessments for 2011 have not been paid. It was moved seconded and carried that the report be approved as submitted.

Architectural – Chairman Bicknell submitted a written report and verbally reported that one application for a two-stall detached garage was recently received from the Logemanns.

Roads – Dick Boggs reported that the old backhoe was replaced with a John Deere 410D for \$22,000 including the trade-in of the old backhoe. Most roads have been graded and recycled asphalt will be applied to Copper Hill Road as the budget permits.

Environmental/Forest Preservation – Peggy Burch along with several RLA members attended the annual mountain pine beetle symposium but not much new information was presented. The sporadic warm/cold spring weather caused some new growth on the pines to die but re-growth should appear. Conifer aphids may be more plentiful this year but pines can usually survive such infestation. Contact information for beetle mitigation will be put on the RLA website.

Website – Quarterly committee reports should be sent to Amanda Gordon who will then forward them to Hobert Office Services for posting on the website.

Newsletter – The next newsletter will be sent out soon after this Board meeting.

OLD BUSINESS:

Policies – Board members received the newly revised policy book to review at the last meeting. Some Board members questioned the formation of the Arbitration Panel. It was moved and seconded that the newly revised Policies Book be approved as submitted. The motion passed 4-2. This revised book will replace all prior versions.

Bylaws – The Rules Committee reviewed the bylaws and submitted three proposed amendments:

Article 14 – The proposed amendment rewords the article to clarify the procedure for amending the bylaws. It was moved, seconded and carried that the Board recommend approval of this amendment at the annual meeting.

Article 9, Section 1 - Delete the phrase “nonvoting officers”. It was moved, seconded and carried that the Board recommend approval of this amendment at the annual meeting.

Article 3, Section 5 regarding proxy limitations – The Rules Committee recommended removing the restriction of a maximum of 5 proxies per member. The Board voted not to accept the recommendation. A statement will be added to this year’s proxies reminding members that no member may represent more than 5 proxies and proxies in excess of this maximum will be assigned to another member.

NEW BUSINESS:

Annual Meeting – The Annual Meeting will be held on July 16, 2011 at the Rocky Mountain Park Inn (formerly the Holiday Inn) at 10:00 am with registration beginning at 9:00 am.

Nominating Committee – As of this date, three positions are currently available on the Board for 2011-12.

Landowners’ Comments – Joe Lavaux expressed concern about the uncontrolled camping along County Road 43. Dennis Bicknell commented on the lien procedure for unpaid assessments and had questions regarding the “call tree.” Duke Sumonia announced that the Glen Haven Historical Society’s program on June 21st at the Glen Haven Town Hall will be about airplane wrecks in the area and he then submitted a letter dated June 11, 2011 with three attachments and requested it be included with the meeting minutes. President Nolan stated that there will be no reply to any questions posed in the documents submitted by Duke Sumonia due to the pending lawsuit.

Wine & Cheese Party – A wine and cheese party will be held Friday, July 15th at the Glen Haven Town Hall at 5:00pm. Members attending are asked not park in the Inn of Glen Haven’s parking areas.

Meeting adjourned.

Joan Van Horn, Meeting Recording Secretary

JUNE 11, 2011

President, RLA

Subject: Written Landowner Comments for Minutes, RLA Board Meeting June 11, 2010

At the March 2011 board meeting the board was aware of a Larimer County District Court order, signed by Judge Gregory M. Lammons, declaring that a protective covenant, executed prior to CCIOA, must be signed by the declarant to be valid and enforceable.

In subsequent emails between us from March 29 to May 11 I had asked how and when RLA members were to be informed about the court order and as you stated that the order did not apply to the Retreat, I asked why it did not apply?

So far members have not been notified at a special meeting as first stated, later canceled, or then by first class mail as stated.

I have three questions related to the above.,

1. What proof do you have to sustain board's position that order is not applicable to the RLA?
2. Now, when and how will members be notified about order and boards position?
3. Why did you not report, at this board meeting, receipt of my queries as required by the RLA Policy on Response to Member Query, "The President will report on any such queries at the next board meeting, which report will be recorded in the meeting minutes"?

I have two other questions.

4. Liens - Bylaws state, Art VII, "... These assessments are secured by a continuing lien...", Art. VII, Sec. 2(k), "...record and foreclose liens...or bring an action at law against the Owner(s)".

RLA Collection Policy (2006) states, "Board...must take steps to ensure timely payment of assessments."

RLA Collection Policy (2011) states, ".. Board shall cause a notice of lien to be filed..". Also says, "...may refer delinquent accounts to its attorneys for collections." And says, "...may assign delinquent accounts to a collection agency."

I understand board has nor recorded liens nor has taken other legal actions to collect those delinquent assessments.

I ask why not and by what authority has board ignored the bylaws and policies?

5. I understand board refuses to publish names of delinquent assessment members saying doing such is unlawful. What makes that unlawful? Will board provide those names to a RLA member if requested?

Respectfully submitted,



Subj: **April 16 Meeting**
Date: 3/29/2011 9:48:45 A.M. Mountain Daylight Time
From: DUKEAIR@aol.com
To: johnmarynolan@g.com
CC: calkire@sprynet.com, boggsco@msn.com, mandygordon@g.com, tylrsn@msn.com,
peruginidm@msn.com, pservis 8@msn.com

Mary,

I had planned to have submitted this below as a landowner comment for the minutes at the March 19 board meeting but did not as it was announced that board would have a member meeting April 16 with attorney present who would explain background, provide his opinion and explain options.

Since you said in your 3/28/11 email that meeting will not take place I now ask those same questions.

Duke

March 19, 2011

Retreat Landowner's Association Board Meeting, March 19, 2011.

Landowner's Comments submitted for the minutes.

I received a copy of a court order signed by Larimer County District Court Judge Gregory M. Lammons dated March 1, 2011, case number 2010CV1211

Is it binding on the RLA? If so, how will it affect the board and its management of the association affairs and business?

How and when will the board notify RLA membership?

Sincerely submitted,

Duke Sumonia

From: DUKEAIR@aol.com
Date: Mon, 2 May 2011 13:33:50 -0400
Subject: Court Order Impact upon RLA
To: johnmarynolan@q.com
CC: calkire@sprynet.com; boggsco@msn.com; mandygordon@q.com; trylrsn@msn.com;
peruginidm@msn.com; pservis_8@msn.com

Mary,

It has been almost 7 weeks since board became aware of court order invalidating the Retreat covenants.

The board (3/19) had originally scheduled a member meeting for 16 April but later (3/28) canceled it saying, " due to scheduling issues". I understand reason was that members may have asked questions board would not have been able to answer yet.

One may think that by now board does have answers and has decided what to do. Don't you think it is now time to inform members what impact the court order has on the RLA? A face to face member meeting, to allow questions and comments, may be better than one way communication by email, web site or 1st class letter.

With the next board meeting scheduled for June 11th and annual meeting only about 12 weeks away members may wish to know soon what needs to be done to come into compliance with court order.

May I ask, how soon and how will board inform members?

Duke

Subj: Re: Court Order Impact upon RLA
Date: 5/11/2011 8:29:47 A.M. Mountain Daylight Time
From: DUKEAIR@aol.com
To: johnmarynolan@q.com
CC: calkire@sprynet.com, boggsco@msn.com, mandygordon@q.com, trylrsn@msn.com, peruginidm@msn.com, pservis_8@msn.com

Mary,

I'm sorry - I just don't understand.

In your 1st sentence - do you mean that the covenants are valid and enforceable for the RLA? If so what is the problem?

Don't understand 2nd sentence - if covenants are valid and enforceable what is there for the board to be concerned with? What is to be decided? What answers does it need? I thought you/board has said you have proof covenants were signed - so why worry about "unsigned covenants" - produce proof (as a presided did about his birth certificate). Proof should put a stop to problem - does proof exist or not?

3rd sentence - what resolution is needed if covenants are valid and court order has no impact on RLA? If no impact why not just simply tell members court order has nothing to do with RLA and forget it and just go on as usual as if nothing happened. Why not simply announce such on web site, put out special newsletter, send 1st class mail or have special meeting - why the wait?

Maybe I missed the boat but I just don't understand - maybe I'm getting senile.

Duke

In a message dated 5/7/2011 1:23:32 P.M. Mountain Daylight Time, johnmarynolan@q.com writes:

Duke,

First of all, as previously mentioned, the court's finding was between 2 parties. As the Retreat was not part of that suit, the order does not apply to the Retreat and has no impact on the Retreat.

Contrary to your belief, the board does not yet have answers and has not yet decided what to do concerning our unsigned covenants. I do wish things could move that quickly and easily - but they don't.

Once a resolution is determined, the Board will inform the entire membership. The board has not yet agreed as to how this will occur - meetings, mailings, etc. Since this involves the entire membership (not just 2 people) the broadest methods of notification will occur so that all questions and concerns can be addressed.

Mary