



RETREAT LANDOWNERS ASSOCIATION, INC.

THE BOARD OF DIRECTORS MEETING

January 16, 1982

The meeting was called to order at 10:10 A.M. with all members present except Tom Bennett. Also present were Dennis Bicknell, committee chairman, Rock Tallman, committee chairman, and Jim Persichetti, landowner.

SECRETARY'S REPORT

There were no additions or corrections to the minutes of the last meeting. Ray Stark made a motion to approve the minutes. Dick Weinmeister seconded. The minutes were approved.

BUILDING MORATORIUM

Dick Weinmeister informed the board that the building moratorium is still in effect. VTN is still working on a land exchange with the Forest Service at the present time. The RLA will also ask that The Forest Service approve the trade.

The Larimer County Commissioners require a bond for about \$9000 to be posted for replatting which would completely lift the building permit moratorium. The cost of this bond is about \$200-\$300. There was discussion on this matter. Ray Stark made a motion to instruct the RLA attorney to hold the bond business until there is more commitment from VTN. John Barlow seconded. The motion was approved.

OVERDUE ASSESSMENTS

The board reviewed the list of landowners delinquent in their assessments. A few changes were made in this list. Some of those landowners on the original list have paid their bill in full or have made partial payments. Complaints have been served to those who have not paid their delinquent assessment.

VTN COURT ACTION

The law suit against VTN has been filed and will not be pursued until the land trade and the bond posting are decided.

MILLER FORK TRAIL

The RLA attorney will meet with a forester to walk the trail, determine it's location and make corrections if needed. It was suggested that the board notify the County Commissioners that this is being done and request a county representative be present.

ROAD REPORT

Ray Stark reported that the roads were plowed for snow removal once in December. Mr. Doty is attempting to have the broken road grader removed from The Retreat.

FIRE DEPARTMENT

The GHAFVD has not yet obtained the fire trucks. The fire house has heat and the insulation has been purchased. The GHAFVD will have a meeting on February 4, 1982 to organize the annual fire days. The fire dept. is in the process of getting a radio system and pagers which will be hooked up to the Estes Park Fire Dept. Ray will look into having a pay phone installed at the fire house.

BEEBLE AND BUDWORM CONTROL

THE RETREAT LANDOWNERS ASSOCIATION

BOARD OF DIRECTORS MEETING

January 16, 1982

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Rock Tallman is the committee chairman for beetle control. The board reviewed the duties of this chairmanship for Rock.

STREAM STOCKING

Ray Stark will gather information for stocking the Miller Fork.

ACC

Dennis Bicknell reported that a driveway application for Duke Sumonia was approved. Dennis informed the board that Edward DePasque has excavated and constructed a foundation without applying to the ACC for approval. Mr. DePasque is also \$200 in arrears on his assessment. The board asked Dennis to write to Mr. DePasque requesting an application and to send a copy of this letter to the contractor. Dennis suggested the RLA obtain legal help in enforcing the covenants after the present legal problems are resolved.

TREASURER'S REPORT

| | |
|-----------------------------|-----------------|
| Balance as of Dec. 31, 1981 | \$11,671.11 |
| disbursements | <u>1,481.14</u> |
| Balance-January 16, 1982 | 10,189.97 |

There is approximately \$2600 (1982 assessment) to deposit. The total amount paid to Rebecca Elliott, RLA attorney is \$2883.55.

Ray Stark made a motion to renew the Fidelity Bond and authorize the treasurer to pay the amount billed by L.C. Wilson Agency. Dick Weinmeister seconded. The motion was approved.

The revised edition of the 1980 financial report with the 1979 comparison was distributed to the board members.

BILLS

County Taxes, common areas-\$77.20, Bulk mailing permit-\$40.00, Dick Weinmeister, expenses-\$17.66, John Barlow, expenses-\$51.51, Secretarial and assistant treasurer services, Marcella Bicknell-1st quarter 1982-\$150.00, Marcella Bicknell, expenses-\$205.76, Jim Persichetti, expenses-\$29.88.

Ray Stark made a motion that the treasurer's report be accepted and the payment of bills be approved. John Carroll seconded. The motion was approved.

ANNUAL MEETING

August 7, 1982 was set as the tentative date for the annual meeting

NEWSLETTER

There was much discussion on maintaining the bulk mailing permit, use of advertisement in the newsletter and the number of newsletter to publish per year. John Carroll will be chairman of the newsletter committee. All newsletter items must be submitted to him before the next meeting. The board agreed to keep the bulk mailing permit. Marcella will ask the post office if advertising can be used in newsletters mailed on a bulk permit. The board will discuss this further at the next meeting.

The board discussed the recent burglaries in The Retreat and surrounding area. Ray Stark will investigate a plan for patrolling The Retreat and report on this at the next meeting.

The next meeting will be on March 6, 1982-10A.M.- at Weinmeister's cabin in The Retreat. The meeting adjourned at 1:15P.M.

Respectfully Submitted,
Marcella Bicknell
Marcella Bicknell, corr. sec.



RETREAT LANDOWNERS ASSOCIATION, INC.

THE BOARD OF DIRECTORS MEETING

March 6, 1982

The meeting was called to order at 10:00 AM with all members present. Dennis Bicknell, committee chairman, was also present.

SECRETARY'S REPORT

There were no additions or corrections to the minutes of the previous meeting. John Barlow made a motion to approve the minutes. Tom Bennett seconded. The minutes were approved.

ROAD MAINTAINANCE

Ray Stark reported that there has been no change in the status of the roads since the last meeting. A culvert on Black Creek road, which appears to be collapsing, may need attention before the spring run-off. A landowner has suggested placing sand barrells at various places along the roads. The committee will obtain barrells, paint them, and try to have them in place by next winter.

FIRE HOUSE

Ray Stark reported that the GHAVFD has received the two fire trucks from the State Forest Service. Ray will write a note to Norma Thayer, County Commissioner, thanking her for her help in acquiring the trucks.

BUDWORM CONTROL

Rock Tallman was not present but submitted a written report. Rock has learned that the picnic areas along the North Fork of the Big Thompson cannot be reserved. Rock has found no evidence of beetle killed trees but will organize a beetle tree marking day with volunteers later in the spring.

The Forest Service does not recommend aerial spraying of the trees infested with budworms and has said that most of the infested trees along the front range will survive.

ACC

Dennis Bicknell had nothing to report at the time.

ANNUAL MEETING

The annual meeting will take place on August 7, 1982 at the Glen Haven Community Building. The picnic will follow the meeting and will be at the picnic grounds or the fire house.

NEWSLETTER

Marcella Bicknell reported that advertising cannot be included in the newsletter when the bulk mailing permit is used for postage. All newsletter materials should be sent to John Carroll in time for the newsletter to be mailed the last week of March.

T REASURER'S REPORT

The board reviewed the list of those landowners delinquent in the payment of the assessments. Letters from Karl Heister and Charles Wilkinson were read and discussed. The board has advised the RLA attorney to proceed with complaints against those delinquent landowners. Second assessment notices will be sent in one month to those landowners who have not paid their 1982 assessment.

THE RETREAT LANDOWNERS ASSOCIATION

BOARD OF DIRECTORS MEETING

March 6, 1982

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Deposits since January 16, 1982-----\$4740.00
Interest----- 42.83

Balance-March 6, 1982-----\$14321.07

The RLA has paid \$3662.91 in legal fees since retaining the attorney in August, 1981.

OLD BUSINESS

a. Miller fork Trail- Dick Weinmeister informed the board that he and the attorney will meet with the Forest Service Ranger on Wednesday, March 10, 1982 at 9:30 AM to discuss the situation concerning the Miller Fork Trail. It may be that the trail will need resurveying. The board should be aware that The RLA may be obligated to have a surveyor go over the trail.

b. Land exchange and building moratorium--The meeting with the Forest Service Ranger may present an opportunity to discuss the proposed land exchange. There has been no change in the status of the building moratorium. The board reviewed a letter from the RLA Board of Directors to Rebecca Elliott dated February 15, 1982. This letter is attached to these minutes.

The board also reviewed a letter drawn up by Rebecca Elliott to the Retreat Landowners dated February 11, 1982, in which Ms. Elliott explains the boundary problems and asks landowners to contribute to a trust account which would be used to fund the legal representation needed in overcoming these problems. The board agreed that this letter should not be sent and the letter was filed.

c. Trout Stocking---Ray Stark has not been able to get the prices as yet. He will work on this so that the stocking can be done in May.

NEW BUSINESS

a. The GHAVFD will be sending their annual appeal for donations soon. Tom Bennett made a motion that the RLA address labels be made available to the Fire Department Board. John Barlow seconded. The motion was approved.

b. The board will act as a nominating committee to get nominees for three board members to be elected at the annual meeting.

BILLS

LC Wilson-Surety Bond-\$63.00; Rebecca Elliott-legal fees-\$559.79; Marcella Bicknell-expenses-\$90.13; John Barlow-expenses-\$5.00; Tom Bennett-expenses-\$14.12; Glen Haven Comm. Building-\$15.00; Ray Stark made a motion to pay the bills. Tom Bennett seconded. The motion was approved.

The next meeting will be held on May 1, 1982 at 10:00 AM at Bicknell's cabin.

The meeting was adjourned at 12:05 PM.

Respectfully Submitted

Marcella Bicknell
Marcella Bicknell, corr. sec.



RETREAT LANDOWNERS ASSOCIATION, INC.

THE BOARD OF DIRECTORS MEETING

May 1, 1982

The meeting was called to order at 10:00 AM with all members present. Also present were Dennis Bicknell, committee chairman and Jim Persichetti, landowner.

APPROVAL OF MINUTES

There were no additions or corrections to the minutes of the last meeting. Tom Bennett made a motion that the minutes be approved as published. Ray Stark seconded. The minutes were approved.

ROAD MAINTAINANCE

Ray Stark reported that there has been no change in the status of the roads since the last meeting. Culvert cleaning should begin in the next 2-3 weeks. There is a crushed culvert on Black Creek Road which needs attention.

A large speed bump in the back entrance easement could be a hazard. Ray will speak to the sheriff's deputy about the safety of the speed bump.

TROUT STOCKING

Ray Stark reported on the price of trout. Nine to eleven inch rainbow trout are \$110 per hundred and seven to nine inch brook or brown trout are \$100 per hundred. Tom Bennett made a motion to spend \$650 to \$700 on the fish. John Carroll seconded. The motion was approved. The stream will be stocked around the first week of June.

Glen Haven Fire Days will be held on July 3, 1982.

Mountain Bell now says that a pay phone will not be installed at the fire house unless a petition is circulated stating that a pay phone is needed. Ray will circulate this petition at the annual meeting. Dennis will talk to Mountain Bell Engineering Dept. in Greeley.

ACC

Dennis reported that there have been no applications for construction.

PINE BEETLE

Ray Tallman was not present but reported to John Barlow that he has found only one beetle tree and he will keep a watch on the situation.

MILLER FORK TRAIL

The Forest Service has sent a letter concerning the fence across Miller Fork Trail to the Larimer County Commissioners. A copy of this letter is in the Retreat file.

The trail survey will not begin until the correct starting point and verification of another survey, possibly done by the Army Corps of Engineers, are found.

The RLA's understanding is that if the assistant county attorney, George Hass, would reverse his opinion—the sheriff's deputy would remove the fence and the Forest Service would mark the trail. Ray Stark made a motion that the board direct Jim Persichetti to follow through on this historic outline of the trail versus the surveying—it would be cheaper and put pressure on the County Commissioners. Tom Bennett seconded. The motion was approved. Tom Bennett said that he will talk to Norma Thayer about this situation.

THE RETREA. LANDOWNERS ASSOCIATION
BOARD OF DIRECTORS MEETING

May 1, 1982

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BOUNDARY PROBLEM

Two letters dated April 19, 1982 were sent to those landowners whose lots are affected by the survey discrepancy. One letter informed the landowners that a land trade is not acceptable to The Forest Service and the most reasonable solution is to replat the exterior boundaries of the Retreat to correspond with the BLM survey. The other letter explains that an arrangement to have VTN do the replat would involve dismissing the law-suit against VTN thereby losing the opportunity to seek additional damages from VTN. The landowners were asked to countersign the letter and return it to Dick Weinmeister. Those who do not want the lawsuit dismissed must contact Rebecca Elliott within ten days. Dick Weinmeister reported that he has received about 5-6 letters back and both he and Rebecca have received several phone calls.

TREASURER'S REPORT

Checking Account---\$13,589.07
Interest----- 61.69

Balance-----\$13,650.76 as of April 1, 1982

Deposits in April---\$4422.50
Balance-May1, 1982----\$18,073.26

Bills paid since March 6, 1982: \$525.54 Rebecca Elliott,Attorney
 \$409.60 Rebecca Elliott,Attorney

BILLS: John Barlow-\$2.92-expenses; Tom Bennett-\$14.52-expenses; Ray Stark-\$13.10-expenses; Richard Weinmeister-\$52.23-expenses; Marcella Bicknell-\$93.04-expenses; Marcella Bicknell-\$150.00-Secretarial and Asst. Treas. services second quarter 1982. Tom Bennett made a motion to approve the payment of the bills. Ray Stark seconded. The motion was approved.

NOMINATIONS FOR THREE BOARD MEMBERS

At this time there are two definite nominees and two who are considering this.

OVERDUE ASSESSMENTS

The board reviewed the list of those landowners delinquent in paying their assessment. Mistery Matlock, Morris and Shockey have agreed to pay their back assessment.

The second notices for unpaid 1982 assessments have been mailed. The board will have to decide when to turn the delinquent 1982 assessments over to the attorney. The board agreed to have the attorney start working on the delinquent 1982 assessments on June 1, 1982.

Jim Persichetti suggested that this may be the time to have the attorney research methods of covenant enforcement.

Dick Weinmeister suggested that the by-laws be amended to clearly state that landowners are members of the RLA. Dennis pointed out that the by-laws are the rules of the association. It is through the covenants that the membership and the assessments are established and the covenants are legally binding. The attorney has to furnish the guidance to the board on whether the by-laws or the covenants need to be changed or amended.

Lot 2 filing 4 owned by David Hicks was sold to Hans and Erika Zeigler last year. The past due assessment on that lot was not collected, nor was the RLA notified of the sale. Ray Stark made a motion to write off the debt on Lot 2 filing 4. Tom Bennett seconded. The motion was approved.

Ted Schey owns Lot 35 filing 2 and also Lot 57 filing 2. The latter lot was owned with Mr. Ostrander. In the past 3-4 years Mr. Schey has become the sole owner of Lot 57 filing 2. The board agreed that henceforth Mr. Schey would be billed one assessment per year and would be given \$55.00 credit on his account.

THE RETREAT LANDOWNERS ASSOCIATION

BOARD OF DIRECTORS MEETING

May 1, 1982

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The by-laws state that there should be an annual audit of the books.

The next meeting will be held on June 26, 1982 at 10:00 AM at Bicknell's cabin the the Retreat.

The meeting was adjourned at 12:25 PM.

Respectfully Submitted,

Marcella Bicknell
Marcella Bicknell, cor. sec.



RETREAT LANDOWNERS ASSOCIATION, INC.

THE BOARD OF DIRECTORS MEETING

June 26, 1982

The meeting was called to order with all members present except Tom Bennet and Ray Stark. Also present were Dennis Bicknell, committee chairman, and Sy Kleinman and Jim Persichetti, landowners.

APPROVAL OF MINUTES

There were no additions or corrections to the minutes of the last meeting. John Carroll made a motion to approve the minutes of the last meeting. Dick Weinmeister seconded. The minutes were approved.

ROAD MAINTENANCE

John Barlow reported for Ray Stark. Last month a 42" culvert was replaced and another repaired on Black Creek Drive. The roads will be graded during the middle of July and a twelve inch culvert will be installed at the bottom of the hill on Fisherman's Lane.

ACC

Dennis Bicknell reported that two building applications have been approved. They are for Bossley, Lot 88, Filing 1; and Revier, Lot 1, Filing 5. A letter has been sent to Wilf Howarth in response to a complaint about a pickup parked on his lot. A letter has been sent to Mr. and Mrs. Don Ballman regarding the driveway which has been constructed on their lot without notification.

Dennis has spoken to the people at Mountain Bell reminding them of their agreement to install a payphone at the firehouse. Mt. Bell will look into this. Ray Stark's name was given as a contact.

The map of the boundary discrepancy is in the Retreat file and was given to Jim Persichetti.

BETTLE AND BUDWORM CONTROL

John Barlow reported for Ray Tallman who was not present. So far only one beetle tree has been found this year. The time for spraying budworms has been moved into July because of the damp cool weather.

MILLER FORK TRAIL

George Hass who was the Larimer County Attorney was in a serious accident and has been replaced as county attorney. The Miller Fork trail closure has been turned over to Bill Campton, Larimer County Engineer. Mr. Compton, who is familiarizing himself with the Miller Fork Trail situation, has indicated that a survey of the traverses may be necessary. There was discussion as to who would pay for this survey. John Barlow made a motion that Dick Weinmeister and Jim Persichetti, at their discretion, be authorized to spend up to \$1000 to ensure we accomplish the next step necessary to resolve the Miller Fork Trail closure. John Carroll seconded. The motion was unanimously approved.

Dennis Bicknell informed the board of correspondence he has had with Thomas Buck, owner of the two lots between Miller Fork Road and Mr. Denning's lot. Mr. Denning had informed Mr. Buck of cars being parked on the trail on Mr. Buck's lot. Mr. Buck wrote back to Mr. Denning informing him that he had contacted the RLA who will take care of this problem. The road committee will place a large log in this area to prevent parking.

THE RETREAT LANDOWNERS ASSOCIATION, INC
BOARD OF DIRECTORS MEETING

June 26, 1982

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BOUNDARY PROBLEM

The RLA attorney has prepared and mailed a letter to those 41 land-owners who have not responded to the letter of April 19, 1982. According to a list provided by the RLA attorney, thirteen members have responded. Jim Persichetti will try to determine the amount of loss of land for each landowner using the boundary discrepancy map.

TREASURER'S REPORT

| | | |
|--------------------------|----------|-----------|
| Income since May 1, 1982 | Deposits | \$1655.00 |
| | Interest | 76.30 |
| | Total | \$1731.30 |
| Disbursements | | \$1262.00 |

Balance as of June 1, 1982 \$18,613.21

The board reviewed the delinquent list. The attorney has prepared and mailed letters of notice of delinquency to those landowners delinquent in paying their 1982 assessment.

Income tax forms 990 for non-profit organizations have been filed for 1979, 1980, and 1981.

An audit of the RLA books would entail contacting every member and would cost between \$400 and \$500. A financial statement accomplishes the same goal without having to make contacts and at a cost of about \$150. The board agreed that a financial statement would be adequate.

STREAM STOCKING

On June 16, 1982 the Miller Fork Stream was stocked with 600 trout from Kline Trout Farm in Boulder.

ANNUAL MEETING

The necessary preparations have been made.

BILLS

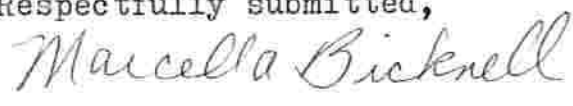
Kline Trout Farms \$650.00-Fish; Rebecca Elliott \$514.42-Attorney; CAI \$75.00-Annual Dues; Marcella Bicknell \$81.31-Expenses; Jim Persichetti \$36.81-Expenses.

Dick Weinmeister made a motion to approve the bills. John Carroll seconded. The motion was approved.

The next board meeting will be held on Saturday August 7, 1982 at the Glen Haven Community Building at 10:00 AM.

The meeting was adjourned at 12:20PM

Respectfully submitted,



Marcella Bicknell
Corresponding Secretary

RETREAT LANDOWNERS' ASSOCIATION, INC.
STATEMENT OF RECEIPTS AND DISBURSEMENTS
FOR THE SIX MONTHS ENDED
JUNE 30, 1982

| | |
|---|--------------------|
| RECEIPTS | |
| Landowners' assessments | \$11,147.50 |
| Rent | 10.00 |
| Interest | <u>372.79</u> |
| Total receipts | <u>11,530.29</u> |
| DISBURSEMENTS | |
| General administrative expense Directors, meetings, news- letters, telephone, supplies, etc. | 724.04 |
| Road maintenance | 594.00 |
| Trout stocking | 650.00 |
| Legal & accounting | 2,571.17 |
| Secretarial service | 300.00 |
| Taxes & licenses | 117.20 |
| Insurance | 63.00 |
| Refunds & bad checks | 55.00 |
| Dues | <u>75.00</u> |
| Total disbursements | <u>5,149.41</u> |
| NET RECEIPTS (DISBURSEMENTS) | 6,380.88 |
| BALANCE AT BEGINNING OF PERIOD | <u>10,344.97</u> |
| BALANCE AT END OF PERIOD | <u>\$16,725.85</u> |

- SEE ACCOUNTANT'S ACCOMPANYING COMPILATION REPORT -



RETREAT LANDOWNERS ASSOCIATION, INC.

THE BOARD OF DIRECTORS MEETING

August 7, 1982
Retreat Fire House

The meeting was called to order at 10:10 AM with all members present except Tom Bennett. Also present were Ray Tallman and Dennis Bicknell committee chairmen, Jim Persichetti and Sy Kleinman, landowners.

APPROVAL OF MINUTES

John Barlow made a motion to approve the minutes as published, John Carroll seconded. The minutes were approved.

ACC

Dennis Bicknell reported that one building application has been approved for Lynn Mason.

ROAD REPORT

Ray Stark reported that the culvert on Black Creek Road has been repaired and reinforced and is in good condition. In about a week a culvert will be installed on Fisherman's Lane at a cost of around \$500.

Ray suggested that the board consider purchasing a truck with a blade for snow removal and road maintenance work in the Retreat. More information on the cost of such a truck, maintenance costs and operation costs will be presented at the next board meeting.

The road committee will ask for volunteers to help with the sand barrells at the general meeting.

FIRE DEPARTMENT

At the present time the GHVFD is trying to acquire communication equipment. There have been no fires. The RLA continues to try to have a pay phone installed at the fire house in the Retreat. A petition requesting such a phone will be prepared for members to sign at the annual meeting.

There was further discussion concerning the installation of a pay phone. John Barlow made a motion to ask the GHVFD to have a pay phone installed at the Retreat Fire House and the landowners association agree to make a contribution to the GHVFD to cover installation and monthly bills on an annual basis and the RLA Treasurer be authorized to pay said phone bills when presented by the GHVFD. John Carroll seconded. The motions was approved.

TREASURER'S REPORT

The RLA board reviewed the list of those landowners delinquent in paying their assessments. No payment has been received from the three landowners (Matlock, Morris, and Shockley) told by the court to pay their assessments.

John Barlow distributed a Financial Report prepared by Fisher, Hunt and Company, CPA's, for the years ending December 31, 1980 and 1981 to the board members. This statement is attached to these minutes. John also distributed a statement of receipts and disbursements for the six months ended June 30, 1982, which is also attached to these minutes.

THE RETREAT LANDOWNERS ASSOCIATION, INC
BOARD OF DIRECTORS MEETING

August 7, 1982

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BEETLE AND BUDWORM

Ray Tallman reported that three beetle kill trees have been cut down. John Barlow and Ray Tallman asked the board for the three trees since they cut them. The board agreed that John and Ray could have the trees. The budworm seems to be on the decrease.

OLD BUSINESS

Nancy Neuswanger, attorney, will attend the annual meeting.

There has been no reply from Mr. Compton concerning Miller Fork Trail.

Regarding the survey discrepancy- the board agreed that at this point the RLA is trying to work with VTN to have the affected lots replatted so that the owners of these lots can use them or sell them as they please.

BILLS

Sy Kleinman, picnic expenses-\$16.55; Rebecca Elliott, legal fees-\$646.19; Ray Stark, expenses-\$2.85; Jim Persichetti, expenses-\$17.89; Marcella Bicknell, secretarial and assistant treasurer services third quarter 1982-\$150.00; Marcella Bicknell, expenses-\$141.44; Dick Weinmeister, expenses-\$34.38.

Ray Stark made a motion to approve the bills for payment. Dick Weinmeister seconded. The bills were approved for payments.

The board adjourned for lunch and the annual meeting.

The Board meeting reconvened at 4:15 P.M.

Dick Weinmeister was elected RLA President. Kathy Hubert was elected RLA Vice President. Pat Welch was elected RLA Secretary-Treasurer.

The RLA funds will be transferred to the First National Bank of Loveland, Colo.

The next meeting will be held on October 9, 1982 at 1:30 at Weinmeister's cabin in the Retreat.

The meeting adjourned at 4:30 P.M.

Respectfully submitted,

Marcella Bicknell

Marcella Bicknell
Corresponding Secretary

James D. Lloyd
 District # 221-7003

James D. Lloyd
 District # 221-7003

James D. Lloyd
 District # 221-7003



SEP 24 1982



Engineering Department, Wm. W. Compton, County Engineer

MEMO TO: Rick Zier
 Assistant County Attorney

FROM: Bill Compton
 County Engineer

DATE: September 24, 1982

SUBJECT: MILLER FORK TRAIL

Relative to the dispute of the location of the Miller Fork Trail I have made a search of the records and have been on the ground and have the following comments and recommendations:

1. The property owner, Mr. Leslie B. Denning, has purchased two 35-acre tracts of land through which is located Miller Creek and the Miller Fork Trail. Mr. Denning has denied access along the north side of Miller Creek where the Trail is considered to be.
2. The court decree included a survey of the Trail, but does not state on which side of the Creek the Trail is located. I have plotted the court decree survey and overlaid the plat on a geological map and a subdivision and 35-acre ownerships map. The court decree survey extends across and beyond (northwest of) the property purchased by Mr. Denning.
3. The Trail is shown on various maps but being long unused as a wagon road any definition from the air would be practically impossible on late issue maps, and is shown only as a corridor rather than a precise location.
4. On Tuesday, September 14, 1982 I accompanied two Retreat Subdivision land owners and a representative from the U.S. Forest Service over the disputed location. My observations were: there is definitely a foot trail on the north side of the Creek in the area under dispute with evidence of a wagon road where rocks have been piled to one side and tree roots removed to allow the passage of wagons.
5. In the area indicated on the attached map there is the remains of an old loghouse.
6. The terrain on the south side of the creek is very steep and overgrown with spruce and pine trees. There is absolutely no sign of a trail on the south side along this stretch of the creek and no desirable location for a trail.

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7. An enlargement of the 1905 geological map shows building sites and especially the saw mill site where Miller Fork Creek splits into two forks. The building and saw mill sites are on the north side of the Creek.
8. From my research and being recently on the ground I would conclude the evidence clearly determined the Miller Fork Trail is located on the north side of Miller Fork Creek.

WVC/1k
Enclosure

cc: Mr. Jeff Bailey
U.S. Forest Service
Estes Park, CO 80517

Ms. Rebecca Elliott ✓
315 West Oak
Fort Collins, CO 80521

G. Rex Smith, Director of Public Works

Tom W. Compton

REBECCA ELLIOTT, PC
ATTORNEYS AT LAW

REBECCA ELLIOTT
NANCY A. NEUSWANGER
303-493-6124

SUITE 701
315 WEST OAK
FT. COLLINS, CO 80521

September 24, 1982

Mr. Richard Weinmeister
2125 Bluebell Ave.
Greeley, Colorado 80631

RE: Boundary Disputes

Dear Mr. Weinmeister:

The following landowners have countersigned a letter indicating they do not desire to proceed with the suit against VTN: Harold Hoffman, R.K. Dobbins, Karl Heister, John Carroll, Edmund Richards, Theodore Schey, Ronald Dutton, Kenneth Camell, Thomas Bennett, Richard Wallace, Ray Talman and Terry Bollhoefer. + Goldstandt

The following landowners have agreed to drop the suit if VTN replats the property at its expense: N. Wu, Raymond Libner, William and Betty Walters, Terri Herrington, Eugene Friley, Ray Knapp and George and Thelma Richard.

The following landowner has verbally approved the replat but never returned the letters: E. DePasque.

The following individual has verbally agreed to go along with the majority decision: Wallace Hubert.

Other:

a. Mr. Mason had his lot replatted at his own expense;

b. No Response:

Larry Paly, V. Behren, Lt. Col. and Mrs. Madden, Rodney Guy, John Markham, Joyce Soth and David Harmon

c. Terrence Riley desires VTN to purchase his lot back at the price he paid.

Mr. Persichetti desires payment of the sum of approximately \$2,500.00.

To: Richard Weinmeister
September 24, 1982
Page Two

Mr. Horn desires \$5,000.00 compensation plus expenses.

Mr. Revier desires \$7,807.35 plus expenses.

Mr. Kemp desires \$312.74 plus replat.

d. Mr. Goldstandt has never returned the letter nor provided us with his final decision. *Letter has been returned du 9/28/82*

Please review these lists carefully to determine that all affected landowners have received notice.

Please provide me with a Board Resolution authorizing settlement with VTN, the terms of said settlement and instructions regarding the lawsuit.

I would recommend a first settlement attempt to resolve all parties' requests and if unsuccessful, a settlement for the replat at VTN's expense with notice to the landowners in question advising them they may proceed with their own counsel on the lawsuit. There have been some recent cases providing additional protection for the errors of surveyors to subsequent purchasers; however, I have not researched these because of your decision to replat.

Thank you for your prompt consideration in these matters.

Sincerely,



Rebecca Elliott

RE/db



RETREAT LANDOWNERS ASSOCIATION, INC.

THE BOARD OF DIRECTORS MEETING

October 9, 1982

The meeting was called to order at 1:30 P.M. with all members present except Dale Clark. Also present were John Barlow and Dennis Bicknell.

APPROVAL OF MINUTES

Pat Welch made a motion to approve the minutes of the last meeting. Cathy Hubert seconded. The minutes were approved.

ROAD MAINTENANCE

The roads have been graded and a new culvert installed on Fisherman's Lane. There have been no leads on purchasing a truck.

TELEPHONE

The telephone has not been installed at the fire house. Dennis will contact the telephone business office again.

ACC

Dennis Bicknell reported that applications have been submitted for a driveway for Stolz and a cabin for Spurlin.

Dennis suggested that the board consider notifying John Betts of a covenant violation. A small dome which was intended to be a storage area was built on Mr. Betts's lot prior to the RLA performing ACC approvals. An agreement between Mr. Betts and Mr. Lynn Wells states that the dome was to be a temporary structure. The board agreed to a letter, approved by the RLA attorney, informing Mr. Betts of this violation.

TREASURER'S REPORT

| | | |
|-----------------------------|--------------------------------|--------------|
| Income since August 7, 1982 | Deposits | \$140.00 |
| | A1 Trash refund | 75.00 |
| | Interest | <u>72.76</u> |
| | Total | \$287.76 |
| Disbursements: | Dale's Excavating, culvertwork | \$ 315.00 |
| | D.D.Doty, road grading | 1150.00 |
| | A1 Trash, dumpster | 150.00 |
| | Stille Sanitation, Outhouse | <u>55.00</u> |
| | | \$1670.00 |

Balance as of October 9, 1982. \$16,360.98

Pat Welch made a motion to extend the dumpster for another six months. John Carroll seconded. The motion was approved.

The new bank account signature card was signed by Pat Welch, John Carroll, Dick Weinmeister and Cathy Hubert.

Cathy Hubert made a motion to pay the bills and then transfer \$15,000 to the First National Bank of Loveland, Colo until the turnover of the treasury to Pat Welch is completed.

Bills: Rebecca Elliott \$282.21-Legal services; Dick Weinmeister \$6.18-expenses; James Persichetti- \$40.09-expenses; Marcella Bicknell, \$131.77-Expenses; Marcella Bicknell, \$150.00-4th quarter secretarial services; John Barlow,\$37.63-Expenses.

John Carroll seconded the motion. The motion was approved.

THE RETREAT LANDOWNER'S ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING

October 9, 1982

Page 2

The board reviewed the list of land owners delinquent in paying their assessment. From a list of twelve-four are making payments; RLA has received court judgement against three; one lot has been sold and will close on October 15, 1982.

1983 BUDGET

The budget for 1983 is as follows:

| | |
|---|---------------|
| 1. General Expenses | \$2400.00 |
| 2. Road Maintenance and snow removal | 6000.00 |
| 3. Beetle & Budworm control | 100.00 |
| 4. Legal & accounting | 3000.00 |
| 5. Secretarial and assistant treasurer services | 600.00 |
| 6. Taxes and licenses | 100.00 |
| 7. Insurance | 200.00 |
| 8. Fire Dept Contribution | 200.00 |
| 9. Fire Dept Building | 500.00 |
| 10. Dues | <u>100.00</u> |
| Total | \$13,200.00 |

There was discussion concerning the 1983 assessment. Cathy Hubert made a motion to set the 1983 assessment at \$50.00. Pat Welch seconded. The motion was approved.

NEWSLETTER

November 15, 1982 is the deadline for getting newsletter material to John Carroll. The newsletter will be mailed during the first week of December.

OLD BUSINESS

Miller Fork Trail: The board reviewed a letter from Wm. Compton, Larimer County Engineer, to Rick Zier, Assistant County Attorney, which is attached to these minutes. Mr Zier has responded to the RLA request for action on this matter and needs the transcript and exhibits of the Maitland vs McWhorter trial. Dick Weinmeister has advised Rebecca Elliott to contact Mr. Bertleshofer of the Forest Service regarding the trial transcript. If the transcripts are not available from the Forest Service, the RLA will have to spend between \$50.00 and \$250.00 to get the transcripts from the courts. The board agreed that Dick should pursue the matter.

Boundary: The board reviewed a letter of Sept 24, 1982 from Rebecca Elliott which is attached to these minutes. The board agreed to the recommended settlement adding \$3000 compensation to the RLA for expenses and legal fees.

NEW BUSINESS

The RLA has the aerial photographs of the Retreat. Dick Weinmeister hopes to mount these photographs.

The next meeting will be held on January 15, 1982 at 1:30 P.M. at Pat Welch's cabin in the Retreat.

The meeting was adjourned at 3:45 P.M.

Respectfully submitted,

Marcella Bicknell
Corresponding Secretary

Marcella Bicknell