



RETREAT LANDOWNERS ASSOCIATION, INC.

THE TENTH ANNUAL MEETING

August 15, 1981

GLEN HAVEN COMMUNITY BUILDING

The meeting was called to order at 1:00 P.M. by Jim Persichetti, R.L.A. President. All members present introduced themselves.

A total of 13 proxies were distributed.

APPROVAL OF MINUTES OF 1980 MEETING

Bruce Slade made a motion to approve the minutes of the previous meeting. Ed Richards seconded. The minutes were approved.

Jim Persichetti introduced Mrs. Walter Maitland who asked to address the meeting concerning the access to the Miller Fork Trail. Mrs. Maitland read a letter dated August 6, 1981 from the Forest Service to Mr. Walter Maitland. The Forest Service had contacted the sheriff who in turn spoke with the Larimer County Attorney who indicated the county does not intend to do anything about this situation at this time. Mrs. Maitland said that neither as individuals nor as Bulwark Ridge Owner Association members do they (Mr & Mrs. Maitland) have any responsibility whatsoever to keep trails open. Since Mrs. Maitland had a previous engagement she was put on the agenda early in the meeting. This matter was discussed further and is presented under old business in these minutes.

EXPLANATION OF VTN BOUNDRY SURVEY PROBLEM

Jim Persichetti gave a brief explanation of the boundary survey problem and the moratorium of building permits on the 41 lots affected by the survey discrepancy. Following is a list of the affected lots:

Filing 1--Lots 36,37, 54,55,57, 58, 59, 60, 61.

Filing 2--Lots 1, 35, 36, 37, 38, 59, 60, 61, two common areas.

Filing 3--Lots 7,8, 9, 10, 13, 14, 15, 16, 17, 41, 43.

Filing 4--Lots 30, 31.

Filing 5--Lots 4, 14, 15, 16, 17, 18, 19, 20, 21.

The Larimer County Board of Commissioners established a moratorium on building permits for all the lots in The Retreat in May 1981. The RLA Board and VTN went to work on this and after many phone calls and letters were exchanged with the County Planning Department the moratorium was lifted from all but the 41 affected lots. The RLA attorney feels that Larimer County cannot do this and is forwarding legal opinions to this effect to Larimer County.

John Bermingham, VTN attorney, joined the meeting. He explained that VTN attempted a land trade with the Forest service in which VTN would give to the Forest Service the lands VTN aquired in exchange for the Forest Service giving the landowners the Forest Service gain. This would greatly simplify the problems. The Forest Service has rejected this. VTN has requested a review at the district level. There has been no response from the Forest Service at this time. The RLA attorney has joined with VTN in its appeal to the Forest Service to accept this land trade. The RLA attorney is studying the problem from the viewpoint of the landowners and the association, and will give recommendations if the land trade is finally rejected.

The Board of Directors is asking these 41 landowners to forward to the RLA attorney copies of the deeds, titles, titles insurance policies and any other relevent information at the time of sale so that she can better understand the conditions of guarantee at the time of sale. The RLA attorney is Miss Rebecca Elliott, Post Plaza, Suite 100, 201 South College, Ft. Collins, CO 80524.

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At this point the RLA is taking two avenues. The RLA is trying, as much as is feasible, to work with VTN in carrying their appeal to the Forest Service for the land exchange. If this does not come about, we would like to present something to our membership on the course of action that might take us into court to recover monetary damage for the land lost, to recover expenses that may be incurred for resurvey or redefinition of the legal description of property and the re-recording. Harold Rhodes suggested the RLA board and perhaps Mr. Bermingham set this down in a form letter which would be sent to the landowners suggesting that they write their congressmen. The congressmen in turn would most likely forward these to the Forest Service. The Forest Service would hopefully consider the land exchange approval in a more positive way if approached by several congressmen.

CHAIRMAN'S REMARKS

Jim Persichetti told the membership that during the past year the board has established a more central business address. All correspondence is channeled through 726 Karen St. Ft. Morgan, CO 80701. Marcella Bicknell is now the assistant treasurer as well as the corresponding secretary. The Board has the unpleasant task of bearing down on landowners who are in arrears on their assessments and have no intention of contributing their fair share to the well being of the Retreat. At this time there are 28 landowners in arrears. The board has instructed the RLA attorney to send letters to these landowners requesting payment. If payment is not received liens may be filed and interest charged.

Another unpleasant task of the board is enforcing the covenants. These covenants are for everyone's benefit and everyone must observe them.

Jim informed the membership that the RLA is in need of volunteers. Frank Horn has resigned as road maintenance chairman and Harold Dobson will be leaving the board and the beetle and budworm control chairmanship. There were no volunteers.

TREASURER'S REPORT

John Barlow distributed a written treasurer's report to the membership. This is an interim report for January 1, 1981 to July 31, 1981 and is attached to these minutes. John explained the treasurer's report and financial statement to the members present.

Joann Persichetti initiated a discussion on adequate compensation for the corresponding secretary. John Barlow enumerated her duties as secretary and assistant treasurer.

Ed Richards made a motion that the board again look into adequate compensation for the corresponding secretary. Tom Hallstrom seconded. The motion was approved.

OVERDUE ASSESSMENTS

Jim Persichetti explained to the membership the problem of landowners delinquent in paying their assessment. There are about 15 landowners who are habitually overdue in payment of their assessment. Some of these landowners have not paid an assessment for several years. At the present time the monetary amount of outstanding assessments is around \$3000. The board of directors is prepared to take legal action against those with grossly overdue assessments. The remaining membership is paying more to carry these delinquencies. The RLA attorney recommended that a resolution be prepared today and voted on by the membership in attendance at this meeting. Following is the resolution:

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Resolution of The RLA.

We, hereby, resolve after thorough discusiion the following;

Be it resolved that the Board of Directors shall amend the by-laws and articles of incorporation to provide for a delinquency lien against the property of any homeowner within the association whose dues have not been paid by March 1st of each year. This lien shall be automatic and shall be recorded with the clerk and recorder and shall apply to all lands owned by the individual and subject to the covenants of the association. No judicial proceedings shall be required prior to the filing of said lien and said lien shall include attorney's fees and interest at the rate of 18% accruing on March 1st of each year. This will be effective August 15, 1981.

Tom Bennett moved that this resolution be adopted. Bruce Slade seconded. There was considerable discussion on this matter during which the following items were brought out: RLA assessments are due on January 1st of each year and become delinquent on March 1st; assessments could be lower for everyone, the money is needed to take care of the affairs of The Retreat; a reserve fund of \$10,000 is kept for emergencies; the lien would be filed automatically at no cost; the payment of the assessment would automatically release the lein. A vote was taken and the motion was unanimously approved.

ACC

Dennis Bicknell asked for people to serve on the Architectural Control Committee.

Mountain Bell is in the process of installing telephone cable and some telephones in The Retreat. The overhead cables are installed on Dunraven Glade Road and Streamside Drive to Blackcreek Road. Underground cables are being installed on Blackcreek Road and Miller Fork Road to just past Spencers. The pay phone will be moved from the Rockbrook Museum to the firehouse. Those who wish may apply for a phone by telephone to the business office in Ft. Collins. Mountain Bell is not charging for the construction cost. The cost is for installation, and the monthly bill is about \$8.50.

Ernie Conrad asked about the policy for fences in The Retreat. This is currently under legal study. The board is trying to utilize the RLA attorney for guidance in enforcement of the covenants.

There was a 15 minute break.

ROAD MAINTAINANCE

Frank Horn reported a lot of road work has been done this year. On July 1, 1981 the road grading was started and gravel was hauled into The Retreat for necessary road repairs. This work was just completed when several heavy rains soaked the area. This resulted in washouts in the road and the grading had to be done again. Road maintainance of this sort should be done again next year. Three 12yard loads of road material are stockpiled at the firehouse for future use. The committee was able to purchase this material at a very reasonable cost. The biggest cause of washouts on the roads is improperly constructed driveways. Driveways should drain towards the culvert and not across the road.

The possibility has been considered of obtaining a good used two ton dump truck with a blade for road work in The Retreat.

The RLA needs a new road maintainance chairman. Frank Horn will be away from The Retreat during the winter months.

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BEETLE AND BUDWORM CONTROL

Harold Dobson reported that there were only 6 beetle kill trees this past year. Information on the budworm has been published in several newsletters. The budworm trees seem to be recovering at this time. The RLA is in need of a beetle and budworm control chairman.

FIRE HOUSE REPORT

Ray Stark, president of the G.H.A.V.F.D. and vice president of The RLA Board of Directors, reported on the fire house. The RLA has donated around \$4200 to the construction of the fire house in The Retreat. This structure is ready to accept two fire trucks. The fire trucks are in Ft. Collins awaiting the signing of some contracts.

There have been two fires in The Retreat in the past month. A small grass fire and a lighting strike on a tree. Spark arrester stacks are recommended for wood burning stoves and fire places.

BY-LAW COMMITTEE

Tom Bennett thanked the members of the by-law revision committee for their fine work. By-law changes of the past few years were reprinted and enclosed in a handbook which also includes the protective covenants, a landowners guideline book and address list. These booklets are available upon request.

Article XI Section 6 and 7 of the by-laws needs approval of the general membership. Tom Bennett made a motion to approve Sections 6 and 7 of Article XI of the by-laws. Ray Stark seconded. The motion was approved. Under Article VI Section 4 (Special Memberships) the words, not to exceed 30 days, should be deleted. Article XI, Section 8b should read, Bulwark members pay the full RLA assessment minus the amount used for beetle control.

TROUT STOCKING

Ray Stark reported the State Forester recommended that the Miller Fork Creek not be stocked this year due to the poor spring runoff. If there is enough moisture, the stream can be stocked next year.

ELECTION OF TWO BOARD MEMBERS

Jim Persichetti introduced the two nominees, John Carroll and Dick Weinmeister. Jim called for nominations from the floor. There were none. Lloyd Angell made a motion to close the nominations. George Richards seconded. The motion was approved. John Carroll and Dick Weinmeister were elected by unanimous decision.

OLD BUSINESS

Miller Fork Trail Access

Mr. Les Denning, member of the Bulwark Ridge Owners Association and The RLA, has fenced what is believed to be the Miller Fork Public traverse. The understanding is that Mr. Denning says that the trail is not on the established path but on the opposite side of the creek and it is shown as such on a topographic map. The Forest Service has informed some members of the RLA that the topographic maps are not legal, they are an aerial survey and the trails follow legal description. This description can be found in a 1967 court case filed against Walter Maitland. At the time of the court case the court determined that the Miller Fork Trail is a public traverse. The area may have to be re-surveyed to locate the exact trail.

Some RLA members claim to have been confronted by Mr. Denning during the summer of 1980. No complaints were filed at that time.

Sy Kleinman, Retreat landowner, reported on encounter with Mr. Denning just a few weeks ago. Sy went to the Forest Service and filed a complaint. He also spoke to Mr. Russell Legg of the Larimer

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County Planning Department. Mr. Legg advised Sy to write to the County Commissioners which he has done. There has been no reply to that letter as yet. The general consensus of the membership was to get this matter resolved as soon as possible. The Board of Directors will ask the RLA attorney to write to the Larimer County Attorney and enclose the list of those wanting the trail open. The list was signed by members in attendance.

NEW BUSINESS

Ernie Conrad informed the membership that Larimer County is in the process of passing a law making subdivision roads public. The membership was advised to call the sheriff if abuse of the roads is observed.

LANDOWNERS COMMENTS

John Carroll reported to the membership that he has found bb holes in the window of his cabin.

Tom Hallstrom read, a letter from Hans and Erika Ziegler listing several things they noticed this summer. Appropriate action will be taken.

Ed Richards made a motion to adjourn the meeting. George Richard seconded. The meeting was adjourned at 5:05 P.M.

Respectfully Submitted

Marcella Bicknell

Marcella Bicknell, corr. sec.



RETREAT LANDOWNERS ASSOCIATION, INC.

BOARD OF DIRECTORS and COMMITTEE CHAIRMAN

Dick Weinmeister, Pres.
2125 Bluebell Ave.
Greeley, CO. 80631

Home 353-9787
Bus. 351-2446

Ray Stark, V. Pres.
Box 100
Glen Haven, CO. 80532

Home 586-2200

John Barlow, Treas.
Box 96
Glen Haven, CO. 80532

Home 586-2582

Tom Bennett
1513 Lakeside Ave.
Ft. Collins, CO. 80521

Home 482-0178
Bus. 482-2442

John Carroll
800 Toedli
Boulder, CO. 80303

Home 494-7728
Bus. 497-3601

Frank Horn, Road Main.
Box 99
Glen Haven, CO. 80532

Home 586-3784

Dennis Bicknell, ACC
726 Karen St.
Ft. Morgan, CO. 80701

Home 867-6237
Bus. 867-5676

RLA Attorney

Rebecca Elliott
Suite 100
201 S. College Ave.
Ft. Collins, CO. 80524

482-5492