



# RETREAT LANDOWNERS ASSOCIATION, INC.

## THE BOARD OF DIRECTORS MEETING

March 9, 1980

The meeting was called to order at 10:09 A.M. with all members were present. Also present were Frank Horn, road maintainance chairman, and Dennis Bicknell, ACC chairman.

### SECRETARY'S REPORT

Tom Bennett called for any additions or corrections to the minutes of th last meeting. There were none. The minutes were accepted as published and filed.

### TREASURER'S REPORT

	Balance as of Dec. 31, 1979
Checking Account---	\$10,920.32
Savings Account----	41.91
Expenditures since Dec. 31, 1979-----	2,153.00
Deposits since Dec. 31, 1979-----	5,820.00
	Balance as of March 9, 1980
Checking Account---	\$14,587.32
Savings Account----	41.91
Total Balance	<u>\$14,629.23</u>

The treasurer's report for 1979 is attached to these minutes.

### BEEBLE AND BUDWORM CONTROL

Harold Dobson reported that the beetle tree marking has not been done because of the weather. A tree marking day has been set for March 22, 1980. John Shockley and John Howard will work up a bid for the woodcutting contract.

A letter concerning budworm control has been sent to a member of the Forest Service. There has been no reply to date.

### ROAD MAINTAINANCE

Frank Horn reported that there has been in excess of six feet of snow in The Retreat this winter. Griffith Construction has raised their prices from \$35 to \$50 per hour. Doty Excavation has charged for more hours than have been worked. The RLA did not pay the excess amount. Mr. Horn is looking into finding another contractor for snow removal and road maintainance and repair.

### ACC

Dennis Bicknell reported that there is one building application pending for Mr. & Mrs. Wally Hubert.

### OLD BUSINESS

#### G.H.A.V.F.D.

Tom Bennett reviewed the letter and proposed lease sent to the board members by the Glen Haven Area Volunteer Fire Department. There was much discussion concerning certain sections of the lease. Jim Persichetti explained his concerns about sections 4, 8 and 9 of the proposed lease. It was the consensus of the board that several changes should be made before approval to protect the best interests of The Retreat. At this time, Greg Martin, Fire Cheif, Ernie Conrad, President of the G.H.A.V.F.D. Board of Directors and Rick Whitlock, volunteer fireman were

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present. Greg Martin presented drawings and cost estimates for construction of the proposed Fire House. The total cost is about \$9000. The G.H.A.V.F.D. feels that the contract for construction should be let out for bid. Using only volunteer help would delay completion of construction. The RLA Board of Directors explained their concerns regarding certain sections of the proposed lease to the representatives of the G.H.A.V.F.D. This lease was drawn up by Estes Park attorney Mr. Littlejohn. Ed Richards made a motion that Jim Persichetti contact Mr. Littlejohn on the various changes we have described in the lease. Harold Dobson seconded. The motion was approved.

The RLA Board of Directors agreed to draw up a letter of commitment on the amount the RLA will donate to the building fund. The fire department representatives left the meeting at this point.

ANNUAL MEETING AND NEWSLETTER

There was discussion about a date for the annual meeting and picnic. The meeting will be held on August 9, 1980 at The Glen Haven Community Building with the picnic following the meeting. The alternate date of August 16, 1980 was set. A newsletter containing the notice of the meeting and picnic will be sent to the landowners in the latter part of May.

Maitland Property, VTN Survey & Bulwark Ridge Association

Tom Bennett reported that he visited with Mr. & Mrs. Maitland in their home. The Maitlands would sell the land at the front entrance of The Retreat to The RLA for \$60,000 cash or \$65,000 with a five year mortgage at 11 $\frac{1}{2}$ % interest.

Mr. Maitland mentioned that there has been a settlement with VTN and VTN now owns lots in The Retreat. John Barlow will check into this.

John Barlow reported that members of the Bulwark Ridge Landowners Association have agreed to pay the RLA assessment prorated to exclude Beetle Control expense. The board reviewed the agreement and the addendum to the agreement with the Bulwark Ridge Landowners Association. The Bulwark Ridge members will be sent an assessment notice and will be added to the RLA mailing list.

Ed Richards made a motion to approve \$360 as an increase for secretarial services. Jim Persichetti seconded. The motion was approved.

NEW BUSINESS

The Board of Directors received a letter concerning horses running loose in The Retreat from Jean Richards, landowner. This subject was discussed. Tom Bennett will write a letter to those landowners who may be in violation of the covenants regarding horses.

Tom Bennett reported that the County has made two 20 mph speed limit signs available to The RLA. A section of the minutes of the August 12, 1979 Board of Directors Meeting concerning road signs was read. Ed Richards reinstituted that motion to read, Frank Horn follow up on the design and purchasing of road signs for The Retreat. Harold Dobson seconded. The motion was approved.

Ed Richards will be chairman of the nominating committee. The RLA must elect three board members for two year terms at the annual meeting.

John Barlow reported he has been notified that the Fidelity

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Bond is being canceled with the present company but will be renewed with another company thru the L.C. Wilson Agency in Ft. Collins. There was discussion on this matter. The board directed John to send in the renewal request and authorized him to pay the bond premium when due.

BILLS

Tom Bennett-\$16.50-expenses; Ed Richards-\$17.00-expenses; Jim Persichetti-\$18.36-expenses; Frank Horn-\$26.57-expenses; Harold Dobson-\$27.81-expenses; Harold Dobson-\$27.00-Paint for tree marking; Marcella Bicknell-\$153.45-expenses; Marcella Bicknell-\$90.00-secretarial services for first quarter; Edwards Excavation-\$945.00-Road repairs; County Real Estate taxes on common areas-\$72.32.

Ed Richards made a motion to authorize the payment of the bills. Harold Dobson seconded. The motion was approved.

The board members then discussed the contents of the letter of commitment to be sent to the G.H.A.V.F.D. This letter will be prepared by Tom Bennett (copy attached to these minutes). The RLA will commit \$3000 at this time.

Ed Richards made a motion to adjourn. The meeting adjourned at 2:27 P.M. The next meeting will be held on May 10, 1980-10:00 A.M. at Bicknell's cabin in The Retreat

Respectfully Submitted

*Marcella Bicknell*  
Marcella Bicknell, corr. sec.



# RETREAT LANDOWNERS ASSOCIATION, INC.

## THE BOARD OF DIRECTORS MEETING

May 11, 1980

The meeting was called to order at 9:40 A.M. with all members present except Ed Richards. Also present was Dennis Bicknell, chairman of the ACC.

### ANNOUNCEMENTS

Tom Bennett read a letter to Walter Maitland in which he (Tom) invited Mr. Maitland to this meeting. There was no response to the letter.

Tom then read a letter from Ernie Conrad in which Ernie informed the board that a gate has been erected at the end of the fifth filing between the Bulwark Ridge Association area and The Retreat. This gate is not locked at the present time. If the gate should be locked it would be in violation of the agreement between the Bulwark Ridge Association and The RLA.

### SECRETARY'S REPORT

Tom Bennett called for any additions or corrections to the minutes of the last meeting. There were none. The minutes stand approved as published.

### TREASURER'S REPORT

Expenditures since	
March 9, 1980-----	\$ 78.00
Checking Account-----	16,629.63
Savings Account-----	42.46

#### Balance as of May 11, 1980

Checking Account-----	\$16,629.63
Savings Account-----	42.46
Total Balance-----	<u>16,672.09</u>

John Barlow reported that 142, 1980 assessments have been paid. There are about 10 delinquencies at about \$200 or more. There was some question as to whether all of these 10 are actual landowners. There was discussion on the matter of delinquencies. Tom Bennett entertained a motion that the board request the treasurer to notify all delinquent assessments of their past due status. If we don't hear from them in a certain period of time, the board will take proper legal steps. Jim Persichetti so moved. Harold Dobson seconded. The motion was approved.

The board then discussed the possibility of opening a cash reserve management account or buying treasury certificates. Tom Bennett will get more information on the safety of these.

### BEEBLE AND BUDWORM CONTROL

Harold Dobson reported that most of the tree marking has been completed. As of now there are less than 50 beetle trees found. Because of this small amount there had been a problem finding a woodcutter. However John Howard signed The RLA tree cutting contract on May 10, 1980. John Howard does not have the \$100 security bond but has the reputation for doing good work. Harold Dobson made a motion that the board approve the contract with John Howard without the security bond. Jim Persichetti seconded. The motion was approved.

Harold Dobson then informed the board that he has had a letter from The Forest Service in which The Forest Service feels

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that th infestation of budworms in The Retreat ds light to moderate at this time. Also, Dobbie has learned that aerial spraying is quite expensive ( \$11.50 per acre ). The RLA budget cannot allow for this expenditure. The situation will continue to be monitored.

ROAD MAINTAINANCE

Harold Dobson reported for Frank Horn who was unable to attend the meeting. The roads are not in too bad shape considering the amount of snow and rain we have had. There are 3 or 4 bad spots which will be taken care of this week. The two Signs for Dunraven Glade Rd. will be ready to be installed this week. The roads will be graded when the snow and rain season are over, about the first of June.

ACC

Dennis Bicknell reported that there are no new applications.

OLD BUSINESS

- (a) Newsletter: the newsletter will be mailed at the end of May. All material must be submitted before May 20.
- (b) Tom Bennett reviewed a letter from Marcella Bicknell in which she agrees to accept the treasurer's job. Harold Dobson made a motion to accept the offer in said letter. Jim Persichetti seconded. The motion was approved.
- (c) G.H.A.V.F.D.: The board reviewed the modified lease. John Barlow made a motion to ask the President to sign the lease in its' present form. Harold Dobson seconded. The motion was approved. This lease is attached to these minutes. At this time Greg Martin and Rick Whitlock from the G.H.A.V.F.D. were present. There was discussion on the lease and the funds available for the construction project. The letter of commitment from The RLA to The G.H.A.V.F.D. is attached to these minutes. The board agreed to send a set of address labels to the G.H.A.V.F.D. for their use in their fund drive. The G.H.A.V.F.D. Fire Fare will be held on July 5, 1980.

There was discussion on the telephone situation in The Retreat. The phone company is considering moving the phone booth from the front of The Rock Brook Museum to the site of the firehouse.

- (d) Mr. Littlejohn's Reports: The board reviewed the opinion letter on the VTN survey provided to Jim Persichetti by James Littlejohn, attorney. The board also discussed another letter from Mr. Littlejohn in which he offers his legal services to The Retreat. Jim Persichetti made a motion to reply to Mr. Littlejohn that the RLA has received his letter, find his terms acceptable and would be pleased to have him represent The RLA Board on forth coming legal matters. Harold Dobson seconded. The motion was approved.
- (e) The annual meeting will be held on August 9, 1980 at 1:00 P.M. in the Glen Haven Community Building. There will be an election of three board members for two year terms.

NEW BUSINESS

The secretary read some written comments from Ed Richards who was unable to attend. One item suggested limiting the board's ability to financially obligate the landowners without their approval. Discussion included how to phrase this proposal,

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and advantages and disadvantages of it. This led to a by-law and constitution general discussion. It was felt that the published by-laws need to be updated showing past amendments and revisions. Tom Bennett will ask for people to work on a by-law committee at the general meeting and will recommend to the next board that a constitution and by-law committee be appointed.

BILLS

Tom Bennett-\$21.85-expenses; Ed Richards-\$6.30-expenses; Marcella Bicknell-\$90.00-secretarial services second quarter 1980; Marcella Bicknell-\$35.08-expenses; Frank Horn-\$13.26-expenses; Spur Cabinet and Signs-\$131.84-road signs; Harold Dobson-\$31.75-beetle control expenses; Harold Dobson-\$28.25-expenses; Jim Persichetti-\$26.68-expenses. Jim Persichetti made a motion to approve the bills. Harold Dobson seconded. The bills were approved.

The next meeting will be held on August 9, 1980 at 10:00 A.M. at The Glen Haven Community Building.

Harold Dobson made a motion to adjourn the meeting at 12:30 P.M. Jim Persichetti seconded. The meeting was adjourned.

Respectfully Submitted

*Marcella Bicknell*

Marcella Bicknell, corr. sec.



**RETREAT LANDOWNERS ASSOCIATION, INC.**

MAY 1, 1980

TO WHOM IT MAY CONCERN:

JOHN HOWARD' RETREAT SUBDIVISION, GLEN HAVEN, COLORADO , 80532,  
AND JOHN SHOCKLEY AND ANY OF THEIR EMPLOYEES ARE THE  
AUTHORIZED CONTRACTORS FOR THE RETREAT LANDOWNERS ASSOCIATION  
FOR THE 1980 MOUNTAIN BEETLE CONTROL PROGRAM IN THE RETREAT  
SUBDIVISION FILINGS 1 THROUGH 5. THEY ARE AUTHORIZED TO CUT  
AND REMOVE BEETLE TREES AS OUTLINED ON THE "MASTER MAP"  
LOCATED AT 280 STREAMSIDE DRIVE, RETREAT AREA FROM MAY 1,  
1980 THROUGH JULY 15, 1980. ANY QUESTIONS CONCERNING WOOD  
CUTTING IN THE RETREAT AREA SHOULD BE DIRECTED TO  
HAROLD DOBSON 426-7410 WESTMINSTER, COLO,

*S. of tree*

HAROLD DOBSON, CHAIRMAN  
RETREAT LANDOWNERS ASSOCIATION  
BEETLE CONTROL COMMITTEE



## RETREAT LANDOWNERS ASSOCIATION, INC.

### THE BOARD OF DIRECTORS MEETING August 9, 1980

The meeting was called to order at 10:17 A.M. All board members were present except Harold Dobson. Also present were Mr. Walter Maitland, Dennis Bicknell, committee chairman, Frank Horn, committee chairman and Sy Kleinman, landowner.

Mr. Maitland informed the board that Lot 16 at the entrance of The Retreat is in the process of being sold. The RLA Board will be informed if the sale is not completed. The legal action taken by Mr. & Mrs. Maitland against VTN has been settled out of court in favor of the Maitlands. The twenty two lots owned by the Maitland's in The Retreat are now owned by VTN as a result of the settlement of their law suit. The court accepted the BLM survey as official. Mr. Maitland suggested that those landowners affected by the error in survey contact the Forest Service as to their attitude on leasing the property on a 99 year lease to prevent undue hardship to property owners. The law firm handling the case for the Maitland's is Rothgerber, Appel and Powers.

Mr. Maitland explained that he is the trustee of two shares of the Handy Ditch Co. as a result of the foreclosure of Dimension Investments (Lynn Wells). This water is part of the augmentation program for filings 3,4, and 5. Currently this augmentation program is not being used and Mr. Maitland has full use of the water. However, in the future the augmentation program may be ordered to start by the state water engineer. At that time the RLA will have to pay their share which is 47% of two shares. Mr. Maitland said that the reservoir on lot 16 will be rebuilt. Mr. Maitland has this trust agreement and it recorded in Larimer County. He allowed the board to make a copy of this agreement which is attached to these minutes.

The board asked Mr. Maitland what he knew of the incident involving Al Matlock, a Retreat landowner and Mr. Denning, a Bulwark Ridge landowner. Mr. Maitland replied that Al Matlock had called and given his version of the incident in which Mr. Denning is supposedly keeping people from using the Miller Fork Trail at gun point. Mr. Maitland told the board that the trail along the Miller Fork Creek is an open trail so designated by the Forest Service. This trail has a five foot right of way on both sides. Also no hunting is allowed on Mr. Maitland's land. Mr. Denning has signed a contract and put a down payment on property along Miller Fork Creek in the Bulwark Ridge Subdivision. Mr. Maitland has turned the matter over to his lawyers who are waiting to see if any criminal charges are filed.

#### SECRETARY'S REPORT

Tom Bennett called for any additions or corrections to the minutes. There were none. The minutes were accepted as printed.

#### TREASURER'S REPORT

John Barlow distributed a financial statement prepared by Wayne Hunt Co. for the year ending December 31, 1979 and seven months of 1980. This statement is attached to these minutes. Ed Richards made a motion to accept the financial statement submitted by Wayne Hunt Co. as a true statement of financial matters to date. Jim Persichetti seconded. A roll call vote was taken. Jim Persichetti-yes. Ed Richards-yes. Tom Bennett-Yes. John Barlow-Yes. the motion was approved. Ed Richards made a motion to approve the treasurer's report. Jim Persichetti seconded. The motion was approved.

#### BEEBLE AND BUDWORM CONTROL

Jim Persichetti reported for Harold Dobson. The beetle control program has gone well with 57 infested trees cut and removed. Volunteers will be needed for tree marking in the spring. There was much discussion on the budworm damage and the possibility of aer-



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ial spraying. It was suggested that since the beetle control seems to be winding down some of the money budgeted for that purpose be used for aerial spraying of the budworm. Since aerial spraying is very expensive those landowners who are willing might contribute the finances necessary for such spraying. The board would first seek expert advice on the amount of damage done by the budworm and the affects such spraying may have on the environment.

ROAD MAINTAINANCE

Frank Horn reported that the roads are in good condition at this time. He informed the board of all the road work which has been accomplished in the past two months.

ACC

Dennis Bicknell reported the there have been three building applications approved, one of which was for the fire house which is under construction. There is one driveway and bridge application pending at this time. Mrs June Bennett has resigned from the ACC.

OLD BUSINESS

Marcella Bicknell will be the assisstant treasurer and will start these duties following the Annual Meeting.

There was discussion on the use of motor bikes and motorcycles in The Retreat. Several landowners have complained about the noise from motor bikes and motercycles. This will be discussed at the General Meeting.

NEW BUSINESS

Some landowners have asked to have the Miller Fork Creek stocked. This will be brought up at the Annual Meeting.

The board discussed the avenues open for handling the VTN survey error and it's affect on property owners. Jim Persichetti made a motion that the board contact Mr. Littlejohn and have him research the VTN-Maitland matter and how the settlement affects property owners at this point. John Barlow seconded. The motion was approved.

The meeting was temporarily adjourned until after the Annual Meeting.

The meeting reconvened at 4:00 P.M. with Ray Stark newly elected board member present.

BILLS

Wayne Hunt Co.-financial statement-\$275.00. Jim Persichetti-expenses-\$18.36. Tom Bennett-expenses-\$15.82. Frank Horn-expenses-\$40.29. Ed Richards-expenses-\$9.80. Marcella Bicknell-expenses-\$136.01. Marcella Bicknell-secretarial services-\$90.00. Sy Kleinmen-picnic prizes-\$20.82. Edwards Excavation-road work-\$470.00. John Barlow-expenses-\$7.25. Glen Haven General Store-picnic supplies-\$82.75. CAI-Subscription renewal-\$65.00. John told the board that there was a bill from Bill Babcock sent for services not completed. John will reply to Mr. Babcock that The RLA will pay the bill if he will deliver the services. Ed Richards made a motion to approved the bills. Jim Persichetti seconded. The motion was approved.

The board agreed to pursue the fire arms incident by asking Mr. Littlejohn to contact Mr. Denning with a letter stating that the sheriff's department and the Forest Service will be notitied of any incidents of blocking the trail or the use of fire arms.

ELECTION OF BOARD MEMBERS

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ELECTION OF BOARD MEMBERS

Ray Stark nominated Jim Persichetti for President of The RLA. Ed Richards seconded. There were no other nominations. Ray Stark made a motion that the nominations be closed. John Barlow seconded. The motion was approved. Jim Persichetti is the President of The RLA. John Barlow nominated Ray Stark as Vice President of The RLA. Jim persichetti seconded. Ed Richards moved that the nominations be closed. John Barlow seconded. The motion was approved. Ray Stark is the Vice President of The RLA. Ed richards nominated John Barlow for Secretary-Treasurer of The RLA Ray Stark seconded. Ed Richards made a motion that the nominations be closed. Ray Stark seconded. The motion was approved..John Barlow is the Secretary-Treasurer of The RLA.

John Barlow suggested that the board members consider increasing the donation to The G.H.A.V.F.D. for the fire house construction. This will be discussed at the next meeting which will be held on September 6, 1980 at 10:00 A.M. at Bicknell's cabin in The Retreat.

The meeting adjourned at 5:40 P.M.

Respectfully Submitted

*Marcella Bicknell*

Marcella Bicknell, corr. sec.



# RETREAT LANDOWNERS ASSOCIATION, INC.

## BOARD OF DIRECTORS MEETING

September 6, 1980

The meeting was called to order at 10:06 A.M. with all members present except Harold Dobson. Also present were Frank Horn, committee chairman and Dennis Bicknell, committee chairman.

### ANNOUNCEMENTS

Walter Belz, landowner and former board member, died recently. A sympathy card was sent to his wife and family.

### SECRETARY'S REPORT

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

### TREASURER'S REPORT

John Barlow informed the board that an anonymous contribution of \$300 was given to The Glen Haven Area Volunteer Fire Department. The check was deposited in the RLA account and in turn the treasurer wrote a check for the same amount to the G.H.A.V.F.D.. The G.H.A.V.F.D. has substantiated the funds donated to it by the RLA for the construction of the fire house. A check for the remaining \$1000 pledged to the fire house has been sent to the fire department. There have been no other expenditures or receipts.

Checking Account-----\$1063.70

Savings Account----- 9043.02

Balance----- \$10106.72

Ray Stark made a motion to approve the treasurer's report. Tom Bennett seconded. The motion was approved.

### BEETLE AND BUDWORM CONTROL

Ray Stark reported for Harold Dobson. The Forest Service has been contacted regarding the budworm problem. A meeting of a Forest Service representative and the RLA Board may be arranged. The board would like information on the ecological problems of aerial spraying.

### ROAD MAINTAINANCE

Frank Horn reported that the roads are in good shape at this time. Two 20 mph signs are ready to go up at each entrance.

### ACC

Dennis Bicknell reported that one stream crossing has been approved.

### OLD BUSINESS

- a. V.T.N. boundary problem: The board reviewed the letter sent to Mr. Littlejohn concerning the V.T.N. survey. Mr. Littlejohn will research the matters outlined in this letter and make recommendations to the board.
- b. Water Augmentation Agreement: Jim Persichetti informed the board that the percentage of water shares is not defined in the Assignment in Trust. The board reviewed the letter concerning this assignment in trust which was sent to attorney, James Littlejohn. There has been no response to this as yet.
- c. Miller Fork Access: Jim Persichetti reported that he has contacted the Forest Service and Sheriff's office concerning the denial of access to The Miller Fork Trail to landowners by Mr. Denning. The Sheriff's office has received one complaint and The Forest Service has received none. The officials are powerless without a signed complaint. The board hopes to obtain a

letter concerning trail access from the Forest Service to publish in the newsletter.

- d. Gate at Bulwark Ridge: The gate at the entrance of The Bulwark Ridge Subdivision has never been locked even though it appears that way. The gate was put there to discourage the taking of wood from the area.
- e. Contribution to G.H.A.V.F.D.: John Barlow informed the board that the phone company has agreed to put a pay phone at the fire house location if the electric power is there. It will cost \$1500 to get electricity to the fire house. After much discussion and a review of the budget and financial status of THE RLA, Tom Bennett made a motion to contribute an additional \$1500 to the G.H.A.V.F.D. for the fire house. Ray Stark seconded. The motion was approved.
- f. Trout Stocking: Cline Trout Stocking of Boulder, CO. has recommended not to stock the stream until after the spring runoff. Ray Stark will be the chairman of this committee.

#### NEW BUSINESS

- a. Review By-Laws: Tom Bennett will chair this committee. Dennis Bicknell will help.
- b. Newsletter: Newsletter material should be prepared by November 15, 1980. It will be mailed the first of December, 1980.

There was discussion on the ownership of the roads and the control of their use. This will be discussed with attorney James Littlejohn.

#### BILLS

Tom Bennett-\$11.39-expenses; Ray Stark-\$7.48-expenses; Marcella Bicknell-\$103.96-expenses; Jim Persichetti-\$18.36-expenses. Tom Bennett made a motion to approve the bills. Ray Stark seconded. The motion was approved.

The next meeting will be held on November 15, 1980 at 10:00 A.M. at Bicknell's cabin in The Retreat.

The meeting adjourned at 12:27 P.M.

Respectfully Submitted

*Marcella Bicknell*  
Marcella Bicknell, corr. sec.

JAMES M. LITTLEJOHN

ATTORNEY AT LAW  
P. O. BOX 1831  
ESTES PARK, COLORADO 80517  
(303) 586-4653

October 27, 1980

Retreat Landowners Association, Inc.  
Mr. James Persichetti, President  
2042 Salisbury Court  
Lafayette, Colorado 80026

Dear Jim:

Thank you for your letters of September 3 and 4. Since our visit in my office in March, I have become swamped with new work, and am only now beginning to dig myself out. I will endeavor to answer your inquiries here, but you may wish to have me attend a landowners association meeting to thrash out the matter in greater detail.

A. The interior lots not directly touched by a return to the 1880-1 B.L.M. survey appear to be the least harmed. Monumenting the corners of the interior lots is generally treated as taking precedence over an erroneous survey of the perimeter of the greater tract out of which the interior lots were carved. Why the qualifying language? There is nothing to stop the owner of a perimeter lot, in any lawsuit seeking damages or establishment of the lot lines he thought he bought, from including an owner of a contiguous interior lot or all owners of interior lots, as defendants. This possibility, however real or remote, falls within the definition of a cloud upon merchantable title of the interior lots.

Until such a lawsuit occurs and is concluded, settled, or resolved without suit, the cloud remains. It is legally dangerous to make too many assumptions based upon a reading of Maitland vs. V.T.N., or any other case, unless your specific issue was litigated.

The cheapest and easiest resolution of the cloud upon merchantable title for the interior lots, is for their owners to apply to their title insurance carriers for deletion of standard paragraph three (3) which refers to errors in lots lines, corners, surveys, etc. This can be attempted now, or a lot owner could seek to buy a new policy from another title insurance company perhaps under color of seeking title insurance coverage for the appreciated value of the property (although we can't pretend that the title companies will remain blind to the problem you are seeking to overcome for long), or a lot owner could seek to delete paragraph three upon any later sale of the property.

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Retreat Landowners Association, Inc.  
Mr. James Persichetti, President  
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In any event, short of a massive quiet title suit (which may be one reasonable alternative) an individual interior lot owner cannot sue for any damages until and unless those damages can be demonstrated with some specificity.

B. The owners of perimeter lots directly touched by the return to the original survey are the most seriously affected, not only by loss of square footage but also by seriously impaired merchantable title. Their probabilities of success lie more in seeking cash damages (likely the difference in appraisable values before and after the return to the earlier survey) than in seeking to have their lots restored to original size and shape. Their claim would be pressed back through the chain of title to Escape Properties, Ltd., Maitland, and V.T.N.

C. Any landowner of a perimeter lot who had title insurance issued prior to the day the boundaries were readjusted back to the B.L.M. survey, who sustained a loss, who had paragraph three deleted in their policies, have a good present claim against their title insurance company.

D. Collective action by the R.L.A. and all affected landowners is, in my view, the best way to go. A single landowner jumping the gun and filing suit on his own will make the claim process awkward, more expensive to pursue, and may cause landowners to wind up fighting each other.

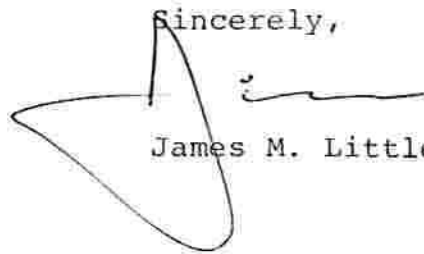
My suggestion is for all concerned to make a joint claim effort. If a significant number of landowners are in a position to make a claim against title insurance companies, those companies may wish to join in the effort by providing legal counsel and/or all or part of the legal expenses, for going against Escape Properties, Maitland and V.T.N. This is an area we could discuss in detail at an R.L.A. meeting.

Your question concerning water rights is more difficult. In reading the Assignment in Trust, it does purport to set up a trust for the benefit of Maitland and the owners of lots in filings 3,4 and 5. Paragraph 4(b) seems loaded, potentially, in Maitland's favor, but I would be surprised to see him be allowed to treat himself any more favorably than other lot owners. To get a sophisticated and reliable opinion on water matters, you should contact a water specialist. The only one I am aware of is Stephen T. Williamson, P.O. Box 4579, Boulder, Co. 80306 (449-3990). He was recommended to me by a local surveyor, but I do not know anything of him myself.

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Retreat Landowners Association, Inc.  
Mr. James Persichetti, President  
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Please let me know when you want me to attend an R.L.A.  
meeting.

Sincerely,

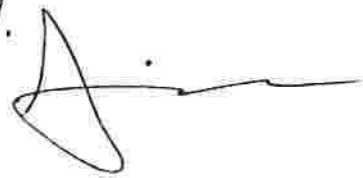


James M. Littlejohn

JML:pam



I DO PLAN TO APPEAR FOR THE NOV. 15<sup>TH</sup>  
R.L.A. MEETING AT 10:00 AM.





# RETREAT LANDOWNERS ASSOCIATION, INC.

## The BOARD OF DIRECTORS MEETING

November 15, 1980

The meeting was called to order at 10:10 A.M. by President Jim Persichetti. All members were present. Also present were Frank Horn, committee chairman and Dennis Bicknell, committee chairman.

### ANNOUNCEMENTS

Jim asked the members to turn in their expense receipts to John Barlow.

### SECRETARY'S REPORT

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

### TREASURER'S REPORT

Disbursements-Town of Estes Park for electrical services to the fire house-\$1265.87, L.E.Kime for culvert repairs on Black Creek Rd.-\$40.00. Balance Savings Account-\$9161.39  
Balance Checking Acc. -- 1065.64  
Total Balance- \$10,227.03

John Barlow reported that there has been a little improvement of the list of landowners delinquent in paying their assessments. There are about seven landowners who are seriously in arrears. The amount of delinquent assessments totals over \$4000. There was discussion on manners of dealing with these delinquent landowners. Marcelle Bicknell reported the methods for filing liens and using Small Claims Court. A letter informing the members of the amount outstanding, the unfairness to the members who are carrying those who are delinquent and the courses of action which the Board of Directors can take was read to the board. Tom Bennett made a motion that the letter go out to all delinquent members of The RLA. Harold Dobson seconded. The motion was approved.

At this point attorney Jim Littlejohn joined the meeting to discuss the VTN survey discrepancy with The Board of Directors. Mr. Littlejohn reviewed the letter he had written to the board about the survey. This letter is attached to these minutes. The board made available to Mr. Littlejohn any information they have. Mr. Littlejohn was directed to continue investigating the options as outlined in his letter by contacting Mr. Maitland's council, VTN, and anyone else necessary. It was felt that there is no recommendation to make to the RLA members at this time.

### BEETLE AND BUDWORM CONTROL

#### Beetle

Harold Dobson reported that only a few people have volunteered to help with the beetle tree marking. The area should be covered again this year even though the problem is diminished it is still there.

#### Budworm

Dobble reported he has learned that the budworm infestation ordinarily works itself out through nature. Most trees recover within 4-5 years. This is nature's method of thinning. Perhaps a letter from the Forest Service could be used in the spring newsletter.

### ROAD MAINTAINANCE

Frank Horn reported that his request for landfill from the county was refused. Miller Fork Creek Rd. from Streamside Dr. to Dunraven Glade will get 4-5 truckloads of fill soon. The road base costs \$12.50 per yard.

There was discussion about the problem of dogs running loose in The Retreat.



BOARD OF DIRECTORS MEETING

November 15, 1980

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ACC

Dennis Bicknell reported that there has been one request for a driveway which is pending. A letter has been sent to Mr. McGee regarding a bus parked on his lot beyond the 60 day limit.

OLD BUSINESS

a. bylaw revision - Tom Bennett reported that the bylaw committee consists of himself, Laurene Nichol and Dennis Bicknell. He reviewed the research done on this by Dennis Bicknell. This committee will continue to work on the bylaws.

b. road acceptance, filing # 4 and 5- The bylaw review committee found that the roads in filings 4 and 5 had never been formally accepted. Harold Dobson made a motion to accept the responsibility of the roads in filing 4 and 5. Ray Stark seconded. The motion was approved.

c. trout stocking - Ray Stark reported that he has not received the necessary information as yet. This will be a subject for the spring newsletter.

d. progress on the fire house - Electrical service has been brought to the fire house but not hooked up. The roof is finished and 95 percent of the siding is on. The overhead doors have been purchased and the foundation back filled.

e. newsletter - Newsletter material was given to Marcella Bicknell/ The newsletter will be mailed the first of December.

NEW BUSINESS

a. telephone - Tom Bennett reported Harley Witte of the Telephone Co. has said that there will be no telephone line installations in The Retreat in the near future. When these are put in they will be four party lines.

b. budget review - The budget for 1980 was \$13,000. The budget for 1981 is \$15,000.

1. General Expenses	\$1800
2. Road Maintainance	4000
3. Snow Removal	2000
4. Beetle & Budworm	300
5. Legal Fees	700
6. Accounting	300
7. Taxes & Licenses	100
8. Insurance	3000
9. Annual Picnic	100
10. Donations	1000
11. Contingencies	1100
12. Secretary & Treas. service	400

Harold Dobson made a motion to accept the budget as presented and hold the assessment at \$65.00 for 1981. Ray Stark seconded. The motion was approved

BILLS

Marcella Bicknell-\$90.00-secretarial services, Marcella Bicknell-\$49.86-expenses, Ray Stark-\$7.48-expenses, Tom Bennett-\$11.39-expenses, John Barlow-\$40.25-expenses, Harold Dobson-\$20.40-expenses, Jim Persichetti-\$31.05-expenses, Frank Horn-\$26.17-expenses and sign posts. Ray Stark made a motion to accept the bills payable. Harold Dobson seconded. The motion was approved.

Ray Stark made a motion to keep the travel allowance current with the IRS guidelines. Harold Dobson seconded. The motion was approved.

John Barlow made a motion to pay attorney Jim Littlejohn's bills as they come in. Harold Dobson seconded. The motion was approved.

THE RETREAT HANDOWNERS ASSOCIATION  
BOARD OF DIRECTORS MEETING

November 15, 1980

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The next meeting will be held on Saturday, January 31, 1981 at 10:00 A.M. at Stark's cabin in The Retreat.

Ray Stark made a motion to adjourn the meeting at 1:35 P.M. Harold Dobson seconded. The meeting was adjourned.

Respectfully Submitted.

*Marcella Bicknell*  
Marcella Bicknell corr. sec.