

**RETREAT LANDOWNERS ASSOCIATION**  
**Board of Directors Meeting – March 19, 2011 @ 9:00am**  
**Mary Nolan's Residence – Elkridge Drive**

Attending: Mary Nolan, Claud Alkire, Dick Boggs, Amanda Gordon, Terry Larsen, Danny Perugini, Peter Sinnott,  
Also Attending: Dennis Bicknell, Vernon and Peggy Burch, Ernie Conrad, Joe Lavaux, Don and Ann Martin, John Nolan, Al Matlock, Duke Sumonia

An executive session of the RLA Board was held immediately preceding this 9:00am Board meeting regarding legal matters and covenants.

President Mary Nolan called the meeting to order and the agenda was adopted. It was moved, seconded and carried that the December 4, 2010 Board Meeting minutes be approved with the following addition, "An executive meeting of the RLA Board of Directors followed the regular Board meeting regarding legal issues."

**REPORTS:**

**Treasurer** – Written financial reports were submitted by Hobert Office Services. The checking account balance was \$17,517.58 and the money market account balance was \$81,963.21 as of March 14, 2011. It was moved seconded and carried that the March 14, 2011 and December 31, 2010 year-end reports be approved.

**Architectural** – Chairman Bicknell submitted a written report of the approved and pending applications. Dennis stated that an application for a new structure had just been received.

**Roads** – Dick Boggs' written report stated that the eroded culvert at 491 Copper Hill Road was fixed, grading is beginning as portions of the roads thaw and plans have started for this year's application of recycled asphalt.

**Environmental/Forest Preservation** – Peggy Burch submitted a lengthy written report and recommends that homeowners spray or take other preventative measures for mountain pine beetle by the end of May this year.

**Website** – Quarterly committee reports and financial reports will be posted on the RLA website. If members detect any inaccuracies on the site, please contact Amanda Gordon.

**Newsletter** – The next newsletter will encourage RLA members to purchase Duck Race tickets (on-line) to support the Glen Haven Area Volunteer Fire Department.

**OLD BUSINESS;**

**Insurance** – The possibility of litigation changed the insurance quotes formerly obtained and so the Directors and Officers liability will remain with the current carriers. Insurance coverage for vehicles and "inland marine" was switched from State Farm to Auto Owners.

**Policies** – The committee met several times and reviewed all of the policies. Board members will receive the newly revised policy book to review and vote on at the next regularly scheduled Board meeting. The book will also be put on the website for membership review and comment. President Nolan thanked the members of the committee for the tremendous amount of work they put into accomplishing this.

Board member Amanda Gordon requested further clarification regarding the policy on costs (further defining “costs”) involved with providing copies of records. The Board generally felt that the present wording is adequate.

**Survey Regarding Roads** – Amanda Gordon reported on the results of the road survey she conducted. The general trend of those responding was for the roads to remain as they presently are. Many provided comments and suggestions. The results will be posted on the website.

#### **NEW BUSINESS:**

**Hunting** – Concerns have been expressed from members about hunters and commercial guides accessing the National Forest through the Retreat. Often private property rights are violated, trespassing occurs and traffic and fire danger are increased. Individual property owners are encouraged to contact the Estes Park Police Department directly if violations occur (obtain license plates of violators) and EPPD will contact the appropriate agency.

**Covenants** – Anonymous correspondence regarding the RLA Covenants has been distributed recently which has caused some concern regarding its validity. The Board has tentatively scheduled an open meeting at the Glen Haven Town Hall on Saturday, April 16, 2011 at 1:00pm and will invite the RLA attorney to provide background of the current situation to the membership, provide his opinion of the current situation, outline alternatives available to the RLA, and receive input from the membership.

**Correspondence** – Long time resident Albert Dill passed away. A former resident inquired about possible summer rentals in the Retreat. Legal information was received from a law firm about the Reservoir Road fire last summer which does not seem to pertain to the RLA. An anonymous letter was received and discarded as there was no identification and/or person to whom to respond.

**Landowners’ Comments** – Duke Sumonia announced that the next Glen Haven Historical Society meeting is scheduled for April 19<sup>th</sup> at 7:00pm at the Town Hall and the program is about the history of the Horseshoe Café.

Peggy Burch commented on hunters she has encountered on Bulwark Ridge.

Ernie Conrad commented that the anonymous letter regarding RLA covenants contains some false information and that such misinformation has a negative effect on property values.

Meeting adjourned at 10:17am. An executive meeting was held immediately following this meeting to discuss legal matters and covenants.

*Joan Van Horn*  
Meeting Recording Secretary

**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 21<sup>st</sup> 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 15<sup>th</sup> 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

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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

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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

**RETREAT LANDOWNERS ASSOCIATION**  
**Board of Directors Meeting – September 17, 2011 @ 9:00am**  
**Mary Nolan's Residence – Elkridge Drive**

Attending: Mary Nolan, Dick Boggs, Marv Gee, Kent Miles, Danny Perugini, Peter Sinnott

Also Attending: Peggy and Vernon Burch, Joe and Dianne Lavaux, John Nolan, Peg Sloan, Duke Sumonia

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

Peter Sinnott called the meeting to order and the agenda was adopted with amendments. Peter requested the minutes note that Marv Gee was appointed by the Board to fill the term vacated by Claud Alkire. Also, subsequent to the Annual Meeting, Mary Nolan and Kent Mills were appointed by the Board of Directors to fill the other two vacant Board member terms until the next Annual Meeting to resolve any possible issues concerning election procedures that occurred at the Annual Meeting.

It was moved, seconded and carried that the June 11, 2011 Board of Directors meeting minutes be approved with the following amendment to Article 3 under Bylaws of Old Business: The statement saying the matter was tabled be amended to say, "The Board voted not to accept the recommendation."

It was moved, seconded and carried that the July 16, 2011 Annual Meeting minutes be approved with the addition of a statement that 61 members attended and 33 proxies were represented.

The following were nominated and unanimously elected to office for 2011-12:

President - Mary Nolan                      Vice President - Peter Sinnott  
Secretary - Amanda Gordon              Treasurer - Danny Perugini

Board member comments included President Mary Nolan reporting on correspondence recently received and submitting a written summary of contacts, correspondence and activities since June 18<sup>th</sup>. She also submitted a written President's Message, both of which are attached to these minutes.

## **REPORTS:**

**Treasurer** - Written financial reports were submitted by Hobert Office Services. The checking account balance was \$3,061.58 and the money market account balance was \$45,481.27 as of September 15, 2011. Five assessments for 2010 and seventeen assessments for 2011 have not been paid. Three properties have sold since June 10, 2011. It was moved seconded and carried that the report be approved as submitted.

**Architectural Control Committee** – Dennis Bicknell's report dated September 16, 2011 was read which stated an application for a cabin was approved for the Hillmans at 755 Bulwark Ridge Drive.

**Roads** – Dick Boggs reported that 560 tons of recycled asphalt was applied to .6 miles of Copper Hill Road and that 11 RLA members volunteered their time which helped the project be completed within three days. Nonmembers are dumping slash in the RLA slash pile which is costing the Association more money. The Board asked Dick to research the cost of installing a gate to prevent this. The Board commended Dick Boggs and Rich Gilmore for the exceptional job they are doing!

**Environmental/Forest Preservation** – Peggy Burch reviewed her written report dated September 17, 2011 which included information on needle cast disease, aphids, grasshoppers, and mountain pine beetle preventative sprays. The report recommended

that homeowners avoid cutting and trimming trees until later this year in case fresh sap attracts beetles.

Peter Sinnott attended a Forest Service meeting regarding fuel mitigation proposed for the Cedar Park area which does not directly affect The Retreat. The Forest Service plans to start fuel mitigation in the Glen Haven area in 2015. The fire mitigation plan approved for the Glen Haven area is available through the GHAVFD.

The National Park Service fire management plan for Rocky Mountain National Park will be discussed at community meetings in the near future. Marv Gee has agreed to attend and report at the next Board meeting.

**Website** – A written report dated September 9, 2011 was received from Amanda Gordon which discussed proposed additions and updates. The question was raised whether or not access to the website should be limited to members only as some information should not be readily available to the general public. Danny Perugini agreed to discuss this with Mandy and report at the next Board meeting.

**Newsletter** – No report.

### **OLD BUSINESS:**

**Bylaw Amendments** – The Bylaw Amendments will be signed by all Board members with the President and Secretary testifying and applying the Association seal.

**Arbitration Panel** – This matter was tabled.

**Policy on Proxies** – This matter was defeated at the June Board meeting.

**Lorenz vs. RLA Lawsuit** – A new sign has been posted on the Lorenz property and a three page letter has been distributed to many RLA members. The lawsuit is advancing and further information will be passed onto the RLA members when the attorneys representing the RLA approve of its release.

### **NEW BUSINESS:**

**Colorado Corporation Report** – The annual periodic report will be referred to Hobert Office Services.

**Call Tree** – This matter was tabled.

**Meeting Standing Rules** – This will be tabled until the spring Board meeting.

**Easement on RLA Land** – A letter was received from N. VanButsel stating that he may need an easement on RLA for his septic system. There are several conditions he must meet first so the matter was put on hold until the other matters are settled.

**Budget Meeting** – This meeting is scheduled for 9:00am on October 15, 2011 at Danny Perugini's residence.

**Board Meetings** – Board meetings are scheduled as follows:

December 10, 2011 @ 9:00 am at Peter Sinnott's residence

March 17, 2012 @ 9:00 am at Mary Nolan's residence

June 16, 2012 @ 9:00 am at Mary Nolan's residence

**Legal Counsel Review** – Marv Gee and Kent Miles agreed to research attorneys with regard to handling RLA general purpose matters.

**Landowners' Comments** – Duke Sumonia announced that the next Glen Haven Historical Society meeting is September 20<sup>th</sup> at 7:00pm and that annual membership dues are only \$10.

Meeting adjourned at 10:15 am.

Joan Van Horn, Meeting Recording Secretary

## President's Message

In the past, I have been asked four times by the Mr. and Mrs. McCoy why the RLA Board (I) do not believe the judge's decision in the McCoy/Cross lawsuit pertains to the Retreat. To this, I have always given the standard answer - that it was between two parties.

At the Annual Meeting, Ann Martin read and submitted a letter asking the RLA Board to acknowledge the judge's ruling and its effect on the entire RLA community.

Since the previous answer(s) have not been accepted, I will try once again to state our/my position. My answer, here and now, will not touch on the particulars of the McCoy/Cross case or what I think of the unethical way that it was presented before the court. I am not an attorney and, therefore, will not cite Colorado law, which would support my answer, or speak or write in legalese.

The judge's finding in the McCoy/Cross lawsuit was between two parties – the McCoy's and the Cross's. No one on the board ever knew of this lawsuit until after the judge ruled; and except for a chosen few, no members of the Retreat ever knew of the lawsuit.

How is that fair or equitable to all members of the Retreat Landowners Association? As a member, was your side or thoughts on this matter heard?

Simply put, the Colorado law of joinder says that if an issue is brought before a court by two parties and that issue affects or implicates the interests of all members/parties, then all members/parties are indispensable parties and should have the opportunity to voice their position before the Court rules on the issue.

All members should have been joined because the McCoy's and Cross's cannot adequately represent my interests or that of any other member. If I agree or believe the judge's ruling to be valid without the chance of being heard, then I have basically given up my right and the rights of all members to protect their interest in the Retreat and this I will not do.

As pertains to the rest of the Martin/Tuttle letter, the RLA is a valid association and will continue to act as such, in accordance with our declaration (which consists of our Articles of Incorporation, our ByLaws, our Plat, and our covenants that were filed contemporaneously with the Plat) until a Court, after considering all of the details and members opinions, rules otherwise.

I am glad that Ms. Martin would want all members to be involved in and aware of any future changes to our Association. There can, however, never be a "time limit" of January 2011 imposed on any action that would greatly affect the entire membership as her letter wants, as this would once again invalidate your right to protect your interests.

Mary A. Nolan  
For the Board of Directors

- 18 June Email from Duke Sumonia re the Annual Packet that was mailed to members and omissions/differences as to New Business, Standing Rules, Review vs. Audit, Proxy Form, Arbitration Panel, and my biography.
- 25 June Phone call from Ernie Conrad re signage on Ms. Lorenz's property
- 27 June Email from Guy and Victoria McCoy re Larimer County District Court Order and that the RLA Board refuses to answer their questions to their satisfaction. Similar questions submitted and answered on 20 June, 17 June, 10 June.
- 28 June Email from Duke Sumonia requesting Membership List, Eligible to Vote at the Annual Meeting
- 30 June Email to RLA Newsletter Editor from Duke Sumonia citing omission of his Written Landowner Comments to the June minutes
- 30 June Email from Becky Lorenz re RLA President's repetitive and evasive statements regarding her lawsuit
- 20 July Phone call from Mr. Avery asking for recap of assessments since 1978.
- 31 July Email from Duke Sumonia re Executive Meeting held on 15 June
- 3 Aug Letter to David Graf from Mr Zier, attorney, re Covenants
- 15 Aug Commercial Insurance Policy Class Action Settlement — no action required; and Grant flier regarding preserving open spaces — no action required.
- 15 Aug Letter from Bradley Stephens re: 390 Fisherman's Lane — Letter answered by Dennis ACC
- 22 Aug Email from Don and Ann Martin noting that their written statement was not included in the Annual Meeting minutes.
- 25 Aug Email on 25 Aug and copy rec'd in the mail on 26 Aug from the McCoy's complaining about a party to be held by Frances Cunningham on 27 Aug
- 26 Aug Email from McCoy's re: party Frances Cunningham was to hold.
- 1 Sep Privacy Disclosure from 1<sup>st</sup> Nat'l Bank — filed with safe deposit box info
- 1 Sep Letter from Forest Service re meeting on 14 Sep Pete to attend
- 4 Sep Letter from AAC re: easement onto common area by Mr. Stephens

10 Sep        Phone call from Judith on Elkridge Dr, re: construction equipment on lot  
                 across from hers, she is tired of seeing it.

Executive Sessions:

16 July — Review agenda for Annual Meeting 13

Aug — Lawsuit — Documents and Witnesses

17 Sep - Lawsuit

**RETREAT LANDOWNERS ASSOCIATION**  
**Board of Directors Meeting – December 10, 2011 @ 9:00am**  
**Peter Sinnott's Residence – Saddle Court**

Attending: Mary Nolan, Marv Gee, Amanda Gordon, Danny Perugini, Peter Sinnott  
Also Attending: Jack and Verna Heidebrecht, Peggy and Vernon Burch, Jim Boyd, Duke Sumonia, Peter Hillman, Rock Tallman, Charlotte Gee, Stephanie Sinnott, Rick Spowart, Chad McGuire

The meeting was called to order.

Chad McGuire of the Larimer County Sheriff Department and Rick Spowart of the Colorado Parks and Wildlife Division addressed concerns regarding trespassing and hunting. A professional hunting guide has been using RLA roads to access USFS property and private property not in the Retreat. Although the private/public status of some roads is not totally determined, people using RLA roads to access other property do not have the right to leave the road and trespass on RLA or other private property. Landowners were advised to use caution when approaching unknown vehicles and to note the license plate information, type of vehicle, number of passengers and direction headed. If a problem develops, then call the Sheriff's office (970-416-1985) with this information (or Rick Spowart at 970-586-4000 if it is a hunting issue rather than a trespassing issue).

The agenda was adopted with additions and amendments. The minutes of the previous board meeting held September 17, 2011 were approved with corrections: (1) in "New Business, Easement on RLA Land", the letter was received from "Bradley Stephans", and (2) in the Architectural Control Committee report, the Hillman's address is 783 Bulwark Ridge Drive.

**Board Members Comments** – It was noted that an executive session of the Board was held September 19, 2011 regarding the lawsuit. President Mary Nolan read a summary of correspondence received and contacts made since the previous Board meeting.

**REPORTS:**

**Treasurer** - Written financial reports were submitted by Hobert Office Services. The checking account balance was \$ 989.38 and the money market account balance was \$39,486.80 as of December 7, 2011. Anita Meis filed the income tax report for The Retreat. Three assessments for 2010 and fifteen assessments for 2011 have not been paid. Two properties have sold since September 15, 2011. A clarification was requested on the balance sheet regarding the equipment reserve so it was moved seconded and carried that the report be approved subject to satisfactory explanation (by Hobert Office Services) of the equipment reserve item. The Board also requested that future reference to properties sold, etc. include the filing and lot numbers.

**Architectural Control Committee** – Dennis Bicknell's report dated December 8, 2011 reported that the only current activity is the Hillman home under construction at 783 Bulwark Ridge Drive.

**Roads** – No report.

**Environmental/Forest Preservation** – Peggy Burch summarized her written report dated December 10, 2011 which included information that the mountain pine beetle may be flying twice in a year instead of once and that the recent extreme weather conditions are hard on the trees.

**Website** – All the RLA plats are now on the website. Amanda Gordon will research alternatives and costs for scanning and storing minutes and newsletters. Members will continue to be encouraged to receive RLA information via e-mail rather than by paper and mailing. Mandy and Danny will research the need for protecting the website and possibly requiring password access.

**Newsletter** – No report.

#### **OLD BUSINESS:**

**Lorenz vs. RLA Lawsuit** - Lawsuit was dismissed with prejudice. Three orders were entered by the Court on November 17, 2011. The first order denied a request to serve all owners by mail. The second order denied a request to file a Third Amended Complaint and dismissed the Second Amended Complaint with prejudice. "With prejudice" means that Ms. Lorenz may not file a new lawsuit based on the same theories. The third order denied a Motion for Summary Judgment which was filed on November 16, 2011. Ms. Lorenz has the right to appeal this judgment but notification of an appeal has not yet been received by the Board.

**Rocky Mountain National Park Fire Management Plan** – Marv Gee attended the meeting regarding the RMNP fire management plan and will report at a future meeting.

#### **NEW BUSINESS:**

**2012 Budget** – The Board met in October and drafted the 2012 RLA budget. Peter Sinnott suggested several changes to bring the budget more into balance. The major change suggested was eliminating new road improvements (adding road base) but keeping road maintenance as proposed. Lost income from unpaid assessments severely affects budget flexibility. It was moved, seconded and carried that the budget be adopted as amended. A copy will be posted on the website.

**Legal Counsel** – A Committee consisting of Marv Gee, Peter Sinnott and Kent Mills researched legal firms to handle RLA general legal affairs. Marv Gee moved that the 2012 legal services and fees summary agreement with the firm of Hindman & Sanchez be approved subject to (1) the lead contact in the firm being determined by this committee prior to payment of the first retainer, and (2) determining how the estimated fees are to be assigned/expended during the first steps of the agreement. The motion was seconded. Following discussion, Marv Gee withdrew his motion with the approval of the seconding person in order that the matter be reviewed in executive session of the RLA Board following this meeting. When a satisfactory agreement with legal counsel is reached, the currently retained attorney firm will be notified of cancellation.

**Insurance Carrier** – Because of recent litigation, CNA has elected not to renew Directors' & Officers' Liability Policy for the RLA starting 1/01/2012. CNA will continue to cover lawsuits previously filed. The Board unanimously approved via e-mail coverage by Travelers' Insurance carried by the current agent, Brown & Brown.

**Retreat Signs** – Several signs concerning "no hunting" and "no trespassing" have been installed throughout The Retreat. Installing a sign regarding "no discharge of firearms" in the vicinity of the Miller Fork trailhead will be researched.

**Gate for Slash Pile Area** – This matter was tabled until the March 2012 meeting.

**Webcam** – A new webcam was purchased to replace the broken one and should be installed and working next week.

**Nominating Committee** – Kent Mills will be asked if he will chair the Nominating Committee for the 2012 Board election.

**Winter Potluck** – The Winter Potluck is scheduled for the evening of Saturday, January 21, 2012 at the Community Church of the Rockies in Estes Park.



**GHAVFD Capital Campaign Fund Committee Request** – The GHAVFD fundraising committee requested use of the RLA email addresses to communicate directly with RLA members regarding the proposed new fire department building. It was moved, seconded and carried that any correspondence to the RLA membership via email be approved by the RLA Board of Directors and then any such approved communication be sent out through the services of Hobert Office Services at the expense of the GHAVFD or other entity requesting such (therefore preserving the integrity of the RLA members' email addresses).

**2012 Assessment Invoices** – It was moved, seconded and carried that the 2012 assessment invoices include a separate line for a donation to the GHAVFD.

**Chenowith Access** – Marv Gee agreed to begin researching accessing private property through the use of RLA owned and maintained roads.

**Landowners' Comments:**

Peggy Burch noted that several hunters traveling on Bulwark Ridge Road seem to be looking for ways to access forest service property via Copper Hill Road. Also several horse trailers have been parked at the Miller Fork Trailhead.

Verna Heidebrecht thanked the Board members for their dedicated service.

Duke Sumonia announced that the newly revised 9<sup>th</sup> edition of Roberts Rules of Order has just been published and requested that the Board honor and adhere to the governing documents of the Retreat, especially the policies regarding responses to property owners' inquiries. He submitted a written document requesting it be included in these minutes and in the newsletter (the Board declined his request for inclusion into the newsletter). He commended Mandy Gordon for her work on the website and announced the Historical Society Potluck would be December 20<sup>th</sup>.

Meeting adjourned at 11:50 am to go into executive session.

Joan Van Horn  
Meeting Recording Secretary

**Written Land Owner Comments submitted for the minutes - Dec. 10, 2011 RLA Board Meeting**

**Open Letter to RLA Members - I believe you have a right to know.**

**You may have noticed in Sept 17th board minutes, "Mary Nolan and Kent Mills were appointed by the Board of Directors to fill the other two vacant Board member terms..". Did you wonder what that was all about.**

**A number of mistakes were made during the 2011 Annual Meeting which impact RLA members. They were brought to the board's attention and submitted, Sept 13, 2011, for the next newsletter but were rejected with this response, "The Board has reviewed your submission request and has decided against inclusion in the newsletter. The predominant reason is that the issues you raise are for the Board to deal with." In other words, the RLA members have no right to know.**

**1. Bylaws, Art V, Sec 2, Election to the Board of Directors shall be by secret written ballot. And Robert's Rules of Order states, "When the bylaws require a vote to be taken by ballot, this requirement cannot be suspended...." Neither allow a "vote of acclamation" - therefore the election of two directors by the latter is null and void. The two illegally "elected" should not take part of any board action until and if properly elected.**

**2. The motion - restricting members not in good standing from speaking at the meeting - is null and void as it violate requirement to have prior notice in the call for the meeting. CRS Nonprofit Act 7-127-104(3)(b) states, "Notice of an annual or regular meeting includes a description of any matter or matters that must be approved by the members or for which the members' approval is sought...".**

**Additionally he only restriction upon members not in good standing allowed by the bylaws is denial of right to vote - other members may not limit other rights except through a bylaw amendment**

**3. The motion extending fire department \$100 "special assessment" was also null and void for same reason as above - no prior notice. - Bylaws state, "Special assessments may be levied by prior notice and an affirmative two-thirds of the votes cast at an annual Membership Meeting or at a Special meeting called in accordance..." and forcing a member to make a donation is illegal. Additionally, along with \$250 regular assessment the \$350 total assessment exceeds \$250 limit set by the bylaws.**

**4. The Policy, NOTICE & HEARING OF ENFORCEMENT POLICY & PROCEDURES adopted by the board June 11, 2011 required election of arbitration panel members at the annual meeting. The board refused to put it in the Annual Meeting packet as prior notice. Was that an oversight or on purpose to hinder application of the policy.**

**5. Failure to include NEW BUSINESS on agenda. - The Annual Meeting is a member meeting to allow members to bring up any business they choose. When asked why it was omitted the answer given was, "At the past annual meetings new business was not an agenda item, and therefore, not added to the agenda." That was a strange answer considering that every AM agenda from 1976 to 2007 (31 years) had NEW BUSINESS. It was only under presidency of Lee, Boggs, Perugini and Nolan, 2008-2011 it was omitted. RRO requires New Business be on agenda**

**Respectively submitted Dec. 10, 2011**

**Duke Sumonia**

**Member in good standing**

