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www.foxtailpineshoa.org

Foxtail Pines Owners Association (FPOA) Spring (April) 2011 Newsletter

Welcome. We are pleased to send you this association newsletter. This newsletter will focus on updating you on the business activities of the board of directors, and outline the future course of our association. This newsletter is also a **call for volunteer support** to assist in accomplishing the business of our FPOA.

Call to members for volunteer support. This newsletter, and our detailed board of directors meeting minutes, outlines your board's extensive efforts to address many pressing business issues for the Foxtail Pines Owners Association. To make timely progress in these efforts, we need the assistance of our members. **We need help with an array of administrative tasks including: participating on special committees; coordinating volunteer activities; maintenance of membership contact information; mailings to our membership; arrangement of meetings; covenant compliance; and maintenance of our website.** This association has some 300 owner-members, but the work of this association continues to fall on the shoulders of a few. If we do not receive membership assistance, the board sees two likely courses. The first possible path is that we will continue to make poor progress in meeting the full potential of Foxtail Pines. The other option is to purchase the assistance needed to accomplish our association's business, likely resulting in members paying a special assessment and/or increased annual dues to pay for the needed help. Please help! If you would like to step forward and volunteer, please contact our FPOA manager, Kim Wittbrodt, at 719-839-5106.

FPOA Covenants – Amendment and Enforcement Efforts. As noted in our winter newsletter, your board of directors shares with most of you a common belief that people purchase property in a covenanted community because they want community standards maintained and covenants enforced.

a. Background. Our original covenants were established in June, 1980; amended in June and July, 1981; and amended again in January, 2003. Our FPOA is a Colorado corporation and we are governed by our covenants, by-laws, and by Colorado state law. Our covenants remain out-of-date due to changes in technology and modern business practices, and also due to changes in Colorado state law, including the Colorado Common Interest Ownership Act (CCIOA) and the Colorado Revised Non-profit Corporation Act (CRNCA).

b. Law firm of HindmanSanchez, P.C. Your board of directors has established a monthly retainer agreement with the law firm of HindmanSanchez, P.C., in Arvada, CO. For a fixed fee of \$235 per month your board has access to: virtually unlimited telephonic advice; reduced hourly rates for other services; 30 minute in-office consultations; and other services. Details are provided in the April 2011 board of directors meeting minutes. You are also encouraged to review their website at www.hindmansanchez.com.

c. Covenant amendment process. Your board purchased a comprehensive review of our existing covenants, amendments, and by-laws (collectively known as our "declarations") from HindmanSanchez for a fixed price of \$1,695. The subsequent report, received by the board, clearly outlines the need to revise and update our existing declarations. Consequently, your board approved a contract (approximately \$9,000) with HindmanSanchez to draft extensive revisions to our declarations, and to guide us through this detailed process.

We anticipate that this process will take several months, and your board will fully comply with FPOA by-laws and state law regarding membership meetings and voting on any proposed changes. In the meantime, members are encouraged to read, and comply with, our existing covenants, which are available for download on our website at www.foxtailpineshoa.org.

d. Covenant compliance and enforcement. As many members noted at our August membership meeting/picnic, both covenant compliance and covenant enforcement have been lacking in Foxtail Pines. Let's begin this discussion with a review of each member's responsibilities as outlined in paragraph 18 of our covenants dated June 2, 1980 (emphasis added):

The purchaser of a tract in the development, upon taking title, automatically becomes a member of the Foxtail Pines Homeowners Association (hereinafter referred to as the "Association"). **Purchasers understand and agree, by taking title, that membership in and full support of the Association is an absolute requisite for every owner.** The purposes of the Association are to assume ownership and control of, and responsibility for the common areas within the development, to provide surveillance over the property, to include, but not limited to maintenance of signs and **enforcement of protective covenants**...Purchasers understand and agree that...**full cooperation with Association decisions and policies are requirements concomitant with purchase and ownership**...

A few months ago, the board of directors reviewed nearly every property in Foxtail Pines, noting the most significant covenant violations. The most significant violations include: recreational vehicles (RVs) improperly parked and/or utilized; inoperative, abandoned and/or unregistered vehicles on properties; structures (sheds, fences, etc.) erected on properties without evidence of approval from the Architectural Control Committee (ACC); excessive accumulation of materials (debris, clutter) on properties; and commercial vehicles (tractors/trailers) parked on properties. All of these conditions reduce the material and esthetic values of our neighborhood.

Very soon, property owners will receive written notice of these violations from the association. This notice will initiate the process of correction. **It is the board's sincere desire that members promptly and voluntarily correct covenant violations.** If we do not receive a reply from members on a plan to correct covenant violations, we will engage the assistance of our partners at HindmanSanchez law firm to being appropriate legal steps. **Please help us avoid this!** Pursuing formal legal resolution to covenant violations will waste the human and financial resources of our association, and may result in the property owner being liable for FPOA costs.

FPOA Website. The board continues to work with adwebsol.com on improvements for our website, www.foxtailpineshoa.org. In the meantime, please continue to check the site for notices of meetings and postings of information. We are working website changes that will provide login/password protection for all members to keep sensitive business matters (financial information, etc.) out of the public domain.

Action to collect past-due FPOA member dues. At the April board of directors' meeting, the board reviewed a listing of past-due FPOA membership dues. Some members are several months late, and a few are years in delinquency. Members who are delinquent will soon receive a friendly, written reminder of delinquency and request for immediate payment from your association. In the absence of payment, or an arrangement to make payment, FPOA will move to take collection action. Such action will result in wasted time and effort by FPOA, and increased expenses for the member. We hope that all members will promptly ensure that they are fully current in their annual dues.

Update on purchase of water shares to sustain community pond. We continue to pursue the efforts to finalize the purchase of water rights to augment our fishing pond. Two other parties involved in the approval to the augmentation plans have filed a "Statement of Opposition" to which our legal counsel has now responded. We are currently awaiting the two parties' responses to our revised plans.

Other business and reminders. Due to the aggressive agenda of the board, a special working board of directors meeting will be held on Saturday, May 14, 2011, 9 a.m., in the dining room of the Java Moose on Main St in Fairplay. Members are encouraged to attend. In other news:

* Members are reminded that unlicensed ATVs may not be operated on neighborhood roads.

* "Tax Day" (April 15) is a good reminder that hungry bears are coming out of winter hibernation. Please place your trash containers out the day of collection, and not the night before.

* Members are encouraged to support the Park County Recycling Center at the Mountain View Transfer Station in Fairplay, located on the road between the bowling alley and the Northwest Fire Station on Hwy 285 just south of town. Full details on what you can recycle, and the hours of operation, can be found at www.parkcountyvision2020.org.

* Your board of directors has set Saturday, July 23, 2011 as the tentative date for a planned Foxtail Pines neighborhood clean-up. This project is intended to fill the void created by the cancellation of the annual Park County clean-up. The focus is to improve the physical and visual appearance of our neighborhood by removing man-made trash and debris (not hazardous materials or items) from neighborhood properties. We will not be able to take branches, wood, or other natural products generally referred to as "slash". (For such products, contact the Northwest Fire Station for possible disposal at their burn pit.) Our hope is to arrange volunteers to assist owners who need help removing items. This will be our first attempt at this project, and much planning remains. Please check our website for updates as July approaches.

* Your annual membership meeting and picnic is scheduled for **Saturday, August 6, 2011**, at our community pond and picnic area. Tentative start time is 10 a.m. (we will provide details as the date approaches). This annual meeting is the traditional event for holding FPOA board elections. If you would like to run for a Foxtail Pines Owners Association office, please contact Kim Wittbrodt at 719-839-5106 to provide your name and interest. Anyone interested in a FPOA board position is particularly encouraged to volunteer to assist the board with one or more of the activities noted at the beginning of this newsletter.

Contacting your association. You can submit an email to the association via our website at www.foxtailpineshoa.org. You can reach Kevin Pollard at kevin4foxtail@gmail.com or Dave Koerber at davekoerber@evcohs.com.

Your board of directors thanks you in advance for your increased volunteer participation in the business affairs of the Foxtail Pines Owners Association (FPOA). We also appreciate your concerted efforts to comply with the existing covenants and bylaws of our association, and to ensure current payment of membership dues.