

Stanton Creek Residential Association, Inc.

c/o MSI, LLC

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May 9, 2023

Greetings,

This letter and meeting notice is to announce a second Owners Meeting to review and discuss the proposed Covenant Rewrite for the Stanton Creek Residential Homeowners Association. Previously the Association held an Owners Meeting on March 30, 2023, to discuss the proposed Rewrite with homeowners that wished to attend. As part of the process the Association also posted a draft of the proposed Rewrite to the Association's website so that homeowners could review the draft and then be able to provide comments and feedback for the Board of Directors to consider. Following both the comment period and first Owners Meeting the Board reviewed the feedback that was provided and discussed some of the details with the Association's legal counsel who has been assisting the Board with the Rewrite. At this time some changes were made to the proposed Rewrite based on some of the feedback that was provided by homeowners as a result of this process.

An updated copy of the proposed Rewrite has been uploaded onto the Association's website at this time for homeowners to have access to. Homeowners are encouraged to go to the website to review the updated draft at their convenience. To access the document, you may go to:

<https://engage.gonumerate.com/site/5979/files/5979/dyn214406/Amended%20%26%20Restated%20Declaration%20of%20Covenants%20-%20Updated%20Draft%205.5.23.PDF>

Some of the changes that were made to the proposed Rewrite can be found under the following sections:

- **Section 5.25.f Placement and Usage of Rain Barrels** – It was suggested to remove the language that addressed homeowners not being able to use collected rainwater for drinking purposes. This language was removed.
- **Section 6.3 Architectural Criteria** – It was suggested to remove the sentence pertaining to the Board being able to be reimbursed for actual expenses incurred for the review and approval process for an architectural request. This sentence was removed.
- **Section 6.6 Reply and Communication** – This item received the most feedback from homeowners pertaining to the timeline for the Association to process and respond back to a homeowner on a submitted architectural request. The Board weighed through the language and requirements for this section and removed the requirement for homeowners to have to resubmit a request again for another 30-day period should no decision be rendered by the Committee. With the revised language the Committee is still allotted the initial 30 days to review a submitted request but if the Committee fails to respond after the 30 days a homeowner may then resubmit their request directly to the Board of Directors for consideration. The Board will then render a decision and respond back to the homeowner within 10 days after the resubmittal. Homeowners will still need a written approval though from the Association in order to proceed with an exterior project.
- **Section 8.1.b Compliance and Enforcement** – Under *iii.* of this section the language pertaining to the Association's right to exercise self-help for maintenance responsibilities of the Owner was amended. Instead, this section was changed to address Owners who fail to address any exterior structure or improvement that has not been approved of by the Association, who then also fail to remove the structure or improvement once they have been notified. The Association would reserve the right to enter onto a property to remove the structure and restore the property to its original condition. This would also be done under a court order granted to the Association.

One section that received a decent amount of feedback from homeowners was with regards to **Section 4.8.d Effect of Non-Payment of Assessments** and the portion pertaining to the Association's right for foreclosure and receivership of a property. The Board took these comments to the Association's legal counsel and was provided with a subsequent explanation for what this section refers to and what is allowed under Colorado law currently. The following is the explanation that was provided by the Association's attorney:

“The proposed Amended and Restated Declaration of Stanton Creek, Phase I, at Article 4, Section 4.8 discusses the consequences of an owner's failure to pay assessments, including acceleration of assessments and foreclosure. Subsection (d) specifically addresses the Association's ability to have a receiver appointed in conjunction with a foreclosure lawsuit. A receiver is appointed by the court to manage real property that is not owner-occupied. If an owner resides in the property, the court will not appoint a receiver. The Board of Directors must follow the court process to have a receiver appointed and may not simply “take-over” any property it believes to be abandoned or vacated by an owner. If, after appointment of a receiver, it is determined that the owner does in fact reside in the property, the receivership action and the authority of the receiver are terminated by the court. In applying to the court, the Association could utilize the language in the Amended and Restated Declaration to support the Association's request for the court to order that a receiver be appointed for the property. Foreclosure of the Association's lien and receivership actions are provided for in the Colorado Common Interest Ownership Act (“CCIOA”) and can be found in the Colorado Revised Statutes at § 38-33.3-316, C.R.S. Stanton Creek's Collection Policy (see Paragraphs 16 and 17) also permits the Association to foreclose and have a receiver appointed. However, these actions are highly regulated by Colorado law and not typically undertaken unless other collection options, such as wage and bank garnishments, are unsuccessful or if the owner(s) are avoiding service of a collection lawsuit.”

With this explanation from the attorney the Board at this time does not feel this section needs to be amended from what originally was included in the initial draft homeowners have reviewed.

Outside of the changes mentioned above in this letter no other changes have been made to the initial draft homeowners have been able to review. It is at this time the Board would like to hold the second and final meeting to review the proposed Covenant Rewrite with homeowners. The meeting will be held on **Thursday, May 18th at 6:00 p.m.** The meeting will be held via Microsoft Teams instead of being held on Zoom this time. For additional information on how to access the meeting please use the information located on the meeting notice that is included with this letter.

Following this meeting the Covenant Rewrite will be mailed out to all homeowners along with a voting consent form included for all homeowners to be able to cast their vote if they are in favor of the proposed Covenant Rewrite. This will be the next step in the process for the Covenant Rewrite. Additional details on the voting process will be included with this separate mailing following the upcoming Owners Meeting.

Any questions regarding the meeting itself should be directed to MSI Community Manager Allen Bartz at abartz@msiho.com.

Sincerely,
The Stanton Creek Residential HOA Board of Directors

Encl.

May 9, 2023

Stanton Creek Residential Association, Inc.

NOTICE

SPECIAL COVENANT REWRITE MEETING

May 18, 2023

6:00 P.M.

VIRTUAL MEETING VIA MICROSOFT TEAMS

https://teams.microsoft.com/l/meetup-join/19%3ameeting_M2Y4Nzk2YjMtNmU4MS00MTgxLTljYWQtMzExYWQ1Y2IzMGEy%40thread.v2/0?context=%7b%22Tid%22%3a%229e306768-0fc6-42e8-9c1a-6cd27f61e31c%22%2c%22Oid%22%3a%227d6d8648-090d-4290-bf20-21c89781be74%22%7d

Meeting ID: 283 065 413 426 / Passcode: JFddnr

You may also attend via telephone by calling +1 469-844-7991 and entering Phone Conference ID 825 595 413#.

Please plan on attending the Special Covenant Rewrite Meeting of the Association to be held at the time and place shown above. This meeting is held in accordance with the legal documents of the Association. The purpose of the meeting is to review and discuss the proposed Covenant Rewrite for the Stanton Creek Residential Association. A draft copy of the proposed Covenant Rewrite can be found on the Association's website at:

<https://engage.goenumerate.com/site/5979/files/5979/dyn214406/Amended%20%26%20Restated%20Declaration%20of%20Covenants%20-%20Updated%20Draft%205.23.PDF>

Again for this meeting no formal vote will take place on the Covenant Rewrite. This meeting is again simply to discuss the proposed Rewrite with the homeowners that attend. A mail-in vote will be conducted following the meeting with all homeowners in the community as required by the Association's current Declaration of Covenants that are in place. If you are unable to attend the Special Meeting but would like to provide comment on the proposed Rewrite you may submit your comments to MSI for the Board of Directors to review. Comments may be sent in writing in care of Community Manager Allen Bartz to any of the following:

1. Stanton Creek Residential Association, Inc.
c/o Allen Bartz
MSI, LLC
8201 Spinnaker Bay Dr., Suite D
Windsor, CO 80528
2. abartz@msiho.com
3. Fax: (970) 635-0517

We hope that you will be able to attend this meeting. If you have any questions regarding the Covenant Rewrite or the Special Meeting please contact MSI Community Manager, Allen Bartz at either 970-663-9681 or abartz@msiho.com.

Access to general information, all required documents, and HOA-related policies can be found on your community's website: <https://engage.goenumerate.com/s/stantoncreekresidential/>