



SMOKY HILL HOMEOWNERS' ASSOCIATION, INC
BOARD OF DIRECTORS
MINUTES OF REGULAR MEETING
March 11, 2025

A regular meeting of the Board of Directors (Board) of the Smoky Hill Homeowners Association, Inc. was scheduled for 6:30 PM on March 11, 2025, hosted at the Smoky Hill Clubhouse with the address 5405 S Telluride St, Aurora, CO 80015.

- I. **Roll Call, Call to Order** – Director Armendariz called the meeting to order at 6:33 PM. Directors present: Emily Aarestad, Jessica Armendariz, Jeff Cox, Craig Maroney and Caryn Winkler. Directors absent: . Others present: Kevin Christensen from KC & Associates, LLC, Community Association Manager and homeowners per the sign-in sheet.

Due to the amount of homeowners attending, the Board unanimously approved of moving to Article IX on the agenda before proceeding with other business.
- II. **Approval of Meeting Minutes**
 1. The Board reviewed the February 11, 2025, regular meeting minutes. After review, Director Armendariz made a motion to approve the minutes as amended. Director Aarestad seconded the motion. The motion passed by a vote of 4-0-1, with Director Armendarez abstaining.
- III. **Financial Report** – The January financials were available for review. The accounts payable are approved in between meetings via the Board of Director only portion of the Homeowner Web Portal.
- IV. **Manager's Report** – Manager Kevin Christensen provided the manager's report. The report included tasks assigned to management, a summary of the agenda, architectural summary and violation summary.
- V. **Committee Reports**
 1. **Architectural Review Committee**
 - I. **Architectural Review Request Summary** – A summary of the architectural files was provided. There were four (4) architectural approvals in November, one (1) in December, two (2) in January and thirteen (13) in February.
 2. **Social Committee** – Director Armendariz noted that no additional volunteers have stepped forward to assist with even planning. There is not a dumpster day rally planned or scheduled for 2025 due to the lack of community volunteers. not available to provide a report.
 3. **Communications** – The website is being updated with new information as it becomes available. Director Armendariz updates the web portal as information is provided to her from Management. The Board of Directors emails are coming due for renewal. Management was directed to send payment information to Director Armendariz.
 4. **Legal** – No report was provided due to the lengthy discussion from the homeowner forum.
 5. **CENCON (Centennial Council of Neighborhoods) Update** – A CENCON update was not provided by volunteer and CENCON Board Member Wheelan due to the length of the homeowner forum under Article IX. It was confirmed that all CENCON meetings are open to all members of the City of Centennial.
- VI. **Outstanding Business – Nothing to Come Before the Board**
- VII. **New Business – Nothing to Come Before the Board**

VIII. Resident Forum – See Article IX.

IX. Kelly McQueeney – Association Legal Counsel

1. Attorney McQueeney provided a summary of the Association Covenants. It was noted they were originally created in the 1970's. They were only valid for 25 years but were amended in 2003. There was a covenant enforcement lawsuit in 2006 that was appealed to the District Court from County Court. This lawsuit was named as 2005CV4046. Three options were discussed. 1) Vote to terminate the community, which requires a simple majority vote. 2) Draft and implement a new set of Covenants. 3) File a lawsuit naming every single homeowner in the community as a party. Each of these three options has varying obstacles and challenges.
2. Homeowner questions:
 - I. If the HOA were to terminate, what is required? A simple majority vote would be required to terminate.
 - II. If new covenants were implemented, does it require consent for owners to join the HOA? Yes, consent is required and it is unlikely to obtain 100%.
 - III. Can the HOA continue and operate with no Covenants? This is not ideal and is a concern.
 - IV. What is the process to continue with covenant? Covenants would need to be validated or a new set would be required that owners must opt into.
 - V. A homeowner asked for the court case number. It was noted it is 2005CV4046. The statute of limitations expired for filing an appeal.
 - VI. Can the Association just continue? Yes, it is possible but not recommended by legal counsel.
 - VII. What are the means to bring this up to the court system for a ruling and decision? It was noted a quiet title action is required to bring this to the court system.
 - VIII. Who will fund the elected option? The Association must fund any direct moving forward. There is no timeline or required timeline on a decision to move forward.
 - IX. Is there any impact for selling homes currently? It was noted that this is unknown.
 - X. What is the goal on the resolution? A goal on the timeframe is to make a decision in a quick but reasonable manner.
 - XI. Would homeowners have to approve of the option elected? No, the Board of Directors makes that decision.
 - XII. Is the cost achievable for a quiet title action? No, a special assessment will be needed for that.
 - XIII. What will happen to the leftover money if the Association dissolves? The funds would be distributed to the membership per the resolution to dissolve.
 - XIV. A homeowner recommended the Association cease operations immediately to become defunct.
 - XV. Who approved the 2003 Covenants that were not fully filed correctly per the ruling? The homeowners approved the Covenants.
 - XVI. Is the judge that made the ruling still in office? This is unknown.
 - XVII. How can the Association terminate with invalid Covenants? The termination would have to be completed for both the Articles of Incorporation and the Covenants.
 - XVIII. If the Association terminated, would the lots be fully clear of restrictions? The City of Centennial will still enforce code restrictions.
 - XIX. If the simple majority vote to terminate fails, then what will occur? The Association would need to start over on choosing a path forward.
 - XX. Can homeowners sue their title companies for the lack of disclosure? Title companies do not do historical checks on court orders.
 - XXI. What will happen to property values if the community terminates? The property values may drop by up to 5% was speculated by two realtor members in attendance.

- XXII. Is there any loophole or another way of bringing this to the court system? The three options provided are the recommended options by legal counsel.
- XXIII. Is the lawsuit that brought this up as a concern available? The lawsuit is public record.
- XXIV. Are there ways to save the Association money on the three options provided? Yes, there are means to save the Association money on any option provided.
- XXV. Can the Association still sue homeowners? It was noted that legal action against homeowners may not bring a ruling on the Covenants concern from the lawsuit.
- XXVI. What was the ruling from the lawsuit that was of concern? One part of the Covenants were not filed properly when they 2003 set of Covenants were filed.
- XXVII. Will the Board allow the membership to vote on the three options before they make a decision? Yes, the Board will allow the community to vote before they make the decision for the community.
- XXVIII. Are there any cost estimates for the three options? There are not any direct estimates available.
- XXIX. Can this same concern come up again if the quiet title action succeeds? No, the quiet title action would validate the Covenants.

X. **Executive Session** – The Board entered into Executive Session at 9:03 PM. The Board exited Executive Session at 9:40 PM.

XI. **Adjournment** – There being no further business to come before the Board at this time, upon motion duly made, seconded and unanimously carried, the meeting was adjourned at 9:40 PM.

Submitted by,
Kevin Christensen, CMCA, AMS, PCAM
Community Association Manager

THE FOREGOING ARE THE TRUE AND CORRECT MINUTES OF THE MEETING HELD ON THE DATE STATED ABOVE AND WERE APPROVED BY THE BOARD OF DIRECTORS ON THIS 13th DAY OF MAY 2025.

, Secretary