

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("Memorandum") is entered into this 1<sup>st</sup> day of January, 202<sup>4</sup>, by and between the Willow Creek Homeowners Association No. 1, Inc. ("Willow 1"), the Willow Creek Homeowners Association No. 2, Inc. ("Willow 2"), and the Willow Creek Homeowners Association No. 3, Inc. ("Willow 3"). Willow 1, Willow 2, and Willow 3 shall collectively be referred to herein as the "Associations" and individually referred to herein as an "Association."

### Recitals

WHEREAS, the Associations each own and operate common areas, including tennis/pickleball courts, for the benefit of their respective homeowner members;

WHEREAS, competition and fellowship are fostered when a larger group of players is able to play together, such that there will be adequate competition among players of differing abilities, and such competition and fellowship among Association tennis players, therefore, benefiting the homeowner members of each Association;

WHEREAS, the Willow Creek Tennis Club ("WCTC") was authorized in 2009 through a Memorandum of Understanding executed by the Associations, and has operated since that time through the management of a volunteer Willow Creek Tennis Club Committee ("WCTCC") made up of members from each Association;

WHEREAS, members of the WCTCC from each Association may also serve as members of a tennis committee, court committee, or equivalent body for that Association, and each such committee or equivalent body serves as a liaison between the WCTCC and such Association's Board of Directors;

WHEREAS, the Associations agree to make specific courts available to WCTC for use in United States Tennis Association (USTA) and Colorado Tennis Association (CTA) competition and other WCTC-sanctioned events as set forth herein.

WHEREAS, the Associations previously renewed authorization of WCTC through execution of a new Memorandum, dated February 14, 2023, with an expiration date of December 31, 2023.

NOW, THEREFORE, the board of directors of each Association find and affirm the following understandings:

1. Members of the WCTC, when engaged in WCTC-sanctioned events (WCTC events), will be considered a guest of WCTC homeowner members in an Association when playing on such Association's courts. WCTC events include:

Willow 1 & Willow 2: USTA/CTA adult matches, socials, WCTC organized tournaments, junior team tennis practice and matches, and youth drills organized and scheduled through WCTC.

Willow 3: USTA/CTA adult matches, one social per year, junior team tennis matches, and youth lessons

2. Notwithstanding the above, tennis courts owned by each Association are available for use only by members and guests of that Association and pursuant to such rules as each Association may adopt. WCTC members are not considered guests and are not authorized to utilize the tennis courts of an Association other than the Association in which they are a homeowner member, except when they are engaged in WCTC

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events or otherwise using the courts as a guest of an authorized resident. WCTC members abusing this provision may be subject to suspension or dismissal from future WCTC events.

3. During WCTC events, WCTC members and competitive guests shall adhere to USTA and CTA rules and conduct themselves with utmost respect to their fellow competitors and nearby residences. Courteous and sportsmanlike behavior is required at all times. Loud, abusive, or profane behavior may be subject to match suspension and suspension from future WCTC events.

4. Each Association will make basement restrooms available to WCTC members during WCTC events. In return, WCTC team captains or WCTC person in responsible charge will inspect, clean, and otherwise ensure that clubhouse restroom facilities are left in the same or better condition than prior to the WCTC event.

5. Each Association delegates to WCTC the responsibility and priority for scheduling WCTC events on the courts of all Associations as specified herein, in a manner that is equitable and ensures that at least one court is always available for open play in each Association. The Associations commit to making the following seven (7) courts available for WCTC events.

Willow 1: Jamison West Court  
Willow 2: Mineral Courts #1, #2, #3, and #4  
Willow 3: Phillips Courts #1 and #2

6. In addition, Willow 1 and Willow 3 commit to making an additional court available for WCTC adult, evening competition for no more than twenty (20) events per calendar year, and only at those times when the seven committed courts are fully scheduled and when courts with pickleball lines can be used in accordance with the Colorado District League Regulations, as follows:

Willow 1: Jamison East Court  
Willow 3: Phillips Court #3

7. Until such time that Willow 1's Quebec courts are reconstructed to hard-surface courts, similar to all other courts owned by the Associations, the Quebec courts will not be scheduled for WCTC adult competitions, unless the seven committed courts, Jamison East court, and Suburban Parks and Recreation District court alternatives are fully in use or are otherwise not available, and both team captains agree to their use in lieu of other options. The Quebec courts may be used for WCTC-scheduled lessons and Junior Team Tennis practices, drills, and competitions.

8. WCTC is equally accountable to each Association, and shall not enter into any separate understanding, agreement, or contractual obligation with an Association that does not include the other Associations or for which permission has not been explicitly granted by the other Associations.

9. Exhibit A to this Memorandum is the most recent version of Policies and Procedures for the WCTC that has been prepared and approved by the WCTCC to govern WCTC operations. Governance of WCTC will be compliant with Exhibit A, as amended in future years, and this Memorandum. WCTCC will solicit feedback from its club members at the end of each tennis season and will modify the Policies and Procedures as may be warranted, effective for the next tennis season.

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10. This Memorandum is in effect for a period not to extend beyond December 31, 2026. Continuance of this Memorandum beyond that date is subject to approval by each Association's Board of Directors. Should any Board decline to approve renewal at that time, this Memorandum will expire.

11. In addition, this Memorandum may be revoked by an Association at any time in the event of a *bona fide* emergency involving public safety, court order, conflicting requirement of any governmental entity having jurisdiction, or mandatory requirement of an insurance contract to which an Association is a party. Any such termination shall be with prior consultation with the WCTC and written notice to the other Associations.

Upon approval of their respective Board of Directors, each Association has caused this Memorandum of Understanding to be implemented effective as of the date of the last such signature below.

**Willow Creek Homeowners Association No. 1, Inc.**

DocuSigned by:  
By: WC: Randy Dorsey  
84FC7FEB48C449F...  
Randy Dorsey, President

Date: 1/18/2024 | 8:15 PM PST

**Willow Creek Homeowners Association No. 2, Inc.**

DocuSigned by:  
By: Bea Radtke  
609C94C64F3D44C...  
Bea Radtke, President

Date: 1/23/2024 | 12:40 PM PST

**Willow Creek Homeowners Association No. 3, Inc.**

DocuSigned by:  
By: WC: Steve Lubell  
95A53F28249A4D8...  
Steve Lubell, President

Date: 1/19/2024 | 10:33 AM PST

**EXHIBIT A**

**Willow Creek Tennis Club  
Policies & Procedures**

## **Policies and Procedures Willow Creek Tennis Club Committee (WCTCC)**

The policies and procedures in this document were approved by the Willow Creek Tennis Club Committee (WCTCC) on October 29, 2023 and were provided to Homeowners Association (HOA) Board of Directors in Willow Creek HOA 1 (WC1), Willow Creek HOA 2 (WC2), and Willow Creek HOA 3 (WC3) for inclusion in the Memorandum of Understanding (MOU). Governance of the Willow Creek Tennis Club (WCTC) will be compliant with the adopted policies and procedures detailed in this document and the MOU between Associations (i.e., HOAs). This document will be reviewed at the end of every United States Tennis Association (USTA) and Colorado Tennis Association (CTA) summer tennis season (i.e., October of every year) to consider modifications to improve the adopted policies and procedures. This is not a legal document. It is a guidance document on how the WCTC will govern itself and the basis for decision making.

### **Mission Statement**

- Operate the WCTC to represent the interests of WC1, WC2, and WC3 and their respective residents within the parameters of this document and the MOU.
- Manage the WCTC as an active, dynamic, and growing private tennis club for the benefit of all residents of WC1, WC2, and WC3.
- Promote and organize tennis activities for all ages and abilities within the Willow Creek HOAs to include tennis leagues for junior and adults, tennis lessons, tournaments, socials, and other related activities.

### **Voting**

WC1, WC2, and WC3 will each have two votes that must be cast by two different people. Each HOA is required to designate voting rights to their representatives per meeting of the WCTCC. Voting members do not have to be present at a meeting to cast their vote but must cast their vote within 24 hours after the meeting has ended. Voting members must hold one of the volunteer positions listed below. If an HOAs does not have two volunteers on the WCTCC, then the HOA will only be entitled to the number of votes matching its number of volunteers. This means the HOA forfeits one or both votes until it has the number of WCTCC volunteers necessary to cast each vote (i.e., one volunteer = one vote; two volunteers = two votes.) Votes may be cast via email, text, or in person.

In the event of a tie, the Chair will cast the tie-breaking vote. The Chair may not vote twice so if the Chair voted in the original vote, then the Vice Chair will cast a tie-breaking vote so long as they did not cast an original vote.

### **WCTCC Positions**

WCTCC positions are volunteer positions. The term limit for all positions are 2 years. If the position is not filled by a new volunteer after the term limit is met, then the volunteer may continue to hold the position if desired until a new volunteer is voted into the position. Only

when term limits are met or a volunteer resigns, can WCTCC seek new volunteers. Incoming positions are approved by the outgoing WCTCC during the post summer tennis season (i.e., at the end of the USTA/CTA summer season). WCTCC will seek new volunteers through postings in Tennis Talk, HOA recommendations, and general volunteering. Note: Years served prior to this document being established will count towards term limits.

The WCTC shall be comprised of the following members:

#### **WCTCC Chair**

1. Responsible for ensuring the Policies and Procedures and MOU are enforced and responds to/investigates reports of non-compliance.
2. Casts the tie-breaking vote in the event there is a tied vote.
3. Ensure voting policies are followed within the WCTCC.
4. Drives the creation and implementation of programs in the WCTCC.
5. Responsible for leading the review of the Policies and Procedures document after each summer season.
6. Organizes and runs meetings of the WCTCC a minimum of 2 times a year.
7. Responds to HOA inquiries and attends Board meetings if invited.
8. Writes articles for community newsletters.
9. Oversees Jr. Tennis Team (JTT) coordinator and league activities.
10. Works with Facility Coordinator and Schedulers to ensure residential courts are equally distributed to teams before use of South Suburban Parks courts on busiest nights over the course of the season.
11. Works with Schedulers and Facility Coordinator to align the number of teams based on court availability.
12. Acts as a liaison between the Willow Creek (WC) Tennis Pro, WCTCC and the community.
13. Maintains the Wanna Play List for the community with Technology Coordinator.
14. Communicates with team Captains as needed to ensure rules are being followed.
15. Coordinate with each Association regarding WCTC use of restrooms and provide codes to captains. Review cleanup responsibilities of bathrooms/courts with captains.

#### **Vice Chair**

1. Partners with Chair on WCTC issues to ensure timely and effective completion of activities.
2. Assumes responsibilities as Chair in Chair's absence.
3. Shadows the Chair to assume the role at the end of the Chair's term.
4. Takes and distributes WCTCC meeting minutes via the WCTC website, with the assistance of the Technology Coordinator.
5. Responsible for organizing and checking in on WCTC volunteer activities, including but not limited to social, tennis court cleaning, etc.

#### **Treasurer**

1. Manages current budget and budget planning for upcoming year which is provided to WCTCC and is available upon request to residents
2. Responsible for management of incoming money and distribution of money via checks or electronic transfers.

3. Maintains a ledger with all transaction information, which is reviewed biannually with Chair and Vice Chair.
4. Coordinates the handling of team fees with the Facility Coordinator.
5. Reconciles the WCTC bank account monthly.
6. Responsible for distribution of the end of year reimbursement to each Association for court usage during the USTA/CTA league play and JTT use throughout the year.
  - The balance of the WCTC bank account will not be more than \$2000.00 at the end of the season or no later than November 1<sup>st</sup>. Any money remaining in the WCTC bank account above \$2000.00 will be distributed to WC1, WC2, and WC3 based on court usage throughout the season.
  - The calculation for distribution is as follows: Number of USTA/CTA matches played during the season on each HOA's courts divided by total number of USTA/CTA matches played during the entire season on all WC courts, multiplied by the cash to be distributed.
  - Example: 20 matches were played on WC1's courts, 80 matches were played on all WC HOA courts, and \$1000 is to be distributed. The WC1 distribution would be  $\$1000 \times 20 / 80 (0.25)$  which would be \$250.
7. Prepares Statement of Financial Position and Income and Expense Reporting ending each calendar year which is available upon request.
8. Facility Coordinator will provide all checks collected from captains to Treasurer on or before the day team numbers are emailed to captains. Treasurer will deposit checks within 14 days of team numbers being provided to captains.

#### **HOA Liaisons (Three different positions, one for each HOA)**

1. Keeps their HOA Boards up to date on WCTC activities.
2. Represents HOA interests at WCTCC meetings.
3. Monitors court reservation schedules for their HOA and may also assume responsibility for assigning courts to WCTC leagues.
4. Serves as liaison for resolution of problems/complaints between HOA Board and WCTC.

#### **Scheduler**

1. Responsible for scheduling courts for adult, and JTT leagues, and children's lessons (red, orange, green ball) during summer league play.
2. Communicates with HOA court schedulers for booking courts as needed.
3. Communicates with South Suburban for booking courts as needed.
4. Works with Chair and Facility Coordinator to align the number of teams based on court availability.
5. Sends reminder to HOA schedulers to prebook the first two weeks of each season. Courts not needed will be released.
6. This position may be shared by two individuals.

#### **Facility Coordinator**

1. Attends the USTA Facility Coordinator's meeting in January of each year.
2. Responsible for collecting team rosters and league fees for adult teams and assigns team numbers. Team request forms must be reviewed with the Chair prior to assigning team numbers. Checks should be handed to Treasurer. Electronic fees may also be collected.

3. Provide team rosters, including captain designation, to Chair and Technology Coordinator.
4. Provides Vice Chair and Court Maintenance Coordinator with names of volunteers from team request forms.
5. Works with Chair and Scheduler to align the number of teams based on court availability.
6. Serves as a liaison between players, USTA, and CTA.
7. Monitors compliance with rosters submitted for team numbers vs. USTA rosters to ensure minimum residents requirements are met.
8. Communicates with captains on changes to and new rules for the upcoming seasons.
9. Keeps captains up to date on deadlines for creating a team.
10. Facility Coordinator will provide all checks collected from captains to Treasurer on or before the day team numbers are emailed to captains. Treasurer will deposit checks within 14 days of team numbers being provided to captains.

**JTT Coordinator**

1. Communicates and advertises USTA JTT processes to the Willow Creek community.
2. Works directly with the WC Tennis Pro for lesson information and distributes it to the community. Keeps Chair up to date on lesson information.
3. Oversees the team creation and registration process with team “parents”.
4. Coordinates court schedules with Scheduler.

**Court Maintenance Coordinator**

1. Orders zip ties used for securing wind screens to fences. Coordinates the annual roll up and roll down of the windscreens. Keeps them properly attached during the season.
2. Inspects courts periodically to assess the playability of the courts. Reports problems to HOA liaisons as needed.
3. Organizes court cleanliness activities.

**Technology Coordinator**

1. Maintains WCTC website.
2. Maintains the Wanna Play List name collection which is shared with the Chair.
3. Maintains USTA team captain contact information and team rosters with each member’s specific association status.



Wanna Play List Rules:

Any resident of WC1, WC2, or WC3 who wants to play USTA/CTA tennis can add themselves to the Wanna Play List by filling out the form on the WCTC website. Residents can add themselves any time of the year. As new resident names are added to the list, they are shared with the appropriate WC captains.

Residents do not need to add their names to the Wanna Play list if:

- They were rostered on a WC team the previous year and played at least 1 official USTA/CTA match and intend to stay on their team. Players should coordinate with existing team captain.
- They wish to switch to another WCTCC “at USTA level” team within the neighborhood. Players should coordinate with the existing team captain.
- They wish to “play up” a USTA rating level. Players should coordinate with existing team captain.

Captains are not required to add players who wish to switch ‘at USTA level’ teams within the neighborhood or “play up”.

Residents must add their names to the Wanna Play list if:

- Player ratings changes (up or down)
- Player did not play at least 1 USTA/CTA match the previous year for any reason
- Player is new to tennis or new to the neighborhood

It is the captain’s decision regarding how many players to add, beyond threshold, and which residents from the Wanna Play List, to add to their teams. An exception is a resident who has been on the Wanna Play List for more than one year (i.e., a resident that added their name to the list within the 48 hour USTA rating deadline but did not find a team to join for the upcoming season). These residents must be given priority over residents who have been on the Wanna Play List for less than a year (i.e., a resident that added their name to the list after USTA ratings are released for the upcoming season).

Until USTA Ratings are Announced

1. Captains can add residents to their team at any point in season, as long as the Wanna Play List has been consulted for residents who have been on the List for longer than a year.
2. WC teams cannot guarantee a spot on their team to non-HOA residents for the upcoming season, even if those players played on the team in a previous year.
3. Residents have 48 hours, starting at midnight the day USTA ratings are announced, to add their name to or update their USTA Rating on the Wanna Play List to have priority for the upcoming season.

48 hours after USTA ratings are announced

1. If a WC team is not at its threshold\* AND there are at-level players on the Wanna Play List, the captain must offer open team spots to residents on the Wanna Play list until the team reaches its Threshold.

2. Only if there are no at-level players on the Wanna Play List may the team offer a spot to any non-HOA resident for the upcoming season.
3. These same rules apply throughout the year if a new team forms, if a team drops below its Threshold, or if a team wants to add players.

\* Threshold refers to the number 50% greater than the number of players that play in any given match, rounding up as necessary. Examples:

- 5-line teams play 8 any night so the threshold is 12
- 4-line teams play 7 any night so the threshold is 11
- 3-line teams with 3 doubles so the threshold is 9
- 3-line teams with 1 singles and 2 doubles so the threshold is 8

Non-Residents will never be removed from their team during a season if the rules in this section are followed.

### Team Number Assignment

1. There may be no more than 2 teams per gender at any given level during the Trio, USTA 18+ and 40+ and the CTA Adult Twilight season due to limited court availability. However, due to the smaller lines in CTA W2.5, three teams of W2.5 may be scheduled during the USTA 40+ and Twilight league season if the WCTC Schedulers evaluate and determine there is enough courts for scheduling an additional team. The Chair, Scheduler, and Facility Coordinator will evaluate ability to add additional teams, based on court availability, when USTA schedules are published each calendar year.
2. Priority will be given to the two teams with the most WC residents. Any residents from a team that has been denied a team number must be accepted by the at level team with the least number of residents if that team is not at threshold.
3. At minimum, all teams must meet the following criteria for residents on their team to secure a team number within the WCTC:
  - Five-line teams must have 3 residents
  - Four-line teams must have 3 residents
  - Three-line teams must have 2 residents.
4. The WCTCC reserves the right to deny any teams a team number if insufficient courts are available for teams playing at a given time slot. Applications received by the due date, teams with the maximum number of WC residents per gender and per level will be given priority.
5. Teams will only be assigned numbers when they agree to:
  - Volunteer for the WCTC. Such activities should be noted on their team number request form and include but not limited to maintenance of courts including rolling up and down of windscreens, organizing socials, WCTCC board positions, organizing tennis tournament for the neighborhood, cleaning the area in and around the neighborhood courts.
  - Leave bathrooms and social areas as clean as they were found. Teams should collect and remove trash for individual disposal from all league play and socials.
  - Bathrooms should be locked when tennis matches or socials are over.

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- Makeup matches and/or rescheduled matches should be played on courts where at least one participant is a member.

Team fees per league are based on the maximum number of courts used by each team for one match:

- 5 WC courts = **\$250** per team per league
- 4 WC courts = **\$190** per team per league (for 40+ league only)
- 3 WC courts = **\$130** per team per league

No applications will be considered until payment is received by Facility Coordinator. Teams may determine how payment is divided amongst players.

#### Penalty for Policy Violations

Any team found in willful violation of the above policies will be denied a team number for an entire year based on the date the infraction was discovered. Examples of possible violations include:

- Not meeting the minimum resident threshold on their USTA or CTA roster.
- Providing inaccurate or false information on the team number request form (e.g., inflating the number of residents on a team number request form to have priority in team number assignments).
- Adding non-residents to a team at a time when this was not permitted.
- Leaving facilities (bathrooms or courts) in an unacceptable state.

### Rules for Tennis Pro

1. Provides lessons as requested for Willow Creek residents and junior/adult teams.
2. Creates lesson opportunities in the form of clinics, group play, private and team lessons for all WCTC members and teams. Lessons and drills may not be held for non-residents on WC courts, unless there is a resident of that HOA present.
3. Works with court scheduler to confirm availability of courts for kid's lessons.
4. Has a P1 or P2 Pro ranking in the USPTA.
5. Provides input as requested to JTT organization and competition. Helps volunteer committee with team level evaluations as requested.
6. Provides marketing and advertising as approved per HOA for services available to Willow Creek.
7. Brings any concerns or questions to the attention of the Chair in a timely manner.
8. Provides JTT Liaison and Chair with current class roster for students at each session, including player's HOA affiliation.
9. JTT makeup matches and/or rescheduled matches should be played on courts where one participant is a member.
10. Require and verify that a USTA Safe Play certification is held by all tennis staff present at matches, drills, or lessons for children under the age of 18. No activities may proceed without certified staff in attendance.