

Paul Lundeen  
200 E. Colfax, Rm 346  
Denver, CO 80203

Dear Senator,

July 24, 2023

I am writing this letter to my Colorado legislative representatives requesting your help in rectifying an egregious insult to American democracy. As incredible as it may seem in a country founded on a tax revolution, I live in a community subject to taxation without representation.

Deer Creek at Northgate, a covenant community of 155 homes located in northern Colorado Springs is subject to annual assessments by the Northgate Business Owners Association (NGBOA). Payment is coerced through the threat of foreclosure by lien action. Yet, because of a loophole in the Colorado Common Interest Ownership Act (CCIOA), Deer Creek merits no membership, representation, or oversight in NGBOA expenditures. We are subject to taxation without representation.

For twenty years we grudgingly accepted this situation because assessments were generally low and many felt it part of our civic responsibility even though we do not directly benefit from any of the expenditures. Attitudes quickly soured, though, upon recently learning that the assessments are not being equally levied across all residential neighborhoods. Specifically we learned that two of the largest developments in Northgate are exempt from NGBOA assessments, Flying Horse and The Farm. Collectively they comprise nearly 50% of the homes in Northgate, meaning that Deer Creek is paying 100% more in assessments than it otherwise should. This is not just egregious, it is capricious, adding insult to injury. We need your help.

A 2008 legal opinion (attached) identified three possible ways out of this predicament: 1) Dissolution, 2) Lawsuit, or 3) Legislation. Section 10.3 of the NGBOA Declaration of Covenants, Conditions, Restrictions and Easements (DCCRE) allows for the charter to be dissolved, but only under a highly improbable set of conditions including agreement by the Declarant. By the same token, we do not have the resources to challenge the charter in court. This leaves legislative action as our only practical recourse.

What can you do? You can remove the loophole that makes NGBOA exempt from CCIOA protections for homeowners. I am a twenty-year retired Air Force veteran. Never in all the years I swore to uphold and defend the Constitution did I even think a situation like this could exist in America. I am appalled that it does. In the spirit of our Constitution I am asking for your help to rectify this egregious insult to American democracy.

Respectfully,

Richard White  
President, 2003 Board of Directors  
Deer Creek at Northgate  
[rwhite3572@gmail.com](mailto:rwhite3572@gmail.com)  
719.360.3805



Attachments

1. 2008 NGBOA Legal Opinion

Rose Pugliese  
200 E. Colfax, Rm 307  
Denver, CO 80203

Dear Representative,

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