

SFTR POA Regular Board Meeting
February 6, 2021 9:00 am
Metro Operations Center

Present: Robert L. Scott, Nancy Allred, Linda Brown, Rick Kinder, Todd McBride, Carlin Craig, Deb Johnson, Carol Smith, Jerry Peters

Absent: none

Guests: Val Allred

Call to order: 9:00 am

Proof of Notice: posted on website and Nextdoor

Roll Call and determination of quorum: quorum achieved

Approval of Minutes: minutes from December 5,2020, POA Annual Meeting approved without changes.

Committee reports

A) Common Area/Community Preparedness (Linda Brown, chair)

Blueprints created by Roberto Jordan were distributed via email to all board members prior to the meeting, concerning a proposed enclosure for the community trash bins. Roberto is thanked for all his work and contribution. Discussion centered around whether we need the enclosures now that we have better bear proof bins. Also whether it would be better if we do decide to have enclosures if they should be solid sides and roof to prevent snow problems. The issue is tabled for now due to the expense and time constraints, and we will see how well the newer bear proof bins work... Two excavator contractors are meeting soon with Linda to give cost estimates for dredging the Fox Trail pond on Gallinas. Those proposals will be presented to the board next meeting....With severe weather just a few months away, fire danger will escalate with lightning strikes. New residents are encouraged to register for the reverse 911 call system. (Go to the SFTR website - Community-reverse 911-CodeRedWeb prompts to register all your contact information.)

1) Fire Mitigation and Forest Health

The grant for wildfire mitigation has been submitted, with the results expected March or April. The paperwork and spreadsheets are completed. Deb Johnson will let us know when the decision is received.. At that time, if we get the grant, there will be a need for a volunteer to step forward to oversee the grant....Jerry Kirkwood will now be the person to contact if any ranch owner wants to rent the POA Chipper.

B) Roads (Val Allred and Todd McBride, co-chairs)

So far this year, approximately \$1,900 has been spent on: snow plowing, one mile of road basing on Fisher Peak Parkway between Cottonwood and the bridge, the remainder has been for normal road maintenance and dressing up water line repair... An interesting and informative

response was placed on Nextdoor for a question about how much it costs to snow plow the ranch. This varies depending on the amount of snow, but it is approx 3-4 thousand dollars per normal event, which comes to around \$8 per property...Kudos were given for the excellent job Val has been doing for the ranch on this committee.

C) Finance (Nancy Allred, chair)

The proposed budget was presented to POA Board members and reviewed. It was noted we started with less money due to \$80,000 additional expenses last year for road maintenance. The budget was approved by the board with no changes...The 2021 budget will be posted on the website under "About-Legal disclosures-documents".

D) Communications (Deb Johnson, chair)

Carol Smith has been added as a backup ad-man for Google Meet. The committee will be having a meeting soon with 5th Wheel to review adjustments on the website, including inquiries about "alerts" and awareness for Nancy when owners make changes to their personal information such as address changes.

E) Covenants (Jerry Peters, chair)

Nothing to report.

F) Grazing (Bob Scott, chair)

Bob will be meeting with Dustin (rancher) soon to create a contract agreement for a 5 year lease. They will discuss Dustin's responsibility to get the current windmills working for water for the cattle. There are currently 4 windmills on the ranch, but some are on private property. Bob will check the agreements with those property owners.

Other Business -

*John Sanders and Bob Scott are working on the power supply and location of the new cameras for the bridge.

*Ken Patton has been approved to be the representative for the Metro District in applying for a grant for water lines replacement.

*The Ditch Rats have a great group of volunteers and they are appreciated by all.

*It was reiterated that the MOC building is for the Metro material and equipment and the front area is for use as a meeting room. There are no plans to rent the building out for groups or use for private parties that would bring outside persons onto the ranch.

*Plans are to have virtual/in-person-as-able presentations this spring with Bob Holder (DOW) on "Living with Wildlife" and Buddie Curro (FP fire chief) "Being Firewise".

Meeting was adjourned at 9:55 am.

Next meeting will be at 9:00 am on April 3, 2021.

SFTR POA Regular Board Meeting
April 3, 2021 9:00 am
Metro Operations Center

Present: Bob Scott, Nancy Allred, Carlin Craig, Todd McBride, Carol Smith, Deb Johnson, Jerry Peters

Absent: Linda Brown, Rick Kinder

Guests: Val Allred, Liz and Bob Kreiman, Bill Nielsen, Ernie Parker, Sue Downs, Kale and Sarah Duncan

Call to Order - 9:00 am

Proof of Notice: posted on Website and Nextdoor

Roll Call and determination of Quorum: quorum achieved

Approval of Minutes: Minutes of February 6, 2012 meeting approved without changes.

Committee Reports

A.) Common Area/Community Preparedness (Linda Brown, Chair)

Common Area: A huge shout out to RC Ghormley for taking the lead on modifying all of our dumpsters in order to improve on the effectiveness of the bear safe concept. Enclosures proved to be too costly and time consuming. When all is said and done, every dumpster will have bear bars rather than cables and clips. We have ordered extra parts to have on hand to replace any parts that will inevitably get damaged in the emptying process. Feel free to contact Linda Brown with any questions.

We hoped we would have estimates to present to the board regarding the dredging of Fox Trail pond. After weeks of speaking with a Raton contractor, that expressed high interest in the job, and made two appointments to meet Linda,- he ended up not showing up for either. The second contractor is very interested as well, and has kept in contact with Linda. His delay is that he is also a rancher and March is calving season, so he couldn't meet until that is finished. He has agreed to meet with Linda in the near future. Linda also has another contractor here in Trinidad that will meet with Linda soon as well,

Community Preparedness: Nothing new to report.

B.) Roads (Todd McBride and Val Allred, Co-Chairs)

Since the last POA Meeting, the Road Committee has spent approximately \$6,000 on snow removal. They have road based 2 more miles of primary roads (Fisher Peak from the bridge to Gallinas and Gallinas from Fisher Peak to Fox Trail). Two extensions were added to culverts to help prevent erosion. As always, blading of roads, bar ditch work, and dressing up roads after Ditch rat work (Metro line repairs) continue as ongoing work.

C.) Finance (Nancy Allred, chair)

Total cash in bank is \$335,865. At this point in time we are under budget for all items except for the bridge inspection, due to a late invoice.

D.) Communications (Deb Johnson, chair)

New neighbors are being added to the website, reflecting exciting growth on the ranch and with the santafetrailranch.com website. It has been posted to remind owners to update their addresses and other information on the website, in order to help Nancy Allred with her booking and billing...There have been two recorded speakers - Bob Holder, CPW officer, on March 6, 2021, and Detective Martin of the Las Animas Co. Sheriff Department on March 20, 2021. These will be on the SFTR website to be viewed. The sheriff talk will be accessed through a link only by those with login for our ranch....The committee is waiting to hopefully schedule Bob Scott, as well as Buddie Curro of the Fisher Peak Fire Dept, as future speakers. New equipment has been purchased that will remain in the MOC for Committee use, including a camera and Ethernet Adapter and tripod. Other expenses are the Google Workspace monthly cost of \$90 for virtual capabilities. They are obtaining survey input and costs for a cell phone opt-in for Ranch alerts, but also will be checking to see what may be free for this purpose through Nextdoor.

E.) Covenants (Jerry Peters, chair)

Several complaints regarding a reckless driver were dealt with. Another complaint was received concerning abandoned vehicles at the fire station on Fox Trail. A letter has been recently sent with no response as of the meeting date. Followup will continue.

F.) Grazing (Bob Scott, chair)

A new 5 year lease has been given to the rancher. The lease stipulates that he will get the existing windmills up and running for the cattle. The date for the cattle coming depends on the availability of vegetation.

Discussion regarding automatic gates at the Bridge at exit 6

The SFTR POA Board will do what we can within reason to keep the ranch secure, but it is the property owners obligation to secure their own properties. Discussion centered around pros and cons of installing gates west of the bridge in places where vehicles could turn around safely if cannot use the gates. This would leave at least one property outside the security of the gates. Gates would also cost an estimated \$40,000 plus maintenance. The best way to ensure their effectiveness would be to hire a guard to operate the gates, which would be quite expensive. In lieu of installing gates at this time, the Board will see how effective the new cameras at the bridge will be - which are to be finished this week since the awaited parts have arrived. These new cameras are extremely high quality over the existing cameras now. Between that and the discussion concerning exit 2 (follows), as well as individual properties securities, it is hoped the total ranch security will be much improved.

Discussion regarding the gate at Exit 2

After the Bridge Project was officially terminated on August 2, 2018, a Board Position Statement was placed on the website stating that the exit 2 secure gate and access is POA property and is an emergency access only. There have been numerous reminders since then to keep the gate at exit 2 closed and locked and that its use is for emergency only. Since then it has still been used by some as an ingress and egress on a regular basis. There are occasions it is not kept

locked, and there have been occasions it has been used for access to the ranch by others not from the ranch for illegal behavior. It was reiterated that the Railroad owns the property under the tracks and using this access is unlawful except as an emergency. The fact was stated that emergency vehicles coming onto the ranch use exit 6, as it could be a liability issue for them if they do not use exit 6. The time difference from the exit 2 POA road access to get to exit 6 is 8 ½ minutes longer by going the ranch roads vs. the exit 2 through the tunnel to I-25. While this will impact some on the south end of the ranch by closing exit 2 permanently, it was discussed and voted unanimously by the Board, for better overall ranch security, to permanently close this beginning May 1. Notice and explanation of reasoning will be placed on the Nextdoor and/or website as well as in these minutes.

**Next Meeting will be June 5, 2021 at 9:00am at the MOC
Meeting adjourned at 9:45 am.**

Respectfully submitted by Carol Smith, POA Board secretary

NOTES FROM THE BOARD: EXIT 2 CLOSURE REASONING

April 7, 2021

For a number of years, the Board has been increasingly concerned about lack of security at the “backdoor” to our development. It was highlighted when the mailboxes were looted and the perpetrator stopped in the railroad tunnel to sort through the booty.

During the bridge replacement project, the Board stated that the road through the tunnel had been improved for temporary access but would be closed at the project completion.

Subsequently, while the old ranch style gates were being used at the tunnel, there were several instances of prowlers on the south end of the development, generally at night. At one point, someone was offended by the locked gates and drove through them, leaving them a twisted mess, and probably damaging their vehicle as well. It became apparent a more substantial gate was in order.

In April of 2018, the existing security gate was built and installed with the understanding that the road was to serve only as an emergency exit. The POA quit maintaining the road at that time.

Several residents wanted to continue using the road and were told they could do so at their own risk and expense, but also with the understanding they would monitor the use of the gate and keep it locked.

Since that time, the gate has been left open regularly, and two homes on the development were recently burglarized, possibly by accessing the tunnel, since nothing was found on the bridge camera footage.

The BNSF has specifically told Board members that they do not allow the use of drainage structures for vehicle travel. There is a very real chance that continued use of that road could prompt the railroad to permanently block access across their property, removing the tunnel as an emergency option.

Therefore, and based on the opinion of counsel, the Board has voted to permanently lock the gate as of 1 May 2021.

POA Board of Directors

POA Regular Board Meeting Minutes
Saturday, June 5, 2021 9:00am
Metro Operations Center

Present: Bob L. Scott, Nancy Allred, Deb Johnson, Todd McBride, Carlin Craig, Jerry Peters, Carol Smith

Absent: Rick Kinder, Linda Brown

Guests: Kenneth and Nanci Dixon, Sue Downs, Deb Roberts, Gene and Elsie Jurajda, Ronnie and Tammie Mack, Billy and Marilyn Hughes, Ann Scott, Donna Barnes, Val Allred, Joe and Carmen Richards

Call to order - 9:00 am

Proof of Notice: posted on website

Roll Call and determination of Quorum: quorum achieved

Approval of Minutes: Minutes of April 3, 2021 meeting approved without changes

Committee reports

A.) Common Area/Community Preparedness (Linda Brown, Chair)

Common Area: A huge shout out to RC Ghormley and the volunteers helping him in modifying the dumpsters and maintaining the repairs. What a huge savings for the POA! The modifications have been working wonderfully. The bear intrusion on the northside location was human error, so we cannot fault the modifications for that. Please make sure the lids are secure after dumping your trash.

Still waiting for the contractor to show up and give a bid on the pond project. Two days ago he promised to come next week and give an estimate. I will present it to the Board as soon as that happens. I have found only one contractor in the area that wants the job, so I am on his schedule.

Community Preparedness: Nothing new to report

B.) Roads (Todd McBride and Val Allred, Co-Chairs)

Road basing was completed on Tall Oaks (.70 mi) on Bear Paw (.20 mi) and on Oak Park from Little Bear to Pass Court (.75 mi).

When the rains and flooding came on May 22 and after, a lot of time has been spent clearing culverts, bar ditches and blading. The Metro provided their backhoe, with Bob Scott manning it, to help Tom Berry, Todd McBride and his boys, Val Allred and other volunteers in clearing where needed. Several more weeks of work will be addressing remaining issues before road basing will be resumed. With T Rox's mitigation work done two years ago, and the ongoing great work consistently done, the roads weathered the storm really well and gratitude was expressed.

C.) Finance (Nancy Allred, Chair)

Total cash in the bank is \$319,458. It is noted that the total accounts receivable is going down - now at \$68,418 (April was \$112,407) - this is due in large part because some properties with liens on them have sold and the liens are paid off.

The fees for accepting credit card payments have been going up and this issue will need to be addressed in the future, possibly with an increase in charge for those who use credit cards for next year (currently \$20).

D.) Communications (Deb Johnson, Chair)

New neighbors are being added to the website - there is exciting growth on the ranch and with the SFTR website...An upcoming guest speaker will be co-sponsored by the Communication Committee and the Women's Group. Ryan is a wildland firefighter and will be at the MOC Sunday, June 13 at 1:00 pm to speak about wildfires, prevention and preparedness. This will be recorded and posted on the website for later viewing as well...research is ongoing for pricing if we want to add Alerts to the website for Road Alerts and Fire Alerts...The expenses of the committee include the Goggle Workspace for meetings and speakers (\$90/month) and the normal vendor website charges.

E.) Covenants (Jerry Peters, Chair)

Several issues that have been and are being addressed are: a lot that was being built on without a building permit, a complaint about a lot with excessive "junk", and two abandoned vehicles belonging to the fire dept at the Lorenzo Martinez Fire Station. There have been no further complaints concerning reckless drivers since the last issue was addressed.

F.) Grazing (Bob L. Scott, Chair)

Cattle are expected to begin arriving the week of June 6th. The rancher has contracted with someone to install solar power for the windmills.

Women's Group Update: (Carol Smith)

Co sponsoring an upcoming firefighter speaker on June 13, at the MOC at 1:00 pm. The Annual SFTR Picnic will be held on Saturday, July 3, 11am - 2pm at the MOC. There will be logowear, a raffle, games, visiting, and lots of food. More information on both events can be found on the website. The WG also has bought and installed a basketball area at the MOC for use by all owners. Meet and Greet is held every Monday 10-11am with positive feedback and the Welcome Committee of the WG has been busy with many new owners.

Other:

It was noted that we still need a chair for the FHWM (Forest Health and Wildfire Mitigation). If anyone is interested, contact RC Ghormley for further information... Bill Nielson has agreed to be responsible for the adopt-a-road listings for weed control, while Tom and Margaret Carone will take over the weed chemical distribution. Brad Craig is assisting Tom at this time with mixing and distribution. Thank you all!

Executive Session:

The POA Board went into an executive session for the purpose of discussing legal advice.

After the Executive session ended, guests returned and the meeting adjourned at 9:40 am. The next POA Board Meeting will be August 7, 2021 at 9:00 am at the MOC.

POA Special Board Meeting Minutes

13 July 2021, 4:00 PM

Metro Operations Center

Present: Bob L. Scott, Nancy Allred, Deb Johnson, Todd McBride, Jerry Peters, Rick Kinder

Absent: Carlin Craig, Carol Smith, Linda Brown

Call to order - 4:00 pm

Proof of Notice: posted on website

Roll Call and determination of Quorum: quorum achieved

Motion was made by Bob Scott to move into Executive session for the purpose of discussing attorney / client communication. The motion was seconded by Nancy Allred. Motion carried unanimously.

After 7.5 minutes in Executive session, the Board resumed with business.

A motion was made by Nancy Allred to approve the proposed resolution of indemnification protecting Robert L. Scott, as an individual, from the current lawsuit (see below) filed by Heidi and Jamie Fresquez, Joe and Carmen Richards, Jerry Barnes, Ann Kost, and Marc and Sara Wilson, concerning their unfettered use of the emergency exit at the railroad drainage tunnel.

The motion was seconded by Todd McBride and carried unanimously, Mr. Scott abstaining.

A motion to adjourn was made by Deb Johnson and seconded by Rick Kinder. Carried unanimously.

Meeting was adjourned.

(See multiple attachments on the following pages.)

Attachment 1: Original Complaint

DISTRICT COURT, COUNTY OF LAS ANIMAS, STATE OF COLORADO Court Address: 200 East First Street Trinidad, CO 81082 Telephone: 719-846-3316		DATE FILED: July 5, 2021 10:00 AM FILED ID: 630D26321C842 CASE NUMBER: 2021CV30026
PLAINTIFFS: HEIDI MARIE FRESQUEZ, JAMES PATRICK FRESQUEZ, MARC WILSON, SARA ANN WILSON, CARMEN RICHARDS, JOSEPH RICHARDS, JERRY BARNES, and ANN KOST v. DEFENDANTS: SANTA FE TRAIL RANCH PROPERTY OWNERS ASSOCIATION, a Colorado nonprofit corporation, and ROBERT L. SCOTT		COURT USE ONLY
<u>Attorney for Plaintiffs:</u> Daniel B. Miller, #49421 JENSEN DULANEY LLC 1955 N. Union Blvd., Ste. 200 Colorado Springs, CO 80909-2213 Telephone: (719) 362-5561 Email: dmiller@jensendulaney.com		Case Number: Division:
COMPLAINT		

COME NOW Heidi Marie Fresquez, James Patrick Fresquez, Marc Wilson, Sara Ann Wilson, Carmen Richards, Joseph Richards, Jerry Barnes, and Ann Kost (collectively, “Plaintiffs”), who bring the following complaint against Defendants Santa Fe Trail Ranch Property Owners Association (hereinafter, the “Association”) and Robert L. Scott, stating and alleging as follows:

INTRODUCTION

1. This civil action relates to real property within the Santa Fe Trail Ranch community (the “Ranch”), the Association, and the documents that govern the Ranch and the Association.
2. With this civil action, Plaintiffs seek enforcement of their rights under the documents that govern the Ranch and the Association (collectively, the “Governing Documents”).

PARTIES AND VENUE

3. Heidi Marie Fresquez is an owner of real property within the Ranch.
4. James Patrick Fresquez is an owner of real property within the Ranch.
5. Marc Wilson is an owner of real property within the Ranch.
6. Sara Ann Wilson is an owner of real property within the Ranch.
7. Carman Richards is an owner of real property within the Ranch.
8. Joseph Richards is an owner of real property within the Ranch.
9. Jerry Barnes is an owner of real property within the Ranch.
10. Ann Kost is an owner of real property within the Ranch.
11. The Association is a Colorado nonprofit corporation located in the County of Las Animas, Colorado.
12. From February 1, 2012, to the date on which this Complaint was filed, the Association has had delinquent status with the Colorado Secretary of State.
13. Robert L. Scott is an owner of real property within the Ranch.
14. Venue is proper before this Court pursuant to C.R.C.P. 98 because the Association and Mr. Scott are found in Las Animas County, Colorado.
15. All acts complained of herein took place in Las Animas County, Colorado.

GENERAL ALLEGATIONS

Background

16. Heidi Marie Fresquez and James Patrick Fresquez own certain real property situated in Las Animas County, Colorado, known as 33440 Alpine Meadows Dr., Trinidad, CO 81082. This real property is also known as Lot G17. Ms. and Mr. Fresquez reside at this location.
17. Marc Wilson and Sara Ann Wilson own certain real property situated in Las Animas County, Colorado, known as 33211 Alpine Meadows Dr., Trinidad, CO 81082. This real property is also known as Lot F35. Mr. and Ms. Wilson reside at this location.

18. Carmen Richards and Joseph Richards own certain real property situated in Las Animas County, Colorado, known as 33476 Alpine Meadows Dr., Trinidad, CO 81082. This real property is also known as Lot G13. Ms. and Mr. Richards reside at this location.
19. Jerry Barnes owns certain real property situated in Las Animas County, Colorado, known as 33374 Alpine Meadows Dr., Trinidad, CO 81082. This real property is also known as Lot F44. Mr. Barnes resides at this location.
20. Ann Kost owns certain real property situated in Las Animas County, Colorado, known as 33389 Alpine Meadows Dr., Trinidad, CO 81082. This real property is also known as Lot F45. Ms. Kost resides at this location.
21. The Santa Fe Trail Ranch community is a common interest community located in Las Animas County, Colorado, to the west of Interstate Highway 25 near the border between Colorado and New Mexico.
22. A map of the Ranch is attached as Exhibit 1.
23. Upon information and belief, the Ranch's geographic area is approximately 16,800 acres.
24. Upon information and belief, there are approximately 454 parcels of real property within the Ranch.
25. Upon information and belief, all or nearly all of the parcels within the Ranch are approximately 35 acres in area each.
26. All of the real property referenced in paragraphs 16 through 20 above is part of the Ranch.
27. The Association is the property owners association for the Ranch.
28. The Association is managed by its Board of Directors (the "Board").
29. Robert L. Scott is a member of the Board and the president of the Board.
30. The Association is subject to the Colorado Common Interest Ownership Act ("CCIOA"), C.R.S. § 38-33.3-101, et seq.
31. The Association is subject to the Colorado Revised Nonprofit Corporation Act ("CRNCA"), § C.R.S. 7-121-101, et seq.
32. The Association is governed by and subject to Amended and Restated Declaration of Protective Covenants, Conditions and Restrictions for Santa Fe Trail Ranch (the

“Declaration”), which was recorded with the Clerk and Recorder of Las Animas County, Colorado on June 13, 2017, book 1137, page 70, at reception no. 737853.

33. The Declaration is one of the Governing Documents.
34. Each of Plaintiffs is an “Owner” as defined by Section 1.3 of the Declaration.

The Declaration’s Provisions Regarding Rights of Way for Ingress and Egress

35. Section 1.5 of the Declaration defines “Common Area” as follows:

“Common Area” shall mean all areas reserved by and for the Association (including improvements thereto) and all real property owned by the Association for the common use and enjoyment of the Owners. The Common Area to be owned by the Association is described as follows: **Rights of way for roads, and public areas as shown on plat maps recorded in the office of the Clerk and Recorder for Las Animas County, Colorado.**

(Emphasis added.)

36. Section 2.2 of the Declaration provides that “every Owner and such Owner’s family Members [sic], guests and licensees shall have an easement of ingress and egress over, across and upon the Common Areas for purposes of getting to and from such Owner’s individual Lot and the public way for equestrian, pedestrian and vehicular travel.”
37. Section 5.3 of the Declaration of Covenants states, in pertinent part, that “[t]here shall be no obstruction of the Common Area.”

The Exit 2 Road

38. On December 30, 1994, a Plat Map for Santa Fe Trail Ranch Unit 10 (the “Unit 10 Plat Map”) was recorded with the Clerk and Recorder of Las Animas County, Colorado at book 911, page 550, reception no. 609522.
39. The Unit 10 Plat Map identifies a right of way for a road located primarily on Lot G17 and Lot G18 of the Ranch.
40. The right of way for a road located primarily on Lot G17 and Lot G18 of the Ranch, hereinafter referred to as the “Exit 2 Road,” provides a means of ingress and egress between Interstate Highway 25’s Exit 2 and Alpine Meadows Drive.

41. The portion of the Exit 2 Road located on Lots G17 and G18 is part the “Common Area” as defined by the Declaration.
42. For several years, Owners of lots within the Ranch and their family members, guests, and licensees could access the Ranch from two exits on Interstate Highway 25: Exit 2 (by way of the Exit 2 Road) and Exit 6, which is approximately four miles to the north of Exit 2.

The Association Unlawfully Closes the Exit 2 Road

43. The Association installed a gate across the Exit 2 Road on Lot G17. The gate was secured by a combination padlock, and the combination was made available to all owners within the Ranch who desired to use the road for purposes of ingress and egress.
44. Until May 1, 2021, Owners and their family members, guests and licensees could use the Exit 2 Road as a means of ingress and egress to lots by unlocking the combination padlock, opening the gate, proceeding through the gate, closing the gate, and then locking the combination padlock.
45. On April 3, 2021, the Board held a meeting. At this meeting, the Board: (a) stated that it desired to discontinue any use of the Exit 2 Road and (b) voted unanimously to permanently close the Exit 2 Road beginning May 1, 2021.
46. On May 1, 2021, Robert L. Scott removed the existing combination lock on the gate and replaced it with a key padlock.
47. Despite the decision to permanently close the Exit 2 Road, Mr. Scott provided a key to this padlock to Heidi Fresquez and a few other owners who live near the Exit 2 Road. The vast majority of owners within the Ranch, however, did not receive a key to the new padlock.
48. Since May 1, 2021. Owners and their family members, guests, and licensees have not been able to use the Exit 2 Road. For purposes of ingress and egress from their homes, they are forced to travel through the Ranch to I-25’s Exit 6.
49. Because they are not able to use Exit 2, trips to Raton, New Mexico and other destinations to the south have been increased unnecessarily by approximately twenty minutes each way.

The Association Has Failed to Maintain the Exit 2 Road

50. Under Section 6.2 of the Declaration, the Association has a duty to complete “repair and reconstruction” of any part of the Common Areas that has been “damaged or destroyed.”
51. Under Section 4.2 of the Declaration, the Association has a duty to use assessments for the purpose of repairing, replacing, and maintaining, Common Areas.
52. Under Section 4.2 of the Declaration, the Association has a duty to use assessments for the purpose of installing, maintaining, and repairing all roads that run across, over, or under any part of the Ranch.
53. Despite the provisions of the Declaration set forth in paragraphs 50 through 52 above, the Association has failed to maintain the portion of the Exit 2 Road located on Lots G17 and G18.
54. As a result of the Association’s failure to maintain the Exit 2 Road, Plaintiffs have had to expend through own time, energy, and money to maintain the Exit 2 Road.

FIRST CLAIM

(Violation of the Declaration Against the Association)

55. Plaintiffs incorporate paragraphs 1 through 54 of this Complaint by reference, as if fully set forth herein.
56. “Any right or obligation declared by [CCIOA] is enforceable by judicial proceeding.” C.R.S. § 38-33.3-114(2).
57. “The remedies provided by [CCIOA] shall be liberally administered to the end that the aggrieved party is put in as good a position as if the other party had fully performed.” C.R.S. § 38-33.3-114(1).
58. CCIOA expressly authorizes a civil action to enforce the provisions of a declaration of covenants and other governing documents. C.R.S. § 38-33.3-123(1)(b)–(c).
59. The Association did not have authority under the Declaration to permanently close the Exit 2 Road.
60. By permanently closing the Exit 2 Road, the Association violated the Declaration.
61. By obstructing the Exit 2 Road, the Association violated the Declaration.

62. By failing to maintain the Exit 2 Road, the Association violated the Declaration.
63. Plaintiffs have incurred damages proximately caused by the Association's violations of the Declaration.
64. Plaintiffs are entitled to injunctive relief based upon the Association's violations of the Declaration.

SECOND CLAIM

(Violation of the Declaration Against Robert L. Scott)

65. Plaintiffs incorporate paragraphs 1 through 54 of this Complaint by reference, as if fully set forth herein.
66. "Any right or obligation declared by [CCIOA] is enforceable by judicial proceeding." C.R.S. § 38-33.3-114(2).
67. "The remedies provided by [CCIOA] shall be liberally administered to the end that the aggrieved party is put in as good a position as if the other party had fully performed." C.R.S. § 38-33.3-114(1).
68. CCIOA expressly authorizes a civil action to enforce the provisions of a declaration of covenants and other governing documents. C.R.S. § 38-33.3-123(1)(b)-(c).
69. By obstructing the Exit 2 Road, Robert L. Scott violated the Declaration.
70. Plaintiffs have incurred damages proximately caused by Mr. Scott's violation of the Declaration.
71. Plaintiffs are entitled to injunctive relief based upon Mr. Scott's violation of the Declaration.

THIRD CLAIM

(Breach of Fiduciary Duty Against the Association)

72. Plaintiffs incorporate paragraphs 1 through 54 of this Complaint by reference, as if fully set forth herein.
73. Under Colorado law, the Association has a fiduciary duty to Plaintiffs to enforce the provisions of the Declaration in good faith and in a reasonable manner.

74. By permanently closing the Exit 2 Road, the Association violated its fiduciary duty to Plaintiffs.
75. By obstructing the Exit 2 Road, the Association violated its fiduciary duty to Plaintiffs.
76. By failing to maintain the Exit 2 Road, the Association violated its fiduciary duty to Plaintiffs.
77. Plaintiffs have incurred damages proximately caused by the Association's breaches of its fiduciary duty to Plaintiffs.
78. Plaintiffs are entitled to injunctive relief based upon the Association's breaches of its fiduciary duty to Plaintiffs.

FOURTH CLAIM

(Declaratory Judgment Against the Association)

79. Plaintiffs incorporate paragraphs 1 through 54 of this Complaint by reference, as if fully set forth herein.
80. An actual controversy exists between Plaintiffs and the Association regarding use of the Exit 2 Road.
81. Plaintiffs are persons with interests under the Governing Documents. As such, Plaintiffs are persons that may obtain a declaration of rights, status, or other legal relations under the Governing Documents.
82. A declaratory judgment by this Court as to Plaintiffs' rights relating to the Exit 2 Road will settle and determine the controversy between Plaintiffs and the Association.
83. The Court's issuing a declaratory judgment in this case will terminate any uncertainty giving rise to these proceedings.
84. Plaintiffs are entitled to a judgment declaring that (a) the Association violated the Declaration by permanently closing the Exit 2 Road, (b) the Association violated the Declaration by obstructing the Exit 2 Road, (c) the Association violated the Declaration by failing to maintain the Exit 2 Road, and (d) Owners of lots within the Ranch, and their family members, guests, and licensees are entitled to the unobstructed use of the Exit 2 Road for purposes of ingress and egress.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that judgment be entered in their favor and against Defendants and that the Court grant the following relief:

1. A declaration that (a) the Association violated the Declaration by permanently closing the Exit 2 Road, (b) the Association violated the Declaration by obstructing the Exit 2 Road, (c) the Association violated the Declaration by failing to maintain the Exit 2 Road, and (d) Owners of lots within the Ranch, and their family members, guests, and licensees are entitled to the unobstructed use of the Exit 2 Road for purposes of ingress and egress;
2. Damages proximately caused by Defendants' violations of the Governing Documents and the Association's breaches of its fiduciary duty to Plaintiffs;
3. Injunctive relief enjoining Defendants from violating the Governing Documents;
4. Prejudgment and post-judgment interest;
5. An award of Plaintiffs' reasonable costs and expenses, including attorneys' fees, legal fees, and expenses that are recoverable under CCIOA and/or the Declaration; and
6. Other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiffs hereby demands a jury trial, pursuant to C.R.C.P. 38, on all issues so triable.

Dated this 5th day of July, 2021.

JENSEN DULANEY LLC

/s/ Daniel B. Miller
Daniel B. Miller, # 49421

Addresses of Plaintiffs:

Heidi Fresquez and Jamie Fresquez
33440 Alpine Meadows Dr.
Trinidad, CO 81082

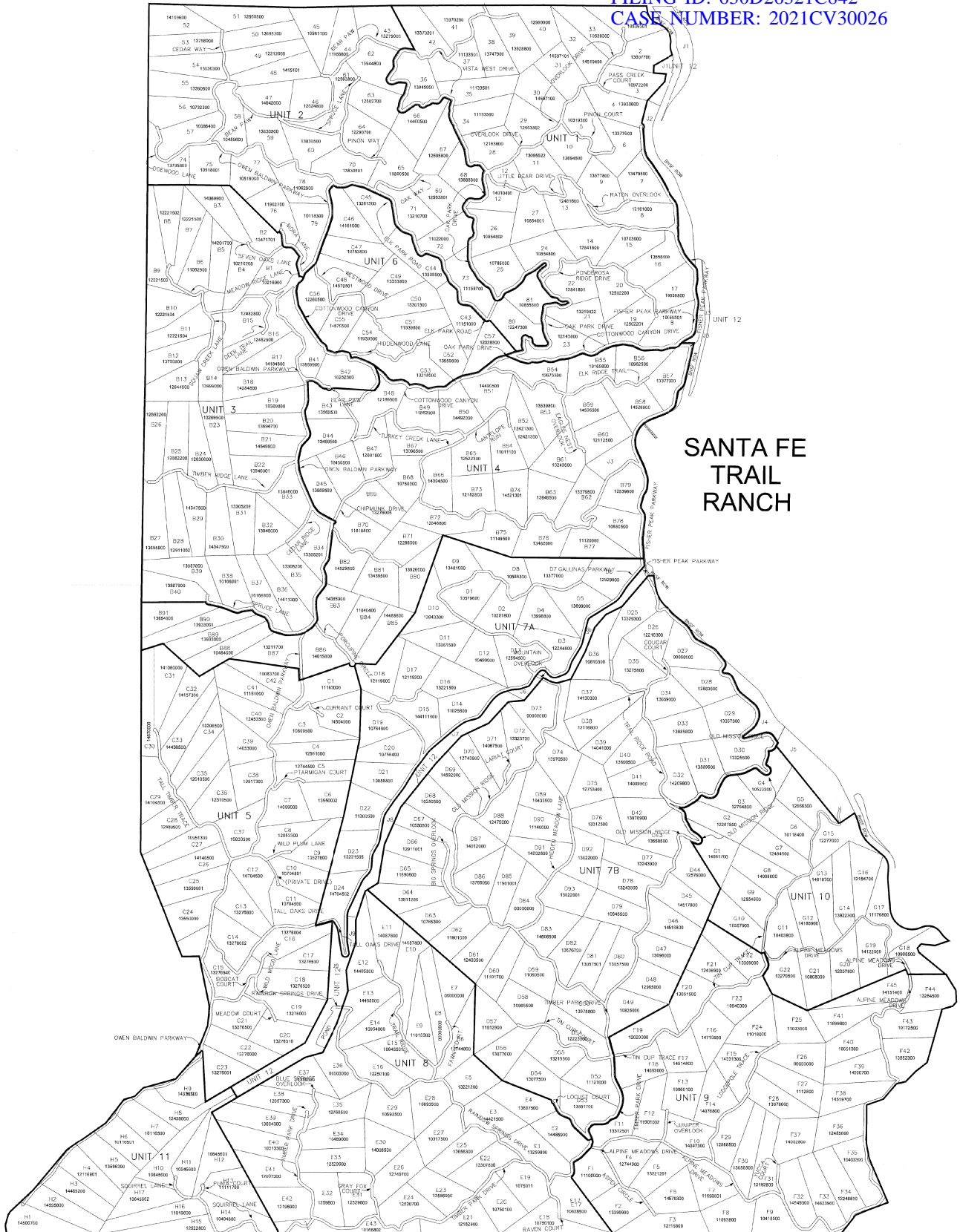
Marc Wilson and Sara Ann Wilson
33211 Alpine Meadows Dr.
Trinidad, CO 81082

Carmen Richards and Joseph Richards
33476 Alpine Meadows Dr.
Trinidad, CO 81082

Jerry Barnes
33374 Alpine Meadows Dr.
Trinidad, CO 81082

Ann Kost
33389 Alpine Meadows Dr.
Trinidad, CO 81082

DATE FILED: July 5, 2021 10:00 AM
FILING ID: 630D26321C842
CASE NUMBER: 2021CV30026



Attachment 2: First Amended Complaint

<p>DISTRICT COURT, COUNTY OF LAS ANIMAS, STATE OF COLORADO Court Address: 200 East First Street Trinidad, CO 81082 Telephone: 719-846-3316</p>	<p>COURT USE ONLY</p>
<p>PLAINTIFFS: HEIDI MARIE FRESQUEZ, JAMES PATRICK FRESQUEZ, MARC WILSON, SARA ANN WILSON, CARMEN RICHARDS, JOSEPH RICHARDS, JERRY BARNES, and ANN KOST</p> <p>v.</p> <p>DEFENDANTS: SANTA FE TRAIL RANCH PROPERTY OWNERS ASSOCIATION, a Colorado nonprofit corporation, and ROBERT L. SCOTT</p>	
<p><u>Attorney for Plaintiffs:</u> Daniel B. Miller, #49421 JENSEN DULANEY LLC 1955 N. Union Blvd., Ste. 200 Colorado Springs, CO 80909-2213 Telephone: (719) 362-5561 Email: dmiller@jensendulaney.com</p>	<p>Case Number: 2021CV30026</p> <p>Division: D</p>
<p align="center">FIRST AMENDED COMPLAINT</p>	

COME NOW Heidi Marie Fresquez, James Patrick Fresquez, Marc Wilson, Sara Ann Wilson, Carmen Richards, Joseph Richards, Jerry Barnes, and Ann Kost (collectively, "Plaintiffs"), who bring the following First Amended Complaint against Defendants Santa Fe Trail Ranch Property Owners Association (hereinafter, the "Association") and Robert L. Scott, stating and alleging as follows:

INTRODUCTION

1. This civil action relates to real property within the Santa Fe Trail Ranch community (the "Ranch"), the Association, and the documents that govern the Ranch and the Association.
2. With this civil action, Plaintiffs seek enforcement of their rights under the documents that govern the Ranch and the Association (collectively, the "Governing Documents").

PARTIES AND VENUE

3. Heidi Marie Fresquez is an owner of real property within the Ranch.
4. James Patrick Fresquez is an owner of real property within the Ranch.
5. Marc Wilson is an owner of real property within the Ranch.
6. Sara Ann Wilson is an owner of real property within the Ranch.
7. Carman Richards is an owner of real property within the Ranch.
8. Joseph Richards is an owner of real property within the Ranch.
9. Jerry Barnes is an owner of real property within the Ranch.
10. Ann Kost is an owner of real property within the Ranch.
11. The Association is a Colorado nonprofit corporation located in the County of Las Animas, Colorado.
12. Robert L. Scott is an owner of real property within the Ranch.
13. Venue is proper before this Court pursuant to C.R.C.P. 98 because the Association and Mr. Scott are found in Las Animas County, Colorado.
14. All acts complained of herein took place in Las Animas County, Colorado.

GENERAL ALLEGATIONS

Background

15. Heidi Marie Fresquez and James Patrick Fresquez own certain real property situated in Las Animas County, Colorado, known as 33440 Alpine Meadows Dr., Trinidad, CO 81082. This real property is also known as Lot G17. Ms. and Mr. Fresquez reside at this location.
16. Marc Wilson and Sara Ann Wilson own certain real property situated in Las Animas County, Colorado, known as 33211 Alpine Meadows Dr., Trinidad, CO 81082. This real property is also known as Lot F35. Mr. and Ms. Wilson reside at this location.

17. Carmen Richards and Joseph Richards own certain real property situated in Las Animas County, Colorado, known as 33476 Alpine Meadows Dr., Trinidad, CO 81082. This real property is also known as Lot G13. Ms. and Mr. Richards reside at this location.
18. Jerry Barnes owns certain real property situated in Las Animas County, Colorado, known as 33374 Alpine Meadows Dr., Trinidad, CO 81082. This real property is also known as Lot F44. Mr. Barnes resides at this location.
19. Ann Kost owns certain real property situated in Las Animas County, Colorado, known as 33389 Alpine Meadows Dr., Trinidad, CO 81082. This real property is also known as Lot F45. Ms. Kost resides at this location.
20. The Santa Fe Trail Ranch community is a common interest community located in Las Animas County, Colorado, to the west of Interstate Highway 25 near the border between Colorado and New Mexico.
21. A map of the Ranch is attached as Exhibit 1.
22. Upon information and belief, the Ranch's geographic area is approximately 16,800 acres.
23. Upon information and belief, there are approximately 454 parcels of real property within the Ranch.
24. Upon information and belief, all or nearly all of the parcels within the Ranch are approximately 35 acres in area each.
25. All of the real property referenced in paragraphs 15 through 19 above is part of the Ranch.
26. The Association is the property owners association for the Ranch.
27. The Association is managed by its Board of Directors (the "Board").
28. Robert L. Scott is a member of the Board and the president of the Board.
29. The Association is subject to the Colorado Common Interest Ownership Act ("CCIOA"), C.R.S. § 38-33.3-101, et seq.
30. The Association is subject to the Colorado Revised Nonprofit Corporation Act ("CRNCA"), § C.R.S. 7-121-101, et seq.
31. The Association is governed by and subject to Amended and Restated Declaration of Protective Covenants, Conditions and Restrictions for Santa Fe Trail Ranch (the

“Declaration”), which was recorded with the Clerk and Recorder of Las Animas County, Colorado on June 13, 2017, book 1137, page 70, at reception no. 737853.

32. The Declaration is one of the Governing Documents.
33. Each of Plaintiffs is an “Owner” as defined by Section 1.3 of the Declaration.

The Declaration’s Provisions Regarding Rights of Way for Ingress and Egress

34. Section 1.5 of the Declaration defines “Common Area” as follows:

“Common Area” shall mean all areas reserved by and for the Association (including improvements thereto) and all real property owned by the Association for the common use and enjoyment of the Owners. The Common Area to be owned by the Association is described as follows: **Rights of way for roads, and public areas as shown on plat maps recorded in the office of the Clerk and Recorder for Las Animas County, Colorado.**

(Emphasis added.)

35. Section 2.2 of the Declaration provides that “every Owner and such Owner’s family Members [sic], guests and licensees shall have an easement of ingress and egress over, across and upon the Common Areas for purposes of getting to and from such Owner’s individual Lot and the public way for equestrian, pedestrian and vehicular travel.”
36. Section 5.3 of the Declaration of Covenants states, in pertinent part, that “[t]here shall be no obstruction of the Common Area.”

The Exit 2 Road

37. On December 30, 1994, a Plat Map for Santa Fe Trail Ranch Unit 10 (the “Unit 10 Plat Map”) was recorded with the Clerk and Recorder of Las Animas County, Colorado at book 911, page 550, reception no. 609522.
38. The Unit 10 Plat Map identifies a right of way for a road located on Lot G, Lot G17, and Lot G18 of the Ranch.
39. The right of way for a road located on Lot G, Lot G17, and Lot G18 of the Ranch, hereinafter referred to as the “Exit 2 Road,” provides a means of ingress and egress between Interstate Highway 25’s Exit 2 and Alpine Meadows Drive.

40. The Exit 2 Road on Lot G, Lot G17, and Lot G18 is part the “Common Area” as defined by the Declaration.
41. For several years, Owners of lots within the Ranch and their family members, guests, and licensees could access the Ranch from two exits on Interstate Highway 25: Exit 2 (by way of the Exit 2 Road) and Exit 6, which is approximately four miles to the north of Exit 2.

The Association Unlawfully Closes the Exit 2 Road

42. The Association installed a gate across the Exit 2 Road on Lot G17. The gate was secured by a combination padlock, and the combination was made available to all owners within the Ranch who desired to use the road for purposes of ingress and egress.
43. Until May 1, 2021, Owners and their family members, guests and licensees could use the Exit 2 Road as a means of ingress and egress to lots by unlocking the combination padlock, opening the gate, proceeding through the gate, closing the gate, and then locking the combination padlock.
44. On April 3, 2021, the Board held a meeting. At this meeting, the Board: (a) stated that it desired to discontinue any use of the Exit 2 Road and (b) voted unanimously to permanently close the Exit 2 Road beginning May 1, 2021.
45. On May 1, 2021, Robert L. Scott removed the existing combination lock on the gate and replaced it with a key padlock.
46. Despite the decision to permanently close the Exit 2 Road, Mr. Scott provided a key to this padlock to Heidi Fresquez and a few other owners who live near the Exit 2 Road. The vast majority of owners within the Ranch, however, did not receive a key to the new padlock.
47. Since May 1, 2021. Owners and their family members, guests, and licensees have not been able to use the Exit 2 Road. For purposes of ingress and egress from their homes, they are forced to travel through the Ranch to I-25’s Exit 6.
48. Because they are not able to use Exit 2, trips to Raton, New Mexico and other destinations to the south have been increased unnecessarily by approximately twenty minutes each way.

The Association Has Failed to Maintain the Exit 2 Road

49. Under Section 6.2 of the Declaration, the Association has a duty to complete “repair and reconstruction” of any part of the Common Areas that has been “damaged or destroyed.”
50. Under Section 4.2 of the Declaration, the Association has a duty to use assessments for the purpose of repairing, replacing, and maintaining, Common Areas.
51. Under Section 4.2 of the Declaration, the Association has a duty to use assessments for the purpose of installing, maintaining, and repairing all roads that run across, over, or under any part of the Ranch.
52. Despite the provisions of the Declaration set forth in paragraphs 49 through 51 above, the Association has failed to maintain the portion of the Exit 2 Road located on Lots G17 and G18.
53. As a result of the Association’s failure to maintain the Exit 2 Road, Plaintiffs have had to expend through own time, energy, and money to maintain the Exit 2 Road.

Property Adjacent to the Ranch

54. Upon information and belief, the real property immediately to the north of Lot G17 of the Ranch (between Lot G17 and I-25) is owned by the State of Colorado, the Colorado Department of Transportation (“CDOT”), and/or Burlington Northern Santa Fe Railway (“BNSF”).
55. As used in this First Amended Complaint, the “Exit 2 Road” does not refer to any real property owned by the State of Colorado, CDOT, and/or BNSF. Rather, the “Exit 2 Road” refers to that right of way for a road located on Lot G, Lot G17, and Lot G18 of the Ranch only.
56. In this civil action, Plaintiffs do not allege any claims based on acts or omissions occurring on any real property owned by the State of Colorado, CDOT, and/or BNSF. Rather, to the extent this First Amended Complaint alleges acts or omissions that occurred on the Exit 2 Road, all acts and omissions occurred on real property within the Ranch.
57. In this civil action, Plaintiffs do not seek any adjudication of rights relating to real property in which the State of Colorado, CDOT, and/or BNSF has a legal interest.
58. Neither the Association nor Robert L. Scott has authority to act on behalf of the State of Colorado.

59. Neither the Association nor Robert L. Scott has authority to act on behalf of CDOT.
60. Neither the Association nor Robert L. Scott has authority to act on behalf of BNSF.

FIRST CLAIM

(Violation of the Declaration Against the Association)

61. Plaintiffs incorporate paragraphs 1 through 60 of this First Amended Complaint by reference, as if fully set forth herein.
62. “Any right or obligation declared by [CCIOA] is enforceable by judicial proceeding.” C.R.S. § 38-33.3-114(2).
63. “The remedies provided by [CCIOA] shall be liberally administered to the end that the aggrieved party is put in as good a position as if the other party had fully performed.” C.R.S. § 38-33.3-114(1).
64. CCIOA expressly authorizes a civil action to enforce the provisions of a declaration of covenants and other governing documents. C.R.S. § 38-33.3-123(1)(b)–(c).
65. The Association did not have authority under the Declaration to permanently close the Exit 2 Road.
66. By permanently closing the Exit 2 Road, the Association violated the Declaration.
67. By obstructing the Exit 2 Road, the Association violated the Declaration.
68. By failing to maintain the Exit 2 Road, the Association violated the Declaration.
69. Plaintiffs have incurred damages proximately caused by the Association’s violations of the Declaration.
70. Plaintiffs are entitled to injunctive relief based upon the Association’s violations of the Declaration.

SECOND CLAIM

(Violation of the Declaration Against Robert L. Scott)

71. Plaintiffs incorporate paragraphs 1 through 60 of this First Amended Complaint by reference, as if fully set forth herein.

72. "Any right or obligation declared by [CCIOA] is enforceable by judicial proceeding." C.R.S. § 38-33.3-114(2).
73. "The remedies provided by [CCIOA] shall be liberally administered to the end that the aggrieved party is put in as good a position as if the other party had fully performed." C.R.S. § 38-33.3-114(1).
74. CCIOA expressly authorizes a civil action to enforce the provisions of a declaration of covenants and other governing documents. C.R.S. § 38-33.3-123(1)(b)-(c).
75. By obstructing the Exit 2 Road, Robert L. Scott violated the Declaration.
76. Plaintiffs have incurred damages proximately caused by Mr. Scott's violation of the Declaration.
77. Plaintiffs are entitled to injunctive relief based upon Mr. Scott's violation of the Declaration.

THIRD CLAIM

(Breach of Fiduciary Duty Against the Association)

78. Plaintiffs incorporate paragraphs 1 through 60 of this First Amended Complaint by reference, as if fully set forth herein.
79. Under Colorado law, the Association has a fiduciary duty to Plaintiffs to enforce the provisions of the Declaration in good faith and in a reasonable manner.
80. By permanently closing the Exit 2 Road, the Association violated its fiduciary duty to Plaintiffs.
81. By obstructing the Exit 2 Road, the Association violated its fiduciary duty to Plaintiffs.
82. By failing to maintain the Exit 2 Road, the Association violated its fiduciary duty to Plaintiffs.
83. Plaintiffs have incurred damages proximately caused by the Association's breaches of its fiduciary duty to Plaintiffs.
84. Plaintiffs are entitled to injunctive relief based upon the Association's breaches of its fiduciary duty to Plaintiffs.

FOURTH CLAIM

(Declaratory Judgment Against the Association)

85. Plaintiffs incorporate paragraphs 1 through 60 of this First Amended Complaint by reference, as if fully set forth herein.
86. An actual controversy exists between Plaintiffs and the Association regarding use of the Exit 2 Road.
87. Plaintiffs are persons with interests under the Governing Documents. As such, Plaintiffs are persons that may obtain a declaration of rights, status, or other legal relations under the Governing Documents.
88. A declaratory judgment by this Court as to Plaintiffs' rights relating to the Exit 2 Road will settle and determine the controversy between Plaintiffs and the Association.
89. The Court's issuing a declaratory judgment in this case will terminate any uncertainty giving rise to these proceedings.
90. Plaintiffs are entitled to a judgment declaring that (a) the Association violated the Declaration by permanently closing the Exit 2 Road, (b) the Association violated the Declaration by obstructing the Exit 2 Road, (c) the Association violated the Declaration by failing to maintain the Exit 2 Road, and (d) Owners of lots within the Ranch, and their family members, guests, and licensees are entitled to the unobstructed use of the Exit 2 Road for purposes of ingress and egress.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that judgment be entered in their favor and against Defendants and that the Court grant the following relief:

1. A declaration that (a) the Association violated the Declaration by permanently closing the Exit 2 Road, (b) the Association violated the Declaration by obstructing the Exit 2 Road, (c) the Association violated the Declaration by failing to maintain the Exit 2 Road, and (d) Owners of lots within the Ranch, and their family members, guests, and licensees are entitled to the unobstructed use of the Exit 2 Road for purposes of ingress and egress;

2. Damages proximately caused by Defendants' violations of the Governing Documents and the Association's breaches of its fiduciary duty to Plaintiffs;
3. Injunctive relief enjoining Defendants from violating the Governing Documents;
4. Prejudgment and post-judgment interest;
5. An award of Plaintiffs' reasonable costs and expenses, including attorneys' fees, legal fees, and expenses that are recoverable under CCIOA and/or the Declaration; and
6. Other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiffs hereby demands a jury trial, pursuant to C.R.C.P. 38, on all issues so triable.

Dated this 26th day of July, 2021.

JENSEN DULANEY LLC

/s/ Daniel B. Miller
Daniel B. Miller, # 49421

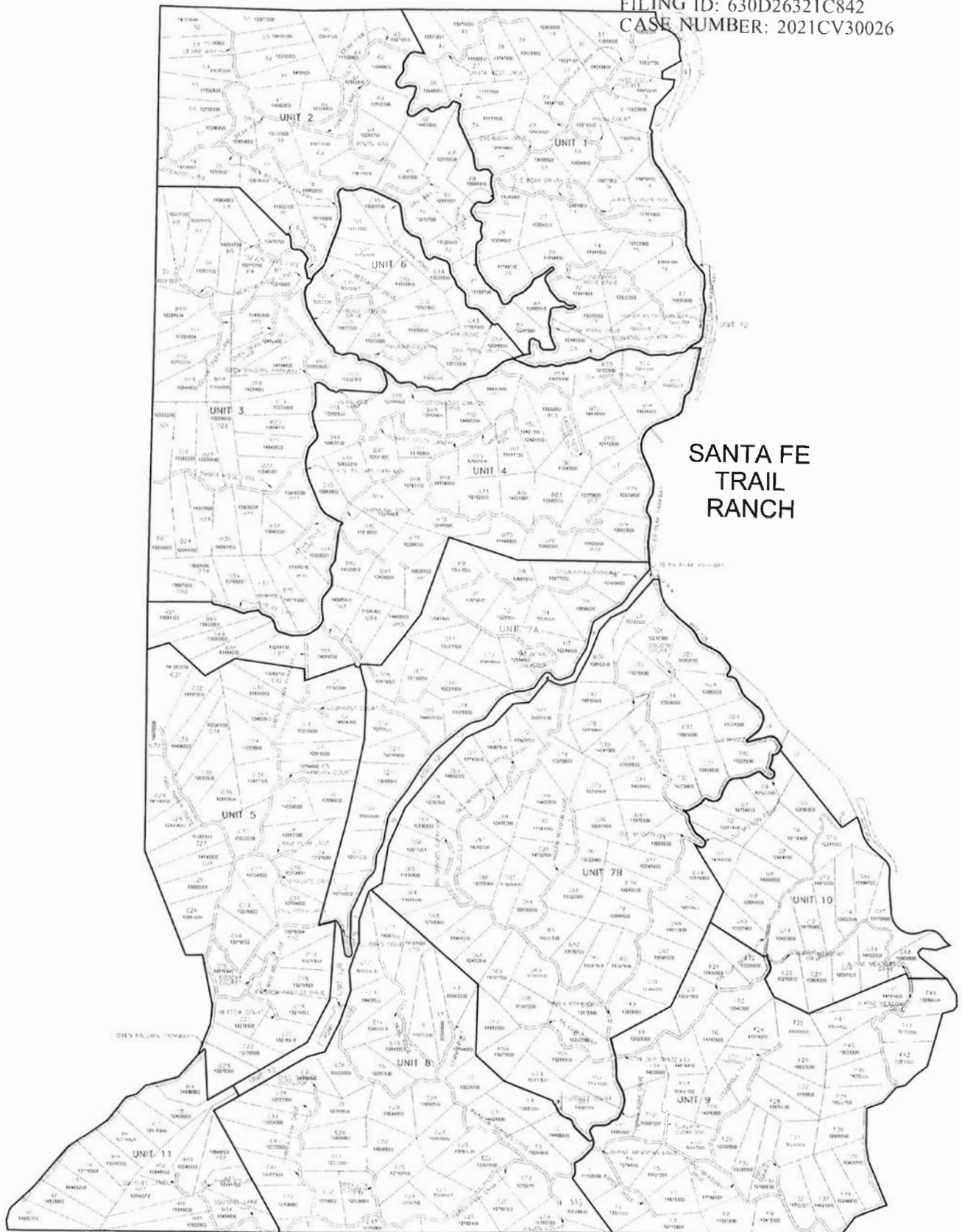
CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2021, a true and correct copy of foregoing **FIRST AMENDED COMPLAINT** was served via ICCES to all counsel of record.

/s/ Daniel B. Miller _____

Daniel B. Miller

DATE FILED: July 5, 2021 10:00 AM
FILING ID: 630D26321C842
CASE NUMBER: 2021CV30026



Attachment 3: Defendants' Answer To Plaintiffs' First Amended Complaint

<p>DISTRICT COURT, COUNTY OF LAS ANIMAS, STATE OF COLORADO Court Address: 200 East First Street Trinidad, CO 81082 719-846-3316</p> <hr/> <p>PLAINTIFFS: HEIDI MARIE FRESQUEZ, JAMES PATRICK FRESQUEZ, MARC WILSON, SARA ANN WILSON, CARMEN RICHARDS, JOSEPH RICHARDS, JERRY BARNES and ANN KOST,</p> <p>v.</p> <p>DEFENDANTS: SANTA FE TRAIL RANCH PROPERTY OWNERS ASSOCIATION, a Colorado nonprofit corporation, and ROBERT L. SCOTT.</p> <hr/> <p><i>Attorneys for Defendants:</i> Lawrence D. Stone, #8803 Terry Epstein, # 17794 Nixon Shefrin Ogburn Drew, P.C. 5619 DTC Parkway, Suite 1200 Greenwood Village, Colorado 80111-3061 Phone: (303) 773-3500 Fax: (303) 779-0740 E-mail: lstone@nixonshefrin.com tepstein@nixonshefrin.com</p>	<p>DATE FILED: August 9, 2021 4:32 PM FILING ID: BF3A15F695D55 CASE NUMBER: 2021CV30026</p> <hr/> <p><input type="checkbox"/> COURT USE ONLY <input type="checkbox"/></p> <hr/> <p>Case No. 2021-cv-30026</p> <p>Division: D</p> <p>Courtroom:</p>
<p>DEFENDANTS' ANSWER TO PLAINTIFFS' FIRST AMENDED COMPLAINT</p>	

Defendants, Santa Fe Trail Ranch Property Owners Association (the “Association”), a Colorado nonprofit corporation, and Robert L. Scott (“Mr. Scott”) (collectively referred to as “Defendants”), by its attorneys, Nixon Shefrin Ogburn Drew, P.C., hereby respond to the enumerated allegations in Plaintiffs’ First Amended Complaint, and state as follows:

SPECIFIC RESPONSES

1. Admit.
2. Deny due to lack of knowledge or information.

3. Deny due to lack of knowledge or information.
4. Deny due to lack of knowledge or information.
5. Deny due to lack of knowledge or information.
6. Deny due to lack of knowledge or information.
7. Deny due to lack of knowledge or information.
8. Deny due to lack of knowledge or information.
9. Deny due to lack of knowledge or information.
10. Deny due to lack of knowledge or information.
11. Admit.
12. Admit.
13. Admit.
14. Admit.
15. Admit.
16. Admit that the property situated in Las Animas County, Colorado known as 33211 Alpine Meadows Drive, Trinidad, Colorado 81082, is also known as Lot F35. Deny the remaining allegations of Paragraph 16 due to lack of knowledge or information.
17. Admit that the property situated in Las Animas County, Colorado known as 33476 Alpine Meadows Drive, Trinidad, Colorado 81082, is also known as Lot G13. Deny the remaining allegations in Paragraph 17 due to lack of knowledge or information.
18. Admit that the property situated in Las Animas County, Colorado known as 33374 Alpine Meadows Drive, Trinidad, Colorado 81082, is also known as Lot F44. Deny the remaining allegations in Paragraph 18 due to lack of knowledge or information.
19. Admit that the property situated in Las Animas County, Colorado known as 33389 Alpine Meadows Drive, Trinidad, Colorado 81082, is also known as Lot F45. Deny the remaining allegations in Paragraph 19 due to lack of knowledge or information.
20. Admit.
21. Admit that map is attached as Exhibit 1 and that the map speaks for itself.
22. Admit.

23. Admit.
24. Admit.
25. Admit.
26. Admit.
27. Admit.
28. Admit.
29. This paragraph sets forth a legal conclusion for which a response is not necessary.
30. This paragraph sets forth a legal conclusion for which a response is not necessary.
31. Admit.
32. Admit.
33. This paragraph sets forth a legal conclusion for which a response is not necessary.
34. The Declaration speaks for itself.
35. The Declaration speaks for itself.
36. The Declaration speaks for itself.
37. Admit.
38. Deny as stated because the Plat Map speaks for itself.
39. Deny.
40. This paragraph sets forth a legal conclusion for which a response is not necessary.
41. Deny that owners of lots within the Ranch and their family members, guests, and licensees could access the Ranch from Interstate Highway 25 by way of the Exit 2 Road. Admit the remaining allegations of Paragraph 41.
42. Deny that the gate is on Lot G17. The gate is on a platted POA road which in part crosses Lot G17. Admit the remaining allegations in paragraph 42.
43. Deny as stated. Admit that until May 1, 2021, a key was given to three families located close to the gate so that the Exit 2 Road could be used as a means of egress to lots in case of a Ranchwide emergency but deny the remaining allegations of Paragraph 43.

44. Deny as stated. Admit that on April 3, 2021 the Board held a meeting and voted to lock the gate to daily use due to residents' failure to comply with the security arrangement to keep the gate closed and locked. The Road was still available for Ranchwide emergency egress. They voted to lock the gate because the residents were not complying with the arrangement to keep the gate closed and locked.
45. Admit.
46. Deny as stated. Admit that despite the decision to close the Exit 2 Road, Mr. Scott provided a key to the padlock to Heidi Fresquez and a few other owners who live near the gate for emergency egress only. Admit the second sentence of paragraph 46.
47. Deny. One of the keys was left by the gate for the Plaintiffs' daily use.
48. Deny due to lack of knowledge or information.
49. This paragraph sets forth a legal conclusion for which a response is not necessary.
50. This paragraph sets forth a legal conclusion for which a response is not necessary.
51. This paragraph sets forth a legal conclusion for which a response is not necessary.
52. Deny as stated. The Association ceased maintenance of the road when the Plaintiffs notified the Board that due to an easement, a third party is required to maintain the road, which he has not.
53. Deny.
54. Deny. The Association owns the property on the highway side of the tunnel.
55. Deny due to lack of knowledge or information.
56. Deny due to lack of knowledge or information.
57. Deny due to lack of knowledge or information.
58. Admit.
59. Admit.
60. Admit.

FIRST CLAIM
(Violation of the Declaration against the Association)

61. Defendants incorporate their responses to Paragraphs 1-60.

62. This paragraph sets forth a legal conclusion for which a response is not necessary.

63. This paragraph sets forth a legal conclusion for which a response is not necessary.

64. This paragraph sets forth a legal conclusion for which a response is not necessary.

65. Deny.

66. Deny.

67. Deny.

68. Deny.

69. Deny.

70. Deny.

SECOND CLAIM
(Violation of the Declaration against Robert L. Scott)

71. Defendants incorporate their responses to Paragraphs 1-70.

72. This paragraph sets forth a legal conclusion for which a response is not necessary.

73. This paragraph sets forth a legal conclusion for which a response is not necessary.

74. This paragraph sets forth a legal conclusion for which a response is not necessary.

75. Deny.

76. Deny.

77. Deny.

THIRD CLAIM
(Breach of Fiduciary Duty against the Association)

78. Defendants incorporate their responses to Paragraphs 1-77.

79. This paragraph sets forth a legal conclusion for which a response is not necessary.

80. Deny.

81. Deny.

82. Deny.

83. Deny.

84. Deny.

FOURTH CLAIM
(Declaratory Judgment Against the Association)

85. Defendants incorporate their responses to Paragraphs 1-84.

86. Admit.

87. This paragraph sets forth a legal conclusion for which a response is not necessary; deny due to lack of knowledge or information.

88. Deny.

89. Deny.

90. Deny.

GENERAL DENIAL

91. Defendants deny all allegations not expressly admitted to above.

92. Defendants further deny that Plaintiffs are entitled to the relief they seek.

93. Defendants reserve the right to amend their Answer as additional information becomes available, through the time of trial.

ADDITIONAL DEFENSES

94. Plaintiffs fail to state a claim for which relief may be granted.

95. Plaintiffs failed to join indispensable parties to this dispute.

96. Plaintiffs' claims are barred because the Exit 2 Road does not provide legal ingress or egress to Interstate Highway I-25.

97. If the Association was a fiduciary to Plaintiffs, it met its legal obligation.

98. The Association is entitled to recover its attorneys' fees and other expenses pursuant to C.R.S. 38-33.3-123(1)(b) and (c) and Colorado Law.

99. Plaintiffs' claim against Mr. Scott is barred by C.R.S. § 38-33.3-303(2)(b).

100. Plaintiffs' claim against Mr. Scott is barred by C.R.S. §7-128-401(4).

101. Plaintiffs have not suffered any injury or damages as a result of Defendants' actions.
102. The Association and Mr. Scott acted reasonably and in good faith.
103. The Association and Mr. Scott's actions are governed by the business judgment rule.
104. Plaintiffs' claims are governed by the Declaration, By-laws and other governing documents of the Association.
105. One or more of the Plaintiffs may lack standing to bring this action.
106. The Association does not have a duty to maintain the Road due to an easement held by a third-party.

WHEREFORE, having fully answered the First Amended Complaint, Defendants request the Court to enter judgment in their favor and against Plaintiffs, award attorneys' fees and costs, and order such other and further relief as the Court deems appropriate.

Respectfully submitted this 9th day of August 2021.

NIXON SHEFRIN OGBURN DREW, P.C.

s/ Terry Epstein

Terry Epstein, #17794

Attorneys for Defendants

Santa Fe Trail Ranch Property Owners

Association and Robert L. Scott

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of August 2021, a true and accurate copy of the foregoing **DEFENDANTS' ANSWER TO PLAINTIFFS' FIRST AMENDED COMPLAINT** was served via Colorado Courts E-Filing upon the following:

Daniel B. Miller, #49421
JENSEN DULANEY LLC
1955 N. Union Boulevard, Suite 200
Colorado Springs, CO 80909-2213
Telephone: (719) 362-5561
E-mail: dmiller@jensendulaney.com
Counsel for Plaintiffs

s/ Lorie Whalen

Lorie Whalen

Attachment 4 - Entry of Final Judgement

<input checked="" type="checkbox"/> District Court <input type="checkbox"/> County Court Las Animas County, Colorado Court Address: 200 East First Street, Trinidad, CO 81082	DATE FILED: May 2, 2022 10:09 AM CASE NUMBER: 2021CV30026
Plaintiff(s): HEIDI MARIE FRESQUEZ, et al. v. Defendant(s): SANTA FE TRAIL RANCH PROPERTY OWNERS ASSOCIATION, et al.	<p style="text-align: center;">COURT USE ONLY</p> Case Number: 2021CV30026 Division: D
ENTRY OF FINAL JUDGMENT	

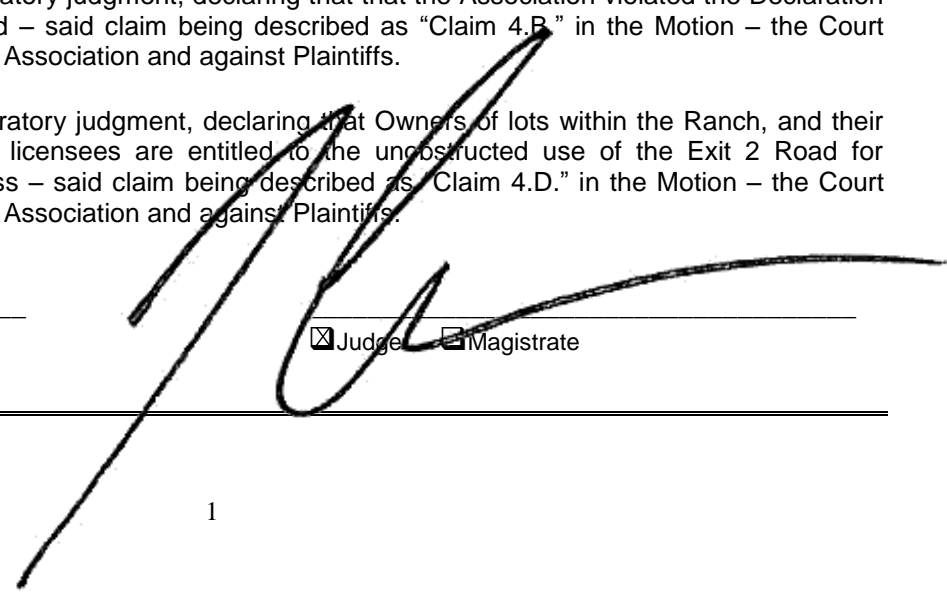
This civil action is before the Court on Plaintiffs’ Motion for Dismissal of Plaintiffs’ Remaining Claims with Prejudice and for Entry of Final Judgment (the “Motion”). The Court has granted the Motion.

The Court finds that it has jurisdiction over the parties and subject matter of this action and that venue is proper in this Court.

Pursuant to the Court’s Order Re Cross Motions for Summary Judgment, entered April 26, 2022, JUDGMENT IS HEREBY ENTERED as follows:

- On Plaintiffs’ claim for violation of the Declaration against Defendant Santa Fe Trail Ranch Owners Association (the “Association”) based on Plaintiffs’ allegation that the Association violated the Declaration by permanently closing the Exit 2 Road, which resulted in an obstruction of the Exit 2 Road – said claim being referred to as “Claim 1.A.” in the Motion – the Court enters judgment in favor of the Association and against Plaintiffs.
- On Plaintiffs’ claim for violation of the Declaration against Defendant Robert L. Scott – said claim being referred to as the “Second Claim” in the Motion – the Court enters judgment in favor of Defendant Robert L. Scott and against Plaintiffs.
- On Plaintiffs’ claim for a declaratory judgment, declaring that that the Association violated the Declaration by permanently closing the Exit 2 Road – said claim being described as “Claim 4.A.” in the Motion – the Court enters judgment in favor of the Association and against Plaintiffs.
- On Plaintiffs’ claim for a declaratory judgment, declaring that that the Association violated the Declaration by obstructing the Exit 2 Road – said claim being described as “Claim 4.B.” in the Motion – the Court enters judgment in favor of the Association and against Plaintiffs.
- On Plaintiffs’ claim for a declaratory judgment, declaring that Owners of lots within the Ranch, and their family members, guests, and licensees are entitled to the unobstructed use of the Exit 2 Road for purposes of ingress and egress – said claim being described as “Claim 4.D.” in the Motion – the Court enters judgment in favor of the Association and against Plaintiffs.

Date: May 2, 2022



Judge Magistrate

I certify that on _____ (date), I mailed, faxed, e-filed, or hand-delivered a copy of this Order to the following:

- Attorney for Plaintiff or Plaintiff *pro se*
- Attorney for Defendant or Defendant *pro se*
- Other _____

Clerk

POA Regular Board Meeting Minutes
Saturday, August 14, 2021, 9:00 am
Metro Operations Center

Present: Bob L. Scott, Rick Kinder, Nancy Allred, Todd McBride, Carlin Craig, Deb Johnson, Jerry Peters

Absent: Linda Brown, Carol Smith

Guests: Val Allred, Claudia Henning, Randy Wichterman, Mary Bishop, Sue Downs, Joe and Carmen Richards, Rhonda Taillon, Bill Nielson, Vaughn Roundy

Call to Order - 9:00 am

Proof of Notice; posted on website and Nextdoor

Roll Call and determination of Quorum: quorum achieved

Approval of Minutes: Minutes of June 5, 2021 minutes approved without changes

Committee Reports

A.) Common Area/Community Preparedness (Linda Brown, chair)

No report

B.) Roads (Todd McBride and Val Allred, co-chairs)

In the last couple months, road base has been applied to Ponderosa Ridge ($\frac{1}{3}$ mile) and to Meadow Court ($\frac{1}{4}$ mile); road base was completed on Oak Park (.2 mile); Culvert replaced on Gallinas; Extensive bar ditch repair on Cottonwood. Much time spent clearing culverts, bar ditches and blading roads. It was noted that Leone's is backed up with road base at the present.

C.) Finance (Nancy Allred (chair)

Currently on budget with net cash in bank of \$293,360. The bridge inspection has been paid. Val and Nancy are putting their house up for sale in the fall and Nancy would like to train Abby Tamburelli for the treasurer and accounting duties for the POA. It is a busy time especially in Jan and Feb when the dues go out; job may need to be divided into books and collections. Bob motioned for the board to hire Abby for this job and Carlin seconded. The board approved.

D.) Communications (Deb Johnson, chair)

The Committee is assisting Carol Smith with the election process; Would like to have a virtual option for the Annual Meeting. The POA Board members, after the Annual Meeting, will discuss whether all meetings thereafter will be virtual.

E.) Covenants (Jerry Peters, chair)

Abandoned vehicle complaint has been resolved; A list of Covenants and Covenant Enforcement was handed out and reviewed by the board. Most rules are objective and will be handled on an individual basis. The complaints for enforcement that are more subjective in

nature could fall under the “Reasonable Man Rule”, as some see things differently than others. The Health and Safety Depts. can often help in these cases.

F.) Grazing (Bob L. Scott, chair)

Currently there are 140 pairs of cattle, 7 bulls; The contractor for well work has been backed up, so that contractual agreement with the rancher has not been completed yet.

Lawsuit against POA Board and Bob L Scott over gate on POA road at emergency exit:

An amended lawsuit complaint from Heidi Marie Fresquez, James Patrick Fresquez, Marc Wilson, Sara Ann Wilson, Carmen Richards, Joe Richards, Jerry Barnes, and Ann Kost has been turned over to the POA attorney.

Next Meeting - Annual Meeting - October 2, 2021

Meeting adjourned.

2021 SFTR Annual Meeting Minutes
October 2, 2021, 9:00 am
Metro Operations Center, 33712 Mountain View, SFTR

Call to Order: 9:00 am

Welcome Address:

Carol Smith welcomed all attendees, both in person and those joining virtually. Encouraging name tags, meeting and greeting others, mask wearing suggestions, turning in ballots, and the procedures of the meeting were discussed...It was pointed out that our POA Board follows both our covenants and the CCIOA (Colorado Common Interest Ownership Act) to conduct fair and impartial elections. The procedure for asking questions or presenting comments were outlined.

Proof of Notice:

The meeting notice has been on the website since last October, as well as noted in the September ballot mailings and recent notifications on the website.

Board Members Present: Robert L. Scott, Rick Kinder, Nancy Allred, Carol Smith, Linda Brown, Deb Johnson, Carlin Craig, Jerry Peters, Todd McBride (**Quorum achieved**)

Guests: 78 signed in and 17 joined virtually

Approval of 7 August 2021 Meeting Minutes:

Minutes approved without changes

Introduction of Candidates:

Tracy Braddock

Carlin Craig

Rick Kinder

Bob Scott

Marc Wilson

Candidates were given an opportunity to be recognized, but those present declined to speak.

Final call for ballots by Nancy Allred. 4 persons selected to count ballots were Joe Richards, Vaughn Roundy, Lynne Parker, and Dorothy Kirkwood. These persons were taken into the Metro part of the MOC and given instructions by Nancy Allred.

Note to property owners - Carol Smith

The POA Board was created in October of 1992 to voluntarily serve our community, and thanks were expressed to all who have served in this capacity both past and present. A list of these members will be placed in the MOC at a later date. The question as to why we do not have term limits was addressed with the knowledge that term limits can have both pro and con elements. Here on our ranch, most years we have a hard time finding three candidates to run to fill the 3 seats open. Perhaps as the ranch grows this is something that we can address in the future. Thank yous were expressed for the 5 candidates who are willing to be nominated this year and

for all who are supporting the POA Board and ranch with their interest and attendance and time in so many ways. Since Tracy was unable to attend, a note from her was read expressing her thanks for supporting her and thanks for the ranch as a whole community.

Women's Group Address: (Carol Smith)

See attached file for the report

Bob Scott, President, addressed the Meeting:

Bob discussed several questions that were given to the Board before the meeting: It was asked, in the interest of continuity, if the Board would consider having a President who is stepping down to stay on in an ex-officio position for one term (a non-voting, non-leadership position). Bob said he would personally not want to do this, but someone else later may want to consider this...Questions regarding the Exit 2 litigation - the Railroad is involved but we are not able to discuss. The Board was advised not to use mediation by the legal team. We are not able to give updates on the lawsuit at this time. Other questions presented to the board ahead of time are answered by the pertinent Committee Chairs.

Committee Reports and Questions from the floor:

Common Area/Community Preparedness (Linda Brown, chair)

See attached for the reports

Forest Health and Wildfire Mitigation (FHWM) (RC Ghormley giving report)

See attached file for the report

Roads (Todd McBride and Val Allred, co-chairs)

During this year to date, 3 miles of primary roads - from Cottonwood to the bridge on Fisher Peak, from the bridge to Gallinas on Fisher Peak, and from Fisher Peak to Fox Trail on Gallinas - have been road based. In addition, 3.26 miles of secondary roads have had road base applied including areas of Tall Oaks, Bear Paw, Oak Park, Ponderosa Ridge, Meadow Court, Trail Ridge, and Fox Trail. One new culvert was put in on Gallinas. Two extensions to culverts were added to prevent erosion. In May we had two back to back significant storms with totals of 5" and 2 ½" of rain, resulting in much time clearing culverts, bar ditches, washed out areas of roads and normal maintenance. Since the damage was throughout the local county area, getting road base was almost impossible. If weather conditions cooperate, more road basing may get done through the end of the year. It is noted that Leone's is our primary supplier, and gratitude was expressed for our Road Grader, Tom Berry, who has been with us 5-6 years. Tom has 38 years of experience and is very multi-talented with equipment.

It was also mentioned, if you come behind Tom while he is working on the roads, follow him slowly but do not pass until he stops or moves over for you to do so safely. Tom is also not able to pull you out if you are in a ditch, due to liability issues, but he will call for you to get assistance...The issue of road damage and washboards due to speeding continues. Washboards get worse as the roads are dry and the "dust" which is base blows away.

Jerry Barnes mentioned that putting your vehicle in 4 wheel will help prevent washboards, even if you do not feel conditions are such for needing 4 wheel drive.

The financial accounts show we are under budget in both road and snow removal for this year. It was noted about \$21,000 invoices have yet to be paid, and there is still road basing to be done - and of course possibly snow removal needed later.

We are reminded 80% of our dues goes to road maintenance. So be careful and drive the speed limit and be safe.

Finances (Nancy Allred, chair)

Refer to the YTD budget file attached.

Note we are under budget at this time with total cash in bank being \$260,338. The main notations being the bridge inspection was not budgeted for, and the credit card fees we have to pay when we accept credit card payments, have increased amazingly. This will need to be analyzed through possibly increasing fees for those who wish to use credit cards to pay dues. History of how we changed during Nancy's time on the Board the last 16 years shows that the ranch went from having hardly any money to doing very well, mainly due to being aggressive in collecting delinquent dues. In the past, properties would go into foreclosures but now there is a plan with the county to place tax liens, which has been quite successful.

Questions about audits: We have never had a full blown audit (which would cost \$3-4,000), but each year we are reviewed by the accounting firm Dixon, Waller and CO, Inc (\$1,000 cost), who have never found a reason we need a full audit. Owners are able to look at the books of record keeping that Nancy has on her computer - call her if you desire this.

When Nancy moves once her home is sold, Abby Tamberelli has consented to take over the finances for the POA. The transition will begin this week.

Nancy expressed her enjoyment of being on the board 16 years, and says just as it was when she first moved here she could look out today and see "friends she hasn't met yet". In the changes she has seen and looking to the future, she is pleased to be a part of the foundation that the POA Board and property owners have created to grow with moving forward. She thanked all for the trust we put in her to manage our ranch finances.

Communications (Deb Johnson, Chair)

Current active Communication Committee members are Deb Johnson, Ernie Parker, Sharon Sorenson Sarah Duncan, Michelle Robinson, Bill Nielson, and John Sanders - if interested in joining this fun and active committee, please contact Deb Johnson.

A total of 287 individual property owners have logged onto www.SantaFeTrailRanch.com website since its inception last year, with new owners added as requested. New content added to the website include Articles, Helpful Hints, and Notifications. Potential upcoming website additions include, but are not limited to, adding a FAQ page for questions and responses to the Board and committees, a calendar option for ranch functions, and adding all SFTR Volunteer groups and Committees to the website. the committee continues to set up and record virtual meetings as requested, examples being the several outside speakers we had come to the ranch this year (Wildlife officer, firewise talk and sheriff on safety).

Questions arising include having a discussion forum on the website, which Deb stated is too labor intensive to monitor. It did have the advantage of limiting the numbers of postings for

any one person, and was only seen by website users, but it is hoped that the proposed additions to the website may serve the purpose of communication from the board and committees better, although it is noted these are not open discussion forums. The forum topic will be looked into again in the future with rules of engagement. The next regular POA Board meeting will discuss the possibility of having all Board meetings be both in person and virtual going forward. An idea from an attendee was put forth to have a monthly or occasional gathering at the MOC for Q and A, with maybe some being brought before the board met for the next meeting.

Covenants (Jerry Peters)

We have had four violations in 2021: one for reckless driving, a second violation of this same person resulted in appearance before the board, a fine imposed and paid. This was the first time we know that a fine was imposed. Two separate violations were for not maintaining property in good condition. Letters were sent but found it is difficult to enforce this violation without clear definitions in the Covenants. The fourth violation just last week for loose dogs roaming adjacent properties. A letter was sent.

Grazing (Bob Scott)

There are 140 pairs of cattle and 7 bulls on the ranch. They expect to be picked up at the end of October into the beginning of November. The unrepaired windmills arise from the trouble the rancher has had on backorder issues of the repairs needed and hired help.

Water System Presentation (Bob Scott)

Although it wasn't mentioned during the presentation, the Ditch Rats did \$90,000 worth of labor last year and are on track to do even more this year!

An informative presentation was given by Bob Scott concerning our water system on the ranch and the diligent and dependable Ditch Rats. A slide show and explanations were enlightening for all the work that goes into helping to keep our water flowing. The presentation can be viewed on the recording of the Annual Meeting.

Voting results:

Tracy Braddock 82; Carlin Craig 179; Rick Kinder 195; Bob Scott 180; Marc Wilson 44.
Thanks expressed to all candidates.

Meeting adjourned at 11:15. 15 minute break before the regular October Board meeting.

**Regular POA Board Meeting
2 October 2021, 11:30 am
Metro Operations Center**

Call to order: 11:30 am

Proof of notice: on website

Present: Nancy Allred, Carol Smith, Jerry Peters, Linda Brown, Todd McBride, Deb Johnson, Robert Scott, Rick Kinder, Carlin Craig

Election of Officers:

It was agreed to keep officers the same as previous year-

Bob Scott - President

Rick Kinder - Vice President

Nancy Allred - Treasurer

Carol Smith - Secretary

Meeting dates for next year:

December 4, 2021

February 5, 2022

April 2, 2022

June 4, 2022

August 6, 2022

October 8, 2022 (Annual Meeting, followed by regular Board meeting)

(note this is second Saturday of October)

New Business:

Deb Johnson asked the board to consider having Regular Board meetings be available virtually from today forward.

After discussion, a motion was made by Jerry Peters, and seconded by Carol Smith as follows:

“ All future Regular and Annual POA Meetings shall be virtual as well as in person, depending on the Communication Committee availability.”

Motion carried by unanimous vote.

Meeting adjourned 11:40 am

*Common Area/Community Preparedness Annual Committee Report
October 2, 2021*

Community Preparedness Report:

The Community Preparedness Handbook has just been updated and revised. I urge all of you to take some time, go to the SFTR website, and read through it, as it has all the information you need to prepare and handle an emergent event on the ranch..

I have received the following questions from residents pertaining to Community Preparedness:

- 1. Specifically, Evacuation plans and reverse 911 instructions: These are referenced in the CPC Handbook.*
- 2. The Ranch HotLine: There is some confusion regarding the ranch 'hot line' that several years ago was a source of updated information during an emergency event. Unfortunately, that tool didn't work out. The phone line was constantly overwhelmed and messages were left, even though the greeting specifically said not to leave a message. The Board elected to discontinue the hot line and instead recommended the reverse 911.*
- 3. Ranch areas: On the last page of the CPC Handbook is a ranch map showing the ranch divided into separate areas. Many years ago, there was a volunteer Lead representative for each area. That person was responsible for alerting the residents in that area of any emergent issues that developed. That Lead rep would ask another resident in that area to volunteer as a back up if the Lead was unavailable for a certain amount of time. As time went on, it was evident that the task of multiple Leads in multiple areas was not a sufficient way of getting important information out that may affect the entire ranch. The Board opted to discontinue the division of the ranch into areas and subsequent lead reps. We feel the Alert option on the SFTR website benefits the entire ranch and in a timely manner.*
- 4. Designated emergency exits: The question was: "where are the emergency exits on the ranch that people say exist?" The only designated emergency exit is through Exit 2. Other exits are referenced, but not located, in the CPC Handbook. They are not designated exits, they are on private property, and we don't know if they are even a through road. Again, please refer to the CPC Handbook under Routing Procedures.*

Common Area Report:

Huge kudos to our volunteer (that asked to remain anonymous) for making the very successful modifications to our dumpsters making them actual bear proof containers. And an additional thank you to his volunteer crew, playing dumpster detectives, and reporting any needed repairs and/or maintenance. We are sincerely grateful to you.

Regarding the ponds: For several months I have been contacting local contractors to come out and give me an estimate on clearing the Fox Trail pond. Speaking with them on the phone left me with the implication they were more than willing to look at the project and submit a bid. Each contractor made appointments with me to meet. And each contractor failed to show up.

I am speaking with yet another contractor that seems interested, but they are short staffed and do not have their own excavator. Their bid would have to include renting the equipment and according to them, the equipment is in Colorado Springs and/or Denver, with a wait period of availability. But they are working on that and will get back with me as soon as they can. The previous bids the POA received from local contractors were just a few dollars apart from each other: \$75,000. That was approximately 4 years ago, so add a few thousand to that number and that will be a close estimate. In the interest of time, for those that have not followed this saga, I will be happy to share the many years of inquiries and options I have researched at the end of this meeting, or feel free to call or email me. I am thinking a viable option would be to let Mother Nature do her thing and let that area turn into a meadow.

Are there any questions?

Santa Fe Trail Ranch POA
YEAR-TO-DATE P&L COMPARISON TO BUDGET (Accrual Basis) - 2021

	Total Thru Sept YTD 2021	Original Budget	Adjust Budget	Revised Budget	Over (Under) Budget	
GENERAL INCOME						
Carryforward for Roads	150,996	150,996		150,996	0	
Annual Dues	353,340	353,340		353,340	0	453 Lots @ \$780 per lot
Less: Reserve for Capital Improvements	0	-100,000		-100,000	(100,000)	
Less: Change in Accounts Receivable	-5,249	-7,800		-7,800	(2,551)	Projecting 10 lots @ \$780
Total GENERAL INCOME	499,087	396,536	0	396,536	102,551	
Grazing Lease	1,250	2,000		2,000	(750)	
Interest (general only)	399	1,700		1,700	(1,301)	
Finance Charges	2,366	4,000		4,000	(1,634)	
Conservancy Trust Funds	0	500		500	(500)	Weed Control
Lien Fees	0	600		600	(600)	
Processing Fees	2,535	2,500		2,500	35	Assumes 125 @ \$20
Other	760	450		450	310	Chipper rental & Covenant Violation fine
Total CASH	506,397	408,286	0	408,286	98,111	
GENERAL EXPENSES						
Admin - Accounting Services	6,400	8,200		8,200	(1,800)	Accounting = \$600/mo, Annual CPA review = \$1000
- Supplies	1,935	2,500		2,500	(565)	Office supplies
- Insurance	2,194	8,900		8,900	(6,706)	Renews in October
- Legal	9,269	10,000		10,000	(731)	
- Property Taxes	506	550		550	(44)	
- Credit Card Fees	3,741	2,440		2,440	1,301	
- Bridge Inspection	1,719	0		0	1,719	Not Budgeted
- Other	1,930	2,500		2,500	(570)	Lien Fees, Income taxes, postage
Total ADMIN	27,694	35,090	0	35,090	(7,396)	
Common - Road Work	185,592	281,446		281,446	(95,854)	
- Snow Removal	8,375	26,000		26,000	(17,625)	Any excess to be used where needed
- Bldg/equip	7,182	20,000		20,000	(12,818)	
- Trash Removal	12,600	16,800		16,800	(4,200)	
- Weed Control	875	800		800	75	
- Greenlands	644	650		650	(6)	Conservancy Lease
- Utilities	5,979	8,500		8,500	(2,521)	Guard Shack, Mailbox and Cottonwood electricity, MOC Propane
- Other	0	0		0	0	
Total COMMON	221,246	354,196	0	354,196	-132,950	
Communications	3,049	3,000		3,000	49	
Covenant Committee	0	500		500	(500)	
Forest Health & Wildfire Mitigation	0	15,000		15,000	(15,000)	
Depreciation Expense	0	0		0	0	Non-cash item - Not Budgeted
CPC	0	500		500	(500)	
Total COMMITTEE EXPENSE	3,049	19,000	0	19,000	(15,951)	
Total DISBURSEMENTS	251,989	408,286	0	408,286	(156,297)	
NET	254,408	0	0	0	254,408	
NET CASH	254,408	0	0	0	0	NET CASH BUDGET
Cash in Bank						
Checking	5,462					Difference between Net Cash & Total Cash in the Bank = \$5930 - Accounts Payable
Money Market Account	99,172					
Certificate of Deposit	155,704					
Total Cash in Bank	260,338					
Total Accounts Receivable	32,424					

Forest health talk for the annual POA mtg Oct 2, 2021, by RC Ghormley at the request of the POA Board.

Definitions: mitigation means removing ladder fuels from trees, thinning trees, and removing or mulching undergrowth. A shaded fuel break is a continuous corridor 300 ft wide which has been mitigated with space between tree crowns.

Forest health: why do we care? One of the big issues here is fire, as you know in case you've tried to buy fire insurance on your home. We've created a monster over the last 100 years by not allowing wildfires to burn. The result is overgrown and unhealthy forests such that wildfires burn more intensely and are far more destructive now. The trees are crowded together and as a result are unhealthy. And undergrowth and brush has proliferated. Add to that us folks that move out into the forest to live who really don't want a fire burning thru our front yard. There is no simple solution to this; we all just have to do the best we can, which means mechanical thinning and mechanical brush removal. Whether you decide to actively mitigate on your own land is your decision. It's your land, your home, your trees, your undergrowth..... but it's our fire. That fire won't stop at your border unless the fire decides to. We're all in this together.

1. Some abbreviated history:

- a. Dave Skogberg and Diana Novacek began working with the CSFS District Forester CK Morey in the early 2000s. They secured a few grants for individual lot mitigation and secured two matching grants to establish the Wootton-Vermejo Park fuel break on the S and SW sides of SFTR. Thanks to Dave and Diana for getting SFTR started and moving well down this forest health path.
- b. A grant was awarded to SFTR in 2011 which resulted in over 300 acres of mechanical thinning along Gallinas Canyon, other locations, and on individual lots. A smaller pair of grants used matching funds to establish a shaded fuel break along much of Mountain View. Total acreage mitigated is now over 600 acres.
- c. Volunteer efforts have thinned brush and trees along several roads on SFTR to improve wildfire resistance. Cottonwood is the most recent, but past efforts include Tall Oaks, southern Fox Trail, Aspen Trail, and others.
- d. Generally, large scale brush reduction and tree thinning requires a large forestry machine in the 250hp range using a forestry head. Getting machines of that size to come

to the Ranch requires some minimum monetary guarantee, which requires some commitment from individual lot owners, which requires some coordination effort. It's not simple.

e. Before his death, Blake Johnson generated and submitted a grant application which unfortunately was not selected for funding. Michael Hughes and others later completed an update of that application which was also unsuccessful in being funded. Thank you all for your contributions. There are no pending grant applications at this time.

f. Having an active Forest Health and Wildfire Mitigation committee is in the best interest of SFTR so we can collectively continue the process of improving forest health and wildfire resistance on the Ranch. A signup sheet for those interested is located over there. I encourage you all to consider participating.

2. PFPD is our local fire protection provider. When we have a fire on the Ranch, they are our first responders. They are a volunteer organization; consider supporting them with a donation through their website.

3. Michelle Robinson Blake does the paperwork and coordination to keep SFTR current on its Firewise designation. She requests that everyone doing any sort of forestry work on their own property keep a log of that activity. She will use that info in the next month or two for her annual Firewise submission. Note the nice Firewise flyer and hours/expense forms on the table over there. Please take one, fill it out, and return to Michelle in the next few weeks. Tnx Michelle for doing that for the Ranch.

4. A Community Wildfire Protection Plan for SFTR was first generated in the early 2000s and has been updated several times over the years. Thanks to Tony Riley for making those updates happen for all of us. The CWPP needs updating again in the next several months as a prerequisite for any SFTR grant applications and our continuing Firewise annual certifications. If you are interested in helping with that, the signup sheet is over there. The CWPP is available for viewing on the SFTR website.

5. Bugs. How many of you know about the tree mortality around Wolf Creek Pass, Lake City, and other areas around the state? We don't have that issue locally, yet, but it could happen. Pinon mortality around Trinidad in past years has taken its toll, and I noticed some dying Pinon pine on the south side of Trinidad Lake as well as a few miles west of the lake on Hwy 12. The only realistic thing one can do is to watch your trees closely for signs of bug infestation, mostly in Pinon pine and ponderosa pine. The internet abounds with pictures of Mountain Pine beetle on ponderosa pine and ips on both ponderosa pine and

pinon pine. If trees are attacked, the bugs need to be dealt with by either cutting and treating the tree with diesel and solar heat or removing them from the Ranch. Don't wait for the needles to turn brown, that may be too late. There are a few ponderosa pine log sections in the back which show evidence of bark beetle attack. The parent trees were cut about a month ago and the bugs got to them a week or two later. I believe the bugs are ips pini (ips confusus infects pinon pine). Note the boring dust and the 1/16" diameter entrance holes.

6. Open fires on SFTR are not allowed. That's POA Board policy, signs are posted near the guard shack, and currently (and for the past 15+ years) that's been the Law of the Land in LA County as enumerated in many consecutive Fire Bans. No fire pits, no charcoal BBQ grills, no slash burning, no weed burning, on SFTR under any conditions. If you see definite smoke or a fire, call 911 and report it. A copy of the Fire Ban is available on the SFTR website for your reading enjoyment.

7. Weeds: we have an active volunteer weed spraying effort on SFTR. If you haven't signed up for a road segment, please consider doing so. Bill Nielsen is the point of contact for that, and Brad Craig has taken on the task of making spray chemicals available.

8. My last comment: part of what makes SFTR such an attractive place is the level of past and present volunteer support for the many SFTR activities, only one of which is forest health improvement. I encourage all of you to put forth whatever time and effort you can spare to build on this foundation for the betterment of the Ranch.

TRACY BRADDOCK	CARLIN CRAIG	RICK KINDER	ROBERT SCOTT	MARC WILSON
27	63	70	65.	15
23	87	36	32	17
15	37.	42	39	7
17	42	47	44	5
<u>82</u>	<u>179</u>	<u>195</u>	<u>180</u>	<u>44</u>

TOTALS

Okakwood
 W Broudy
 Joe
 Lander

Women's Group Annual Meeting report - 2021

The Women's group is an all inclusive group of women of the Santa fe Trail Ranch that provides camaraderie for SFTR women as well as doing fundraising efforts for the benefit of the ranch. We meet once a month and minutes of the meetings are on the website.

This past year and a half was disappointing that we couldn't meet in person and plan the activities we usually do, but we are grateful that we could once again have our summer picnic and are busy planning a Halloween party on October 31, and our annual Fall Ranch Dinner on November 6.

On the back table is a 'Save the Date' paper to pick up about the dinner and RSVP information. There is a limit of 100 attendees so get your reservation in early.

The Women's Group have also begun this year to have a Meet and Greet every Monday here at the MOC at 10 am (a special thank you to our most frequent hosts :Claudia Henning, Maureen Latham, Sue Downs, Elsie Harris and Lori Clark and thank you to all others who participate), and we have a terrific team of welcoming gals who visit new owners with a special packet of information about the ranch and answer questions.(shout out to Pat Nash, Claudia Henning, and Millie Straabe) If you are new and have not yet been visited by them, please put your name on the pad on the back table for wanting more information or a visit.

We also plan fun and interesting outings for ourselves as well as things open to the ranch as a whole, such as tours of nearby places like the Fox Theatre, Philmont Boy Scout Area, the Maxwell Wildlife Area and the Rosemont Museum.

Our major source of fundraising is through our raffle items at the picnic and through logowear sales. Shannon Youngquist has some items set up in the back if you want to check over the nice variety of items we have for sale for yourselves or even Christsmas gifts.

Some of the things his past year include: we have bought and installed a basketball hoop outside here, installed bird spikes above the covered area (although looks like we need more), created the lending library (thank you Lori Clark for keeping this area up to date and neat), placed window guards over front windows, framed and hung photos in the hallway, and helped support the Ditch Rats with lunches and snacks.

Again, All SFTR women are welcome. If you want more information or to be added to our email list, sign up on the sheets on the back table.

Special POA Board Meeting
Saturday, October 30, 2021, 9:00 am
Metro Operations Center

Call to Order: 9:00 am

Proof of Notice: posted on Nextdoor and the SFTR website

Roll Call: All Board members present: Robert L Scott, Nancy Allred, Rick Kinder, Carlin Craig, Jerry Peters, Carol Smith, Todd McBride, Linda Brown, Deb Johnson

Quorum Achieved

Guests present: none present

Covenant Violations:

A second complaint has been received concerning dogs running loose on neighbor's property over the last several months. The owners were contacted and asked to be present this morning, but they are not present. The Board considered and discussed the complaint. It was decided with the photo evidence and the admittance that the dogs did belong to the defendants, the levy of \$100 fine would be sent by mail to the defendants. It will be added in the letter that they need to have a real plan to keep their dogs under control at their home and to train them not to run loose.

Another complaint has been received concerning lights emitting from a neighbor's home, interfering with the plaintiff. This was investigated by Jerry Peters and not found to be a violation of the covenants. An email was sent to the plaintiff with his findings.

Executive session:

The POA Board of Directors went into Executive session at 9:07 to discuss legal communications and personnel matters.

Exit Executive session:

At 9:12, the executive session concluded and the special meeting continued.

The Board Treasurer position will be reassigned to Jerry Peters since Nancy Allred will be soon moving. Nancy will meet with Jerry to begin the training process as to his duties. The Accounting duties Nancy has been doing is being turned over to Abby Tamburelli, with the Board's approval.

Linda Brown has handed in her resignation from the Board due to moving from the ranch. The resignation will be effective as of November 1, when the closing takes place. Brian Jenkins has agreed to fill Linda's term on the Board and will be asked if he is willing to chair the Common Area/ Community Preparedness Committee.

The Board thanked Linda for all her time and work during the terms of her Board membership since 2009, and wishes her the best in their new adventures.

The defendant of the Covenant Complaint arrived and was given a chance to explain his attempts to keep his dogs on his property and what his plans are to continue to comply with the covenants. The fine was still paid by the defendant.

Meeting adjourned at 9:35. Next planned meeting will be December 4, 2021.

**POA Board Special Meeting Minutes
December 3, 2021 9:00 am MOC**

Present: Bob L. Scott, Carol Smith, Rick Kinder, Carlin Craig, Nancy Allred, Todd McBride,
Jerry Peters, Brain Jenkins

Absent: Deb Johnson

Call to Order - 9:00 am

Proof of Notice - placed on website

Roll call, Determination of Quorum: quorum achieved

**The meeting went into executive session at 9:00 am in order to discuss legal advice.
The meeting came out of executive session at 9:15 am, and the meeting adjourned.**

POA Regular Board Meeting Minutes
Saturday December 4, 2021 9:00 am
Metro Operations Center

Present: Bob L. Scott, Nancy Allred, Carlin Craig, Rick Kinder, Todd McBride, Jerry Peters, Carol Smith

Absent: Deb Johnson, Brian Jenkins

Guests: Kelly and Tracy Braddock, Joe and Carmen Richards, Sharon Sorenson, Ernie Parker, Mark and Patty Thomas, Claudia Henning, Patty Kinder, Bill and Maureen Latham, Sue Downs, Gene and Elsie Jurajda, Amanda Korth, Jeff Smith, Pat Youngquist, Billy and Marilyn Hughes, Stacey Hughes, Ann Scott, Jerry and Dorothy Kirkwood, Randy and Denise Wichterman, Kenneth and Nanci Dixon, Christa Perkinson, John Cantin, Michelle Blake, Jack and Ann Hawkins, Marc and Sally Wilson, Jerry and Karla Pinckard, Val Allred, Robert Dye, Marty Pachelli, Jim and Laura Shelden, Tom Carone, Vaughn Roundy, Scott Alford, RC and Mary Ghormley, Bill Neilson, Deb Roberts.

There were also 13 virtual attendees.

Call to Order: 9:00 am

Proof of Notice - posted on website

Roll Call and determination of quorum - quorum achieved

Approval of Minutes - Minutes from October annual meeting and regular meeting approved without changes

Election of second Vice President

Carlin Craig was nominated and voted by the board to hold the position of second Vice President of the SFTR POA Board

Committee reports:

Common Area/Community Preparedness (Brian Jenkins, chair)

- No report

Forest Health and Wildfire Mitigation (Jerry Peters, committee member)

Michelle Blake reported that the FHWM committee has recently been revived. There have been two meetings to date and 17 members signed up. The new mission statement is: "Enhance Community safety by reducing the risk of wildland fire ignition, and spread, on the ranch". Five goals of the committee were outlined and plans for future meeting discussions were shared, such as researching grants and selecting hands-on projects to implement this year.

The committee meets on the 3rd Thursday of each month. Further information can be obtained by contacting Michelle Robinson Blake.

It was also noted that the SFTR Firewise application was approved and the renewal is good through 2022. This certificate is available on the website.

Roads (Todd McBride and Vall Allred, co-chairs)

There has been an increase in road base dumps in the past 6 weeks, due to favorable weather. It is noted that road base was applied to .6 mi of Alpine Meadows, .2 mi of Wild Plum, and .2 mi of Hidden Meadow. The washboards are an ongoing problem due to the lack of moisture. With this dryness, once the washboards are graded, it only lasts 5-10 days at most. The board was asked to approve a \$500 bonus to Tom Berry as has been done in past years, as a thank you for his excellent work performance. The board approved of the \$500 bonus unanimously.

Finance (Jerry Peters and Nancy Allred, chairs)

The total cash in bank is \$205,455. There are still outstanding invoices from Heath Andreatta and from Leone's for road work. The POA insurance will be increasing this year, and the credit card fee for accepting payments has increased. It may be that road services will increase as well. It was proposed and voted unanimously to increase the dues for the next year by the CPI (consumer price index), which at this time is 6.2%. This would mean an increase of \$48 per year per lot (or \$4/month per lot)...Nancy and Jerry will be working on the budget for next year...they are in the process of getting new insurance and the policies will be posted on the website.

Communications (Deb Johnson, Chair)

New features have been added to the SFTR website in order to keep communication about meetings, committees and groups up to date. A calendar option will be available in the near future, which will offer dates and times for ranch events, meetings, and other gatherings. In 2022, a bi-monthly newsletter is planned to share informative ranch information with the community...The committee has committed to hosting a virtual option for board meetings going forward, as well as any community informational events, such as they did this past year...Expenses and budget requests have been shared with the Board.

Covenants (Jerry Peters, chair)

There have been no new covenant complaints since the last meeting.

Grazing (Bob L. Scott)

With questions being raised and concerns of cattle management, overgrazing and lack of adequate water and nutritional feed, the Board voted to cancel the existing contract with Dustin LaPlatt. He will be given the 30 days notice per his existing contract. SFTR owner Bob Dye has contacted the NCRS (National Conservancy Resource Service) who will come to the ranch to give an assessment as to whether the ranch has been overgrazed and how many cattle units our ranch can support. It was agreed that a Grazing Committee may be formed for the SFTR.

Other business

- John Sanders relayed a message from the USPS stating that although we have new mailbox and parcel locker modules, the locks are still on order for them before they can be used. We are asked to please pick up parcels promptly so that the lockers may be used for other packages, especially with the busy holiday season.

- The POA Chipper will no longer be rented out for owners use, due to liability concerns. The Board members voted to transfer the chipper from the POA to the Mitigation (FHWM) Committee and to limit its use to trained committee members.

From the Floor:

Attendees were allowed to have 3 minutes to speak.

Mary G -mentioned there were more issues than tax for allowing grazing cattle onto the ranch, especially the fact they keep the grasses down for wildfire possibilities.

Tracy B- asked if a grazing committee could be considered -(yes we could)

Carmen R - thanks for terminating the cattle contract; in discussion Jerry Peters said the fences between SFTR and the RR tracks is the RR responsibility, and also that the rancher (not SFTR) is responsible if the cattle get onto public roads and cause issues or accidents.

Laura S -concerned about the lower pond being silted in and with cattails on Gallinas. Short summary of Linda Brown's efforts over past years was mentioned, and the expense of proposals; yet it will likely continue to be discussed.

Jim S - praise for the Board and asked persons to stay off nextdoor

Joe R and Marc W attempted to talk about exit 2 issues, which the board has been advised by the legal team to not discuss. They were told we are unable to discuss and the meeting was adjourned at 9:50 am.

Next regular POA Board meeting will be Saturday, February 5,2022, at 9:00 am at the MOC.