The Pines HOA Annual Meeting

Brooke Momblow called the meeting to order at 10:04am on March 2, 2024 Board Members that were present:

Brooke Momblow Karen Pfeifer Rae Ann DeCuio Terry Gale

Mary Lou Froberg

Board Members not present:

Tyler Belfour Ken Nelson Gordon Savage

* The Minutes were read from November 11/18/2023. Jerome Pfeifer motioned to approve the minutes; Mary Lou Froberg seconded the motion.
* Brooke Momblow had updates from the meeting with the attorney:

The recent consultation with Joe Lico of Robinson & Henry, P.C. confirmed that the Association or board cannot be held liable for any decisions made based on the interpretation we received from the previous attorney.

The attorney Darrell J. Gubbles of Castle Rock, CO was previously retained by the Association to re-Incorporate The Pines Homeowners Association, represent the Association in court for the dispute involving Tract A, and to interpret the original covenants filed with Elbert County for The Pines in 1973, and the amendment made later for Filing 2.

That interpretation aﬃrmed both Filing 1 and Filing 2 were filed as a covenant-controlled community in 1973 with Elbert County and both filings are required to abide by those covenants regardless of membership in the HOA.

However, the recent attorney, Joe Lico, did state that the board could be held liable if we made any decisions that went against anything the previous attorney had given an opinion or recommendations for.

-The original covenants required mandatory membership in the Association for both Filing 1 and Filing 2.

-The current Association had no part in the amendment to make Filing 2 membership in the HOA voluntary. This has led to confusion about who is required to abide by the covenants.

-The amendment states that membership in the Association for Filing 2 is voluntary and they are not required to abide by the rules and regulations of the Association. However, the Association has no rules or regulations of its own, it only operates to ensure that The Pines maintains an atmosphere respectful of its covenants.

-It was the opinion of legal counsel that Filing 2 be returned to mandatory membership in the HOA. That action required a passing vote of 2/3 of all property owners. The Vote was held and did not pass. Therefore, the Association or board cannot be held liable for this decision.

-Originally filed as a covenant-controlled community, The Pines remains such even without the presence of an HOA.

The largest cost the HOA has incurred to present has been protecting the members rights during the dispute involving ownership of Tract A and Elbert County’s claims to the property.

* Verbiage will be added to the website pertaining to the covenants and amendments for clarification purposes. The verbiage was passed around the room for review by attendees at the meeting and there were not any objections to the verbiage.
* There are five ‘The Pines” signs. Rae Ann DeCuio will get pricing from Vince DeCuio for five steel signs that will then be attached to and allowed to rust to match the current signage. The sign will read Covenant Controlled or Covenant Controlled Community. It was decided by attending members that the green metal reflective signs were not the desired aesthetic.
* Dues were billed in January 2024 for 2024 and will continue to be billed in January going forward. An option to have online pay might be Square which would be no cost to the HOA other than obtaining email addresses and invoicing individuals. Some research is required.
* The board was made aware at this time that it has been the practice of the Association in the past to waive Terry Gale’s annual dues because he hosts the annual members meeting at no cost to the Association.
* Update for community mailboxes. The post oﬃce paid for the cluster mail boxes, the HOA paid for their installation. There are not any open mailboxes for new homes that have been built in the neighborhood since the post oﬃce has assigned all of them to other addresses. The post oﬃce has instructed the new homeowners to erect their own mailbox next to the cluster boxes for receipt of mail. The HOA would have to buy a new box and pay to have it installed if we want to provide mailboxes to the few properties without access to the cluster boxes. Cluster boxes cost approximately $2000. We would need to receive a bid for installation.
* The HOA is required to be registered with the Colorado Division of Real Estate. Karen Pfeifer has taken the appropriate steps to register our HOA. It was asked if liens applied for previous to the new laws also need to be registered? Past liens will need to see if they can be upheld since the HOA was not registered with the Colorado Department of Real Estate. There was a question if the Association had been previously registered before, and why that information couldn’t be found.
* The state was contacted regarding covenants filed with the state. The state does not have copies of filed covenants. Rae Ann DeCuio was instructed to contact Elbert County to get the covenants on file. Those covenants are uploaded on the website.
* The HOA is exempt from property taxes on the open space, Tract A. There are no taxes due.
* An idea for a community barbecue was discussed and approved. It will be held June 8, 2024 at Rambler Ranch from 12pm-4pm. Terry Gale has oﬀered to give tours of the museum to the community members during that time. The HOA will provide a main dish and a side item. The community will be asked to bring a dish to share. A flyer will be mailed to all residents with the information.
* Financials were discussed. The $648 in undeposited funds needs to be reviewed and returned to the state. Karen Pfeifer, our current Treasurer, will meet with our past Treasurer Pam Malone to balance the liabilities.
* Open Discussion; 2 Items:

1. There was a question regarding what the process is when one neighbor has an issue with another neighbors’ property for fire mitigation. There appear to be changes coming regarding state fire regulations and laws.

Brooke Momblow will try to organize a presentation with the local fire marshal to be held during the barbecue regarding fire mitigation. Brooke will also research companies that will haul away yard debris and the cost.

There has been mention of some insurance companies refusing to insure homes in our neighborhood if trees are closer than 50ft to a permanent structure. Trees in the neighborhood may be close to the end of their natural life cycle and this is being perceived as a liability with some insurance companies.

1. A member made an oﬃcial complaint to the board during open discussion about violations to the covenants of another member’s property that they feel is eﬀecting their home value. It was not made clear why the complaint hadn’t been submitted to the board before this time.

\*Brooke Momblow addressed the member’s complaint privately after the meeting was adjourned.

* + There was a question about the condition of the road at the intersection of Mahogany and Forest Trail and what could be done about it. The intersection is muddy and many vehicles get stuck. Gathering a petition to present to Elbert County was mentioned as one option for getting the road fixed as this has worked in the past.
  + A member asked about recent changes to our district and voting for a Commissioner. Brooke Momblow will investigate which county commissioner now represents our district and post the new district to our website.
  + The Association was short of one board member so a write-in vote was held after soliciting candidates.

Ray Warren 2-6

Mark Putch 6-2

Mark Putch will be added to the group emails and listed on the website as a board member.

* + A motion to adjourn the meeting by Rae Ann DeCuio was made and Jerome Pfeifer seconded the motion. Meeting adjourned at 11:25am
  + \*The next annual meeting date was discussed with Terry Gale. Our next annual HOA member meeting will be February 22, 2025 at 10:00am, location Rambler Ranch. The meeting date was also chosen in an attempt to hopefully accommodate Tyler Balfour’s schedule with The Market.

\*Discussions held after meeting adjourned.