

## Priority List

### 1. Annex Parcels C & D

Parcel D is under contract — but it's imperative that, *before* Parcel D closes, Scott S must exercise his “Special Declarant Rights” under Declaration §12.2(a)(i):

Section 12.2 Development Rights.

(a) Declarant hereby reserves for itself, its successors and assigns:

(i) the right to supplement or amend this Declaration and Plat to add all or any portion of the Annexable Property to the Project Area;

Annexation is a simple matter of recording a supplemental declaration at Gilpin County, and I suspect that Parcels C & D can be annexed simultaneously. Not so for Parcel F.

### 2. Annex Parcel F (56 acres at the northwest corner of the HOA)

The Declaration only allows the Declarant to annex, and it gives him until August 30, 2025, to exercise this “special right.” But now somebody else owns Parcel F and Scott cannot annex it without the current owner's signed agreement on the supplemental declaration. This is a delicate matter because the owner can simply say no, which would be problematic.

### 3. Appoint a Point Man to Work With Scott on Annexation

I think the BOD needs someone to coordinate the two annexations. Legal counsel should determine if this is one annexation or two or three. They will have to draft the supplemental declaration(s). Scott has to sign it. The owner of Parcel F must sign it. Then the supplemental declaration(s) must be recorded at Gilpin County *before* Parcel D closes.

Further, it is critical that the supplemental declaration(s) comply with two 2016 Colorado Supreme Court cases (*Pulte Home Corp. v. Countryside Cmty. Ass'n, Inc. & Ryan Ranch Cmty. Ass'n, Inc. v. Kelley*) or they will be void the moment they get recorded. You can't assume that legal counsel is competent here, because incompetence will hurt.

### 4. Secure HOA Liability Insurance

I will call our HOA's agent ASAP. If my agent says no, then I believe this is big enough that no one should sleep until we have insurance.

### 5. CCIOA § 38-33.3-209.4

I will work with Ted to assemble a care package that CCIOA says must be sent to the members. This is a one-time event that signals the end of the declarant control period and the transition to a board of directors.