

“Charlie . . . please review the justification for annexation for lots 23–24 — the stuff we found at Gilpin County. . . .”

Ted: I think you mean Lots 21 & 23 (Harris & Stevens), which have exhibits attached to the deeds. If so, see #1 below:

1. Question for Jessica

Lots 21 & 23 (Harris & Stevens (now owned by Bramante, but no exhibit on his deed)) have notes on their deeds and a NOTE on the plat, but neither Lot has a Supplemental Declaration. *Ryan Ranch* (quoted by counsel in the email) requires a Supplemental Declaration to annex. Question: Are Lots 21 & 23 annexed? See footnote 11 in *Ryan Ranch*:

“Our conclusion that the deed and plat, taken together, fail to form a CCIOA-compliant amendment eliminates any need to analyze either document individually. In these circumstances, what the documents cannot accomplish together, neither could accomplish alone.” (*Ryan Ranch Cmty. Ass’n, Inc. v. Kelley*)

If Lots 21 & 23 are not annexed, then Lots 18 through 24 (all of Parcel A) require a Supplemental Declaration.

2. Question for Jessica

Does each Supplemental Declaration require a plat? See [§ 38-33.3-209](#): “A plat or map is a part of the declaration. . . .” I know Chris Hartman says no, but unless he’s an attorney I think it’s critical to double check. No room for whiffs.

3. Question for Jessica

This annexation is not a right of the HOA. Rather, it’s an exercise of “Special Declarant Rights” under Article XII. It follows therefore that the Declarant should be involved in the process. Question: Can anyone solicit a signature for a Supplemental Declaration, or does the Declarant need to designate specific people? See Declaration § 12.2:

“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”

4. Question for Jessica

When requesting a signature on a Supplemental Declaration, is there a legal or ethical responsibility to make full disclosure by informing the Lot Owner that they are not currently in the HOA? As a

member of the HOA, I want those Lots annexed now. But also as a member, I don't want a Director to create another problem for the HOA or himself in the process. (Full disclosure: I wrote the "administrative oversight" line.)

5. Question for Jessica

The Supplemental Declaration for Lot 25 (Parcel D) states:

"Roosevelt Ridge Homeowners Association now has 25 total Lots. . . ."

If Lots 18–24 are not in the HOA, then that number should be 18. Does this need to be corrected?

6. Thank You

And a special "thank you" to Scott Schorer and the Roosevelt Ridge HOA Board of Directors for doing this.

Thank you,
Charlie