
From: Ted Bertele [mailto:director.ted@rooseveltridgehoa.com]

Sent: Friday, March 01, 2019 6:46 PM

To: carolus@planetchunk.com

Subject: Re: [board] RE: Letter to owners

Yes.

You mentioned a list?

I Called the BOD, told them to not mail anything. Will call Jessica Monday am. Already called Scott and left a message.

On Fri, Mar 1, 2019 at 18:23 Charles Nolan <carolus@planetchunk.com> wrote:

Does this mean you're back to Plan A?

From: Ted Bertele [mailto:director.ted@rooseveltridgehoa.com]

Sent: Friday, March 01, 2019 4:45 PM

To: carolus@planetchunk.com

Subject: Re: [board] RE: Letter to owners

Feeling better...

Status on annexation

Lot 18 - Aucion - Mike to call them tonight

Lot 19 - Wilson, I talked to them today, they are ok with annexation.

Lot 20 - Twining, I talked to Peter this morning, they are ok with annexation

Lot 21 - Harris, I just got off the phone with them, the are ok with annexation

Lot 22 - Kennedy - I believe John Kennedy has been incarcerated for fraud. I expect foreclosure as part of the proceedings when all is said and done. His business is in Alisha's name.

Lot 23 - Bramante - they are holding out until the board is compliant. I am ok with that.

Lot 24 - Gordon - I talked to him on Wednesday, he is ok with annexation

On Fri, Mar 1, 2019 at 4:34 PM Charles Nolan <carolus@planetchunk.com> wrote:

Bingo.

That's why I was on board with Plan A.

It was perfect, no fraud.

You record the instruments as an agent of the Declarant, or whatever that language was.

And this is why Plan B frosts me.

Everyone gets burned.

If you reread Plan A, it says that Jessica was going to do the paperwork, not Scott's counsel.

Hell, I could do the paperwork (you could to); it's not complicated.

But all that matter is that it gets done correctly and lawfully.

Stand by.

From: Ted Bertele [mailto:director.ted@rooseveltridgehoa.com]

Sent: Friday, March 01, 2019 4:09 PM

To: carolus@planetchunk.com

Cc: Roosevelt Ridge Board <board@rooseveltridgehoa.com>

Subject: Re: [board] RE: Letter to owners

I would most certainly appreciate that.

In my mind, I have not figured out a clean approach to this problem. We are using what we believe to be reasonable approaches. The only other way I can see this working is if the declarant exercises this without the board's involvement.

Ted

On Fri, Mar 1, 2019 at 3:40 PM Charles Nolan <carolus@planetchunk.com> wrote:

Ted:

Blame-shifting does not vindicate you. And when you say, "the previous board," you really mean "My brother in law with whom I'm in business to sell land in Roosevelt Ridge," which doesn't pass the smell test.

You need to understand that process is everything. So if you are not lawfully elected, which appears to be the case, then you have no more authority to call a meeting than I do. And if you do call a meeting with the knowledge that you are not lawfully elected, then you're committing material fraud.

Now flesh it out: Let's say you know that you're not lawfully elected; yet you call a meeting, conduct a vote to amend the Declaration, annex 7 Lots, and record the supplemental declarations at the county. You just offered a false instrument:

<https://law.justia.com/codes/colorado/2016/title-18/article-5/part-1/section-18-5-114/>

Note the words "material false statement or material false information." It appears in the felony and the misdemeanor.

Ted, I write this email for your good, not to hurt you. It is not in your best interest "to get through annexation as best we can and have proper elections during the annual meeting." And it is not in the best interest of the HOA. Everything that you do — each signature that you obtain — will have to be redone by a lawfully elected BOD in two months. Even if you win reelection.

"What recourse do we have?"

We talked about this. You need to do the right thing, which does not include misrepresenting your standing to the HOA. I've had extended conversations with attorney on this subject. He suggest a bullet list of things you should do. Let me know if you're interested.

And again, I write as someone who means you and the others no harm.

Charlie

From: Ted Bertele [mailto:director.ted@rooseveltridgehoa.com]
Sent: Friday, March 01, 2019 3:15 PM
To: carolus@planetchunk.com
Subject: Re: [board] RE: Letter to owners

I was not on the board nor part of the process, I only raised my hand to volunteer and was elected by the community.

My duties started thereafter.

From what I remember, I am pretty sure there were no proxies used.

Ted

On Fri, Mar 1, 2019 at 3:12 PM Charles Nolan <carolus@planetchunk.com> wrote:

To be clear, it appears that Jessica Miller does *not* certify any of the following:

1. “proof of notice”
2. Proxies filed with the Secretary
3. “secret ballot”
4. That no candidates counted ballots.
5. The reason only two seats were voted upon instead of three.
6. Minutes from the meeting
7. That Lots 18–24 did not taint the results.

Can you please confirm this?

Or can you please confirm what she actually does certify, other than the tally?

Thank you,

From: Ted Bertele [mailto:director.ted@rooseveltridgehoa.com]

Sent: Friday, March 01, 2019 2:50 PM

To: carolus@planetchunk.com; Roosevelt Ridge Board <board@rooseveltridgehoa.com>

Subject: Re: [board] RE: Letter to owners

From: Jessica H. Miller <jessica@jhmillerlaw.com>

Sent: Wednesday, April 18, 2018 2:42 PM

Subject: Roosevelt Ridge HOA

Dear All:

I have reviewed the results of the voting. 15 of the 24 total members voted in the election. Ted Bertele and Mike Wallace received the most votes and will be serving as your two new directors. Thank you to all the homeowners that participated by voting and volunteering to serve your community.

Sincerely,

Jessica H. Miller
Attorney at Law
The Law Firm of Jessica H. Miller, LLC
Canyon Professional Building
[595 Canyon Boulevard](#)
[Boulder, Colorado 80302](#)
Tel: (303) 443-0568
jessica@jhmillierlaw.com

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On Fri, Mar 1, 2019 at 2:46 PM Charles Nolan <carolus@planetchunk.com> wrote:

Gentlemen:

Thank you for your timely response.

“The board has identified (with your help) the issues and is making progress. You list a number of issues with the previous board and how they continued forward. The current board has prioritized the issues and working hard towards compliance. The current board, regardless of its legitimacy, cannot just walk away with our hands up. We intend to get through annexation as best we can and have proper elections during the annual meeting. What recourse do we have?”

You represented that the HOA attorney “certified the election results.” I asked to see this certification. Can you please forward it to me.

Thank you,

Charlie

From: Ted Bertele [mailto:director.ted@rooseveltridgehoa.com]

Sent: Friday, March 01, 2019 11:48 AM

To: carolus@planetchunk.com
Cc: Roosevelt Ridge Board <board@rooseveltridgehoa.com>
Subject: Re: [board] RE: Letter to owners

Charlie,

Responding to this list and on behalf of the board.

The Board has an additional response coming shortly regarding the pivot on our approach and our justification.

1. Legitimacy

The board has identified (with your help) the issues and is making progress. You list a number of issues with the previous board and how they continued forward. The current board has prioritized the issues and working hard towards compliance. The current board, regardless of its legitimacy, cannot just walk away with our hands up. We intend to get through annexation as best we can and have proper elections during the annual meeting. What recourse do we have?

2. Disrespectful Blindside

We have reached out to 6 of the 7 owners of the properties in question. In all our conversations to date, they have been very positive. We are working to be honest and transparent in our approach and its been rewarded. We don't see this as being disrespectful, nor have the people that have been contacted.

3. Counsel's letter

A - not sure we understand, but will read that section again. I think there is a double negative in your statement.

B - This is addressed in the other email and the BOD believes that the approach we selected will provide the best results.

C - We agree and has been the part of our discussions with members regarding annexation

D - agree with that statement, this has been fully disclosed during our conversations.

4 - When the facts change, the BOD will changes the approach. We were in the mindset that annexation via plat or Declarant's right to annex were viable options. We changed our minds when more information became available. We intend to recover costs associated with this. Our reasons have already been discussed or further addressed in the other response.

5 - Questions about citations

Since we are gaining both approval of the Declarant and the members, we should meet both criteria. We believe this to be achievable.

COI - Ted Bertele

- I will clean this up and make it more presentable, but will be disclosed at the next meeting to ensure all parties understand (if they do not already).
- I own lots 1 and 3, lot 3 does not have any building rights.
- I have disclosed potential plans on subdivision of my lot and merging parts of C to various members of the board and community as well as dissolving a lot. These are not hidden or nefarious plans. The future of lot 1 is not dependent on any of these plans coming to fruition. I am ok either way.
- I am the brother in law of the Declarant
- All matters and decisions on the board have been unanimous. I have instructed the board that I am willing to abstain from voting if they feel like there is a COI
- All members of the community will have a COI, its my obligation to act appropriately. As part of board compliance, this is an additional task that needs attention.
- I believe my actions represent my loyalty to the community. This should be evident the hours I put in, my willingness to pay the tax lien for parcel C to stay in friendly hands, how hard I have attempted to address the numerous issues you have brought up, the push to get parcel D's supplemental declaration and annexation, and so on.
- Lastly, agree to recuse myself from any BOD or counsel discussions involving Lone Pine / Scott Schorer.

on behalf of the board

Ted Bertele

On Thu, Feb 28, 2019 at 7:36 PM Charles Nolan <carolus@planetchunk.com> wrote:

Gentlemen,

Please see attached.

Charlie

From: Ted Bertele [mailto:director.ted@rooseveltridgehoa.com]

Sent: Thursday, February 28, 2019 1:43 PM

To: carolus@planetchunk.com; Roosevelt Ridge Board <board@rooseveltridgehoa.com>

Subject: Re: Letter to owners

Please forward all your questions to the board.

I will discuss this with the board and get back to you ASAP.

Thanks

Ted

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