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VIA EMAIL AND U.S. MAIL

Board of Roosevelt Ridge HOA
C/O Jessica H. Miller
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Re: Roosevelt Ridge Subdivision – Annexation of Undersized Lots and Fire Mitigation Expenses

Dear HOA Board:

Our law firm represents Raj and Kathy Sharma who are homeowners in the Roosevelt Ridge Subdivision. I have reviewed various documents relating to the annexation of Parcel D into the subdivision as well as discussions about the potential installation of water cisterns relating to fire mitigation in the subdivision.

Recent events at Roosevelt Ridge have prompted the Sharmas to hire me in an effort to understand the apparent attempted development of under-sized lots within Roosevelt Ridge as well as other matters relating to HOA governance. In an effort to quickly and efficiently discern whether the HOA Board has acted consistently with its fiduciary responsibilities, we ask that you answer the following questions, in detail, with specific references to the Association documents where appropriate.

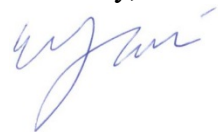
- 1) When did the period of declarant control end? The Declaration states that the period of Declarant control ends when 75% of the permitted lots have been conveyed. The maximum number of lots per the Declaration is 28 (elsewhere the maximum is stated as 27 lots).
 - a. Assuming the period of Declarant control has ended, please confirm whether an audit of the Association's financial records was performed pursuant to C.R.S. §38-33.3-303 (9)(b) and when such audit occurred.
- 2) What is the justification for the annexation of Parcel D, when such annexation directly contradicts the plain language of the Declaration at Section 12.2(a)(iii) and Section 15.16(a)?

- 3) What are the Board's current intentions regarding that certain real property depicted as Parcel C on the Roosevelt Ridge Exemption Plat (attached hereto)?
 - a. Does the Board and/or the Developer intend to attempt to annex this property into the subdivision?
 - b. If so, what is the legal basis and board's justification for annexing one or more lots from a parcel that is approximately 6.24 acres (more than 10 acres less than the minimum lot size required by the Declaration)?
- 4) Has the Board analyzed the impact of the existence of undersized lots (under 17.5 acres) on the subdivision as a whole – particularly with regard to its impact on property values?
- 5) Did the Board follow proper conflict of interest protocol in approving the annexation of Lot D, when such annexation may have directly favored one or more Board members or their families? If so, please explain what protocols were followed.
- 6) Has the Board analyzed and fully evaluated the responsibility of the Developer to pay for all or a portion of the required water cistern and road upgrades?
- 7) Alternatively, has the Board analyzed whether the homeowners have potential claims against the Developer for the non-disclosure of the anticipated costs of cisterns and road improvements when marketing properties to current owners?

There have been several statements by the developer and/or the HOA's attorney promoting the idea that the developer has absolute discretion to annex or develop undersized lots and significant pushback against homeowners who are attempting to act as "armchair lawyers." I am a real estate attorney in Colorado and my reading of all of the development and governing documents together leads me to the conclusion that lots within the Association must be a minimum of 17.5 acres unless and until the Declaration and the Conservation Easement are amended. This letter is an attempt to understand how and why the Board views those documents differently.

My clients wish to avoid the expense and aggravation of litigation relating to this matter and hope your answers to the above questions will clarify whether such action needs to be taken in the future.

Sincerely,



By: Eric R. Jaworski
C. Young Law Group, PC