

April 2, 2021

Executive Board:

Thank you for your quick response to our 30 March 2021 correspondence.

This letter broaches our concern that the Owner of Parcel C did not pay his share of the special assessment for the fire-suppression cistern. The Executive Board has never explained to the Members why the Owner of Parcel C has not been held accountable for cistern costs. In the interest of transparency, we specifically request your reasoning. Until then, we believe that Jessica Miller makes a convincing argument.

On March 16, 2020, the Executive Board forwarded a letter from Jessica Miller to the property Owners of Roosevelt Ridge. Ms. Miller wrote,

“By recording the Order with the Gilpin County Clerk and Recorder, the Order binds the Subject Property and the owners of the Subject Property. The Order does not condition the application of its terms based upon whether the owners are members of the Association or whether these lots are annexed into the Association. The Order applies to the current owners of the property described in the Order by virtue of their ownership of a property included in the Order.” (Jessica Miller, March 13, 2020)

We disagree with some of Ms. Miller’s conclusions because they are grounded on unproven assertions. However, the HOA did pay for this opinion. Therefore, we believe that the Executive Board should apply it to “the current owners of the property described in the Order” — including the Owner of Parcel C.

The Executive Board Affirmed Ms. Miller’s Opinion

The Executive Board affirmed in writing its agreement with Ms. Miller’s opinion:

“Please see the attached letter describing Jessica Miller’s (HOA legal counsel) opinion on Cistern Liability. The BODs [sic] are in agreement and will be moving forward with an owner assessment vote in the next few weeks. Attached are Ms. Miller’s letter and an updated presentation with schedule and tentative plans.” (Email dated March 16, 2020)

And the Members passed the special assessment believing that the Executive Board would assess all Owners — “whether the owners are members of the Association or whether these lots are annexed into the Association.” But this did not happen. The Executive Board invoiced two of the non-annexed Owners for the cistern — Kennedy (Lot 22) and Bramante (Lot 23); but the Owner of Parcel C was not invoiced. This is an unequal application of Ms. Miller’s legal opinion that shows apparent favoritism to the Owner of Parcel C.

Only One Current Owner in the Subdivision Petitioned for Inclusion in the District

The Owner of Parcel C specifically petitioned the fire district for inclusion on behalf of his land, which cannot be said of any other Owner in the subdivision. That is, no current Owner petitioned for inclusion

except the Owner of Parcel C. And now this same Owner enjoys fire protection for his land from a cistern that his neighbors funded, while he has eluded payment for his share.

Obligation to Notify Buyer

Earlier this week we informed the Executive Board of your responsibility to notify title that Lot 1 is in arrears for roughly 13 years of annual assessments. Here we inform you that if the Owner of Parcel C does not pay his share of the cistern cost, and if the proposed merger of Parcel C with Lot 1 is approved, then the buyer of Lot 1A would be liable for Parcel C's share of the cistern cost as well. The Executive Board has a legal and ethical obligation to inform the title company of this liability.

Thank you for your attention to this matter. We look forward to hearing how the Executive Board plans to address this situation.

Respectfully,

Member Audit Committee (MAC)

Kate Anderson

Dorinda Graff

Charlie Nolan

Kathy Sharma, *Chair*