

Pawnee Hills Community Association

April 2006

Clubhouse Voice Mail/ Address/Website

(303) 646-0126

35644 Cheyenne Trail Elizabeth, CO 80107

www.pawneehillshoa.org

PHCA Board Members

President – Tina O'Bryan

Vice President - Pam Schultz

Board Member & Secretary – Walt Day

Treasurer – Sandy Perry

Facility Coordinator – Darren Jones

Assisting Facility Coordinator - Cynthia Cregger

Board of Director's Meeting

The next Board of Director's meeting will be held on **Thursday, April 13, 2006 at 7:00 p.m.** at the clubhouse located at 35644 Cheyenne Trail.

New Policies and Procedures

At the meeting on April 13, 2006 the board will go over the new policies and procedures and will answer any questions homeowners may have.

Easter Egg Hunt

The Activities Committee will be putting together an Easter Egg Hunt at the clubhouse at 11:00 a.m. on Saturday, April 8, 2006. Details will be posted at the mailbox shelter.

Let Us Know

Please call the clubhouse at above number and leave a message if you notice anything that might need attention either at the clubhouse, barn, arena, mailbox shelter...this will help us to keep up with maintenance issues. Thank you.

Covenant Review Committee

Surveys have been sent out and we encourage homeowners to voice their opinions. Please return your survey in the self-addressed, stamped envelopes provided as soon as possible. Your completed survey will be the guiding force for this committee. **Please voice your opinion!**

Covenant Violation Update

On March 10, 2006 District Court Judge, Charles M. Pratt rendered his order in the case between Pawnee Hills Community Association (Plaintiffs) v. Gregory and Holly Haan (Defendants) regarding their alleged covenant violation for chickens. The Court orders that: (1) The approval the Haans received is personal to them and does not extend to any other homeowners and may not be passed to any other parties who may purchase their property. (2) The Haans right to keep the chickens shall expire 30 months from the date of this order. In as much as none of the Board members were aware of the chickens because there were no complaints between 1997 and 2005, the delay in the removal of the chickens will not adversely affect any other member and will balance the parties right in an equitable manner; will allow the Haans to dispose of the chickens; in an order fashion and make greater use of the improvements they made in reliance upon the approval. (3) The Haans may not increase the number of chickens they now have, and in no event shall the number exceed ten; and (4) The issue of attorney's fees and costs will be determined upon briefing by the Association and any response filed by the Haans.

The court case between Pawnee Hills Community Association (Plaintiffs) v. Linda Lee (Defendant) regarding alleged covenant violation for chickens is set for 1:30 p.m. on Tuesday, April 25, 2006.

Covenant Violation Expenses – Current/Ongoing Expenses as of February 2006 (\$6,538.43)

The Board would like to encourage all homeowners with covenant violations to come into compliance so the association can avoid expenses like those reported below.

<p>Linda Lee \$ 4.42 1st mailing \$ 4.42 2nd mailing \$138.33 lawyer meeting \$ 51.54 demand letter \$300.00 enforcement lawsuit \$ 20.80 copies \$ 1.48 postage \$ 75.00 notice of lis pendens \$136.00 filing fee \$ 34.00 process by Sheriff \$ 10.05 copies, postage, letter to court to forward return of service \$185.00 motion for default & order \$ 46.25 e-file pleading \$ 8.00 e-filing fee \$ 9.07 filing fee, copies, postage \$ 34.48 notice to set trial \$ 46.25 phone conference w/Lee \$ 34.05 notice of setting \$ 34.48 copies, postage, notice, cover letter \$ 46.25 court case research \$370.00 disclosure, certificate of compliance; review of all documents \$ 27.75 e-file disclosure certs \$ 38.16 photocopies, postage \$ 8.30 e-filing fee \$ 46.25 telephone conference \$ 30.52 letter <u>\$ 92.50 draft response motion</u> \$1,833.35 Total</p>	<p>Greg and Holly Haan \$ 4.42 1st mailing \$ 4.42 2nd mailing \$138.33 lawyer meeting \$ 51.54 demand letter \$300.00 enforcement lawsuit \$ 22.00 copies \$ 1.48 postage \$ 75.00 notice of lis pendens \$136.00 filing fee \$ 64.00 process by Sheriff \$ 10.39 copies, postage, letter to court with return of service \$185.00 motion for default & order \$ 46.25 e-file pleading \$ 13.97 copies, postage, filing fee \$ 9.67 filing fee, copies, postage \$ 7.54 copies, postage, letter \$ 46.25 court case research \$370.00 disclosure, certificate of compliance; review of all documents \$ 27.75 e-file disclosure certs \$ 38.16 photocopies, postage \$185.00 draft response motion to dismiss and order \$ 8.90 e-filing \$ 10.05 copies, postage & cover letter \$ 46.25 telephone conference \$ 30.53 letter \$ 34.82 postage, copies, notice, letter \$508.75 upcoming litigation mtg. \$185.00 telephone hearing \$370.00 prep of exhibits/conf.call \$185.00 mtg. prep. trial <u>\$1,480.00 mtg. witnesses/attend trial</u> \$4,596.47 Total</p>	<p>John and Susan MacArthur \$ 4.42 1st mailing \$ 4.42 2nd mailing \$ 46.25 telephone conference \$ 51.54 demand letter <u>\$ 1.98 postage/copies</u> \$ 108.61 Total</p>
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Additional Legal Fees Not Tied with Above Violations

Issues brought up by Robert Rowland as of November 2005 - **\$1,992.31**. Some issues are bought up by Mr. Rowland when represented by counsel requiring the Board to reply to him through his lawyer, and some issues where brought up by Mr. Rowland requiring clarification from PHCA attorney.