



**FIRST AMENDMENT TO COVENANTS AND RESTRICTIONS
SPRING CREEK ESTATES**

THIS FIRST AMENDMENT TO THE COVENANTS AND RESTRICTIONS OF SPRING CREEK ESTATES shall be effective upon adoption and recordation and is made by **Estates of Spring Creek Association, Inc.**, a Colorado nonprofit corporation ("Association"), the homeowners association for the Spring Creek Estates located in Gunnison County, Colorado. The Association hereby adopts this First Amendment to the Covenants and Restrictions of Spring Creek Estates, recorded on September 20, 1978 at Reception No. 330991 in the office of the Gunnison County, Colorado Clerk and Recorder ("Covenants"), as follows:

1. **Sections 5.00 and 5.01 of the Covenants are hereby amended by deleting Sections 5.00 and 5.01 in their entirety and restating Sections 5.00 and 5.01 as follows:**

5.00 TEMPORARY STRUCTURES PROHIBITED:

5.01 No mobile home, trailer, tent, shack, barn or any outbuilding erected on any lot at any time shall be used as a residence permanently or temporarily, nor shall any structure of temporary nature be used as a dwelling. A trailer or trailers used temporarily by a construction contractor or subcontractor as an office, supply facility, tool room or warehouse may be located on any lot during the actual period of construction on that lot, but not to exceed a total on one hundred twenty (120) days. Notwithstanding the aforementioned, a mobile home or trailer is permitted to park on any lot for no more than three (3) consecutive nights.

2. **Section 7.02 of the Covenants is hereby amended by deleting Section 7.02 in its entirety and restating Section 7.02 as follows:**

7.02 The side setbacks of all residential structures shall be a minimum of eighteen feet (18') in width.

3. **Section 8.01 of the Covenants is hereby amended by deleting Section 8.01 in its entirety and restating Section 8.01 as follows:**

8.01 No residential structure which has an area of less than 1,800 square feet, exclusive of porches, garages, and basements, shall be erected.

Except as amended herein the Covenants shall remain in full force and effect.

Signed this 27th day of SEPTEMBER, 2012.

**Estates of Spring Creek Association, Inc.,
a Colorado nonprofit corporation**

By: 

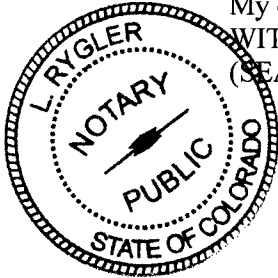
Kelly Koops, President

STATE OF COLORADO)
) ss.
 County of Gunnison)



The foregoing FIRST AMENDMENT TO THE COVENANTS AND RESTRICTIONS OF SPRING CREEK ESTATES was acknowledged before me this 27th day of September, 2012 by **Kelly Koons**, as President of **Estates of Spring Creek Association, Inc.**, a Colorado nonprofit corporation.

My commission expires: 6-14-15
 WITNESS my hand and official seal.
 (SEAL)



L. Rygler
 Notary Public

CERTIFICATION

I, Kelly Koons, serve as President of **Estates of Spring Creek Association, Inc.**, and hereby certify that pursuant to 38-33.3-217, C.R.S., and Section 17 of the Covenants, the owners of **Estates of Spring Creek Association, Inc.**, have approved the foregoing amendments contained in this FIRST AMENDMENT TO THE COVENANTS AND RESTRICTIONS OF SPRING CREEK ESTATES, and such amendments were properly voted on and adopted.

Estates of Spring Creek Association, Inc.,
a Colorado nonprofit corporation

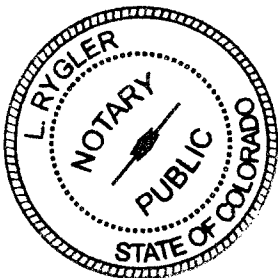
By: [Signature]

Kelly Koons, President

STATE OF COLORADO)
) ss.
 County of Gunnison)

The foregoing Certification was acknowledged before me this 27th day of September, 2012 by **Kelly Koons**, as President of **Estates of Spring Creek Association, Inc.**, a Colorado nonprofit corporation.

My commission expires: 6-14-15
 WITNESS my hand and official seal.
 (SEAL)



L. Rygler
 Notary Public

Filed for record this 20th day of Sept. 78 at 11:05 AM. Marian A. Smith
 Reception No. **330991** By *James P. Smith* DEPUTY

COVENANTS AND RESTRICTIONS

SPRING CREEK ESTATES

THIS INDENTURE, Made and entered into this 19th
 day of Sept., 1978, by John W. Staples, having
 ownership of a tract of ground designated as Spring Creek
 Estates, more particularly described as follows:

Beginning at the Northwest corner of the
 Northeast Quarter of the Northwest Quarter
 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-two (22),
 Township Fifteen (15) South, Range Eighty-
 four (84) West, Sixth P.M.; thence North
 825 feet; thence East 1,320 feet; thence
 South 825 feet; thence West 1,320 feet
 to the place of beginning, containing
 25 acres, more or less, in Section 15,
 Township 15 South, Range 84 West, Sixth
 P.M., Gunnison County, Colorado, together
 with all fishing rights in and upon the
 creek commonly known as Spring Creek,
 flowing through the land conveyed in
 Book 245 at page 204 of the records of
 the County Clerk and Recorder of Gunnison
 County, Colorado

WHEREAS, John W. Staples is causing the above-
 mentioned land to be platted into lots as shown on various
 plats, recorded, or to be recorded, but all nevertheless
 subject to the provisions of the indenture as fully as if
 now recorded, all to be filed in the Office of the Clerk and
 Recorder of Gunnison County, Colorado; and

WHEREAS, John W. Staples intends to develop and
 improve the said tract of land and lay out and open up the
 streets shown on said plats, and offer for sale the lots and
 parcels included in said tract, and is desirous of subjecting
 all of said tract of land and the lots and parcels shown on
 said plats to certain covenants, easements, restrictions,
 conditions and charges hereinafter set forth;

NOW, THEREFORE, WITNESSETH that John W. Staples
 does hereby impose and charge all lots in Spring Creek
 Estates with the covenants, agreements, easements, restrictions,
 conditions and charges hereinafter set out for the benefit
 of John W. Staples and all purchasers, and with the intention

that each purchaser and John W. Staples may enforce the provisions hereof, as follows (streets and roads excepted):

1.00 DEFINITIONS:

1.01 As used herein, the following terms shall be construed to have the meaning set forth thereafter:

- 1.01-1 "OWNER" shall mean any person or combination of persons, firm, partnership or corporation owning any lot or lots in fee.
- 1.01-2 "PURCHASER" shall mean any person or combination of persons, firm, partnership or corporation holding the right to receive fee ownership by means of a contract for purchase of any lot or lots.
- 1.01-3 "LOT" shall mean any platted lot within Spring Creek Estates that has been recorded.
- 1.01-4 "COMMITTEE" shall mean Spring Creek Estates Improvement Committee.
- 1.01-5 "RESIDENTIAL UNIT" shall mean living quarters or a dwelling designed to accommodate a one-family unit and containing at least one bedroom, one bathroom, one living room and one kitchen.
- 1.01-6 "DWELLING PLACE" shall mean a structure containing one residential unit.
- 1.01-7 "PERSON" shall mean any person, combination of persons, firm, company, association or corporation.

2.00 IMPROVEMENT COMMITTEE:

2.01 There is hereby created the Spring Creek Estates Improvement Committee, which shall be John W. Staples until such time as twelve of the lots in Spring Creek Estates have been deeded to their owners, at which time John W. Staples shall appoint two of said purchasers to serve on the Committee with John W. Staples for a period of one year. Thereafter the two other members of said committee shall be elected by all the landowners for two-year terms, and when seventy-five percent of all lots are deeded to their owners, John W. Staples shall resign from the Committee and thereafter the Committee shall consist of three persons.

2.02 The Committee may make and adopt its own bylaws for procedure, and it shall have the following powers and duties:

- 2.02-1 To incorporate as a non-profit corporation or association.

- 2.02-2 To fill vacancies occurring on the Committee.
- 2.02-3 To adopt such reasonable rules and regulations and provide such means and employ such agents as will enable it adequately and properly to carry out its duties.
- 2.02-4 To approve or recommend changes in building plans and specifications, grading and related matters.
- 2.02-5 To disapprove unsatisfactory plans and specifications.
- 2.02-6 To determine, collect, expend and account for monies of the Maintenance Fund.
- 2.02-7 To provide for improving, clearing and maintaining walks and streets.
- 2.02-8 To do such other things as will tend toward the welfare and benefit of Spring Creek Estates and the landowners therein.
- 2.02-9 To enforce the restrictions, covenants, easements, conditions and charges herein contained.

3.00 ARCHITECTURAL CONTROL:

3.01 No building, structure, wall, fence or addition or exterior alteration to any building, structure, wall or fence shall be commenced, erected or maintained unless and until the plans and specifications showing the nature, kind, shape, height, materials, floor plans, location and approximate cost of the same shall have been submitted to the Committee for its consideration and approval or disapproval in writing.

3.02 All structures shall be designed by a registered architect or professional engineer, or an equally qualified person or firm.

3.03 The Committee shall review all plans and specifications with regard to quality, materials and color, topography, setback, finished grade elevation, driveways, planting and parking facilities, as well as harmony of exterior design with existing or planned structures adjacent therein.

3.04 No metal, plastic, asbestos or asphalt siding materials shall be permitted on other than roof surfaces, but the Committee may grant variances in appropriate cases.

3.05 In the event said Committee fails to act within thirty days after said plans and specifications have been submitted to it, such approval shall not be required and

this covenant deemed complied with. No person, however, shall commence any such construction after notice of disapproval or until thirty days have elapsed from time of submission of the plans and specifications, and the Committee may proceed by such means as it deems best advised to enforce the provisions hereof if a violation of these provisions occurs.

4.00 LAND USE:

4.01 All lots shall be known and designated as residential lots, and no structure shall be permitted or placed, or altered or erected beyond rock fall line designated on the recorded plat, or on any such lot in violation of the requirement hereof. Only single-family dwelling places, not exceeding two stories in height, plus any garden-level basement or first story, may be erected or placed, together with a private garage, attached or unattached. Nothing herein contained shall prevent the placement of a child's playhouse of reasonable size, location and neat appearance.

4.02 Only one structure for use as a dwelling place shall be constructed on any lot. One outbuilding which may be a garage or storage building, or a combination of the two, may also be constructed.

5.00 TEMPORARY STRUCTURES PROHIBITED:

5.01 No mobile home, trailer, tent, shack, barn or any outbuilding erected on any lot at any time shall be used as a residence permanently or temporarily, nor shall any structure of temporary nature be used as a dwelling. A trailer or trailers used temporarily by a construction contractor or subcontractor as an office, supply facility, tool room or warehouse may be located on any lot during the actual period of construction on that lot, but not to exceed a total of one hundred twenty days.

6.00 ANIMALS:

6.01 No animals, livestock or poultry of any kind shall be raised, kept or bred on any lot in Spring Creek

Estates, except that a reasonable number of family dogs, cats, birds and fish may be kept provided that they are not kept or bred for any commercial purpose, nor allowed to annoy others. All dogs must be kept under restraint at all times.

7.00 SETBACK REQUIREMENTS:

7.01 No building, or any part thereof except as otherwise provided herein, shall be erected or maintained closer than twenty-five feet to any street, nor closer than twenty-five feet to the rear line of any lot; provided, however, that no structure shall be constructed within the rock fall area as shown on the plat of Spring Creek Estates.

7.02 Free or open spaces shall be left on both sides of a residential structure of a minimum of ten feet in width.

7.03 Unenclosed covered porches or entryways, entrance steps, bay windows, balconies and roof overhangs shall not be included in determining setbacks if the same do not exceed more than ten feet from the basic structure.

7.04 The Committee shall in all cases have the right to determine which are the front and rear lot lines, and to grant variance of the above in the case of irregularly shaped lots or unusual conditions. The Committee's determination shall be final and binding. No variance may be granted to construct a structure within the rock fall area as shown on the plat of Spring Creek Estates.

8.00 MINIMUM SIZE:

8.01 No residential structure which has an area of less than 800 square feet, exclusive of porches, garages and basements, shall be erected.

9.00 PARKING:

9.01 The owner of every lot shall provide off-street parking for two vehicles.

10.00 UTILITY EASEMENTS:

10.01 An easement for the placement and servicing of utilities, ten feet in width, is reserved across the front and/or rear of each lot, and along the sidelines of some lots, as shown in the recorded plat.

10.02 The owner of each lot shall, at his cost and expense, keep and maintain that portion of the easement within his own property line at all times in good condition of repair and maintenance, and neither erect or permit the erection of any building or structure of any kind within said easement which might interfere in any way with the proper maintenance, use, operation, repair, construction or patrol of any utility services located therein.

10.03 Any utility company or improvement district with facilities therein shall have the right to enter said easement as necessary for the purposes for which such easements are provided.

11.00 FISHING EASEMENT:

11.01 The fishing easement as shown on the plat of Spring Creek Estates is hereby reserved unto all of the owners, their families and guests, for their sole use and enjoyment.

12.00 LOT APPEARANCE:

12.01 The appearance of every lot governed hereby shall be maintained in a neat and attractive manner. Once the surface cover thereof is disturbed or changed in any manner, the owner or purchaser thereof shall be responsible to see that the grass is kept mowed, trash and/or garbage is kept in covered containers emptied at reasonable intervals, and the lot kept free of trash, litter, refuse and garbage.

13.00 NO RESUBDIVISION

13.01 No lot governed hereby shall be subdivided.

14.00 CHANGE OF GRADE OR IRRIGATION DITCHES:

14.01 No change in the grade or drainage of any lot shall be made which would affect any adjoining lot without

the written consent of the owner or owners of said adjoining lots and the approval of the Committee.

14.02 No change in the irrigation ditches of any kind is permitted. No digging, irrigation pumps or use of water from irrigation ditches for any purpose is permitted. No trash or cuttings of any nature may be placed into the irrigation ditches. Owners of irrigation ditches have the right of access for any cleaning of said ditches or for repairs. The irrigation ditches have and always will have easements through said property as shown on the plat.

15.00 FENCES:

15.01 No fence shall be erected or maintained within fifteen feet of any street or road, nor shall any fence exceeding three feet in height be erected or maintained without the approval of the Committee.

16.00 HEATING FACILITIES:

16.01 Bottles, tanks or other storage containers for fuel must be concealed from view by fencing, enclosure or other satisfactory means.

17.00 ENFORCEMENT AND AMENDMENT:

17.01 The conditions, restrictions, stipulations, agreements and covenants herein contained shall not be waived, abandoned, terminated or amended except by an instrument setting forth the written consent of the then landowners of seventy-five percent of the lots within the subdivision, which instrument shall be duly executed, acknowledged and recorded in Gunnison County, Colorado.

17.02 Until such time as seventy-five percent of the lots within the subdivision have been conveyed to third persons by John W. Staples, these Protective Covenants shall not be waived, abandoned, terminated or amended except upon the written consent of the Board of County Commissioners of Gunnison County, Colorado.

17.03 If any person shall violate or threaten to violate any of the provisions of the instrument or the terms and conditions contained in the subdivision plat, it shall be lawful for any person or persons owning a lot in the subdivision, or the Committee or Board of County Commissioners of Gunnison County, Colorado, to institute proceedings in law or in equity.

18.00 SEVERABILITY:

18.01 If any provision hereof be held invalid, or the application of any provision to any person, firm or corporation or any circumstance be unenforceable, such provision shall be severable, and the remainder hereof remain in full force and effect as though the invalid portion had not been included herein.

SPRING CREEK ESTATES

By 

John W. Staples

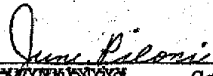
STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

The foregoing instrument was subscribed, sworn to and acknowledged before me by John W. Staples this 20th day of September, 1978.

WITNESS my hand and official seal.

commission expires: January 9, 1979



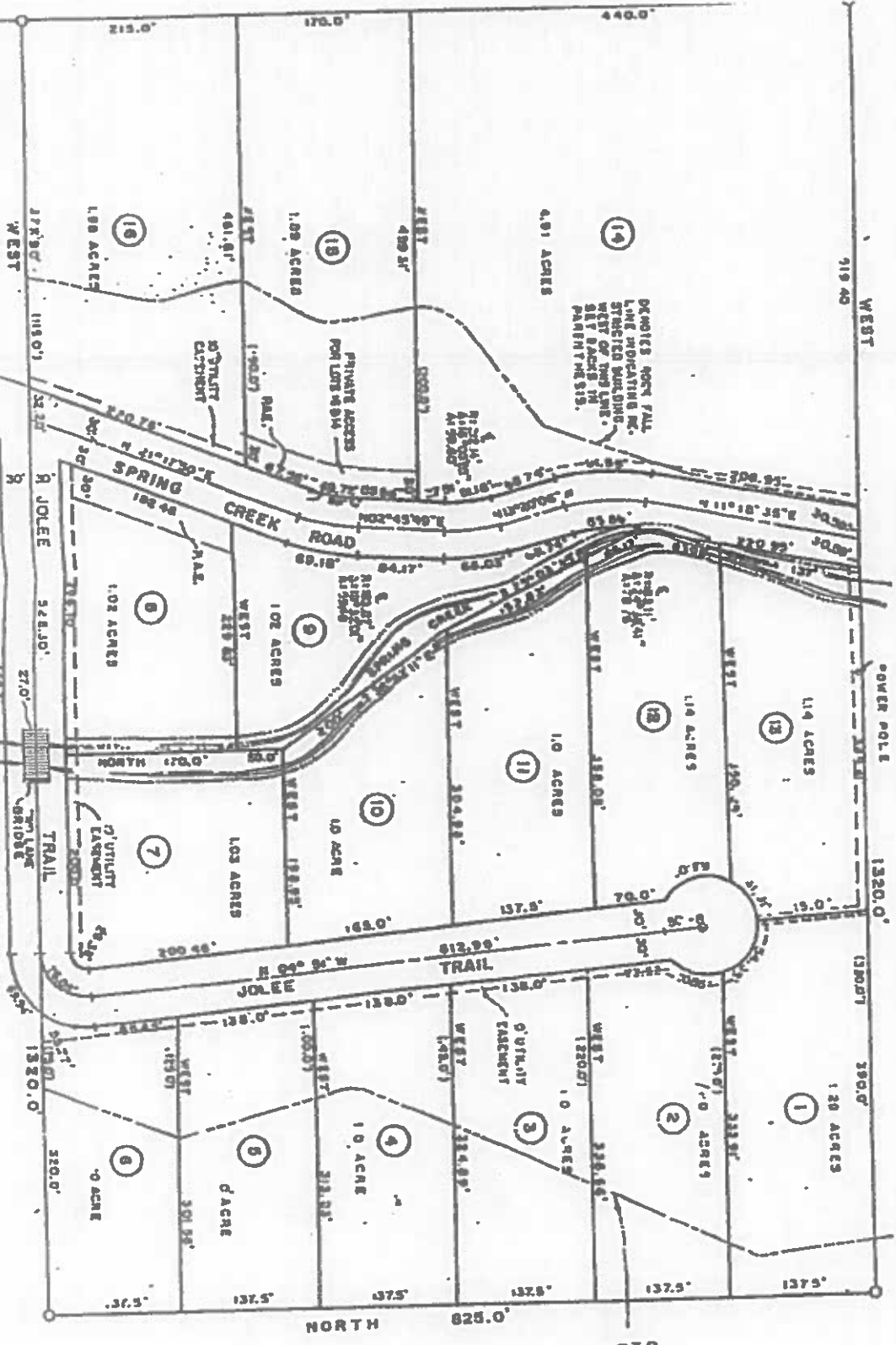
 Deputy
~~XXXXXXXXXXXX~~ County Clerk

NW CORNER
NE 1/4 NW 1/4
SECTION 2E

UNPLATTED

UNPLATTED

LEGEND



DEMONSTRATES ROCK FALL LINE INDICATING POSITION EAST OF THIS LINE SET BACKS IN PARAGRAPH

B.L.M.



RECORDATION OF THE PROTECTIVE C AND CONDITIONS OF CONTRIBUTION ETC

PLAT:

No. **330990**

John W. Staples

To

SPRING CREEK ESTATES

STATE OF COLORADO, {
County of Gunnison } ss.

I hereby certify that this instru-
ment was filed for record in my
office at 11:05 o'clock A.M.
September 20, 19 78, and
is recorded in Book _____, page _____

Marian A. Smith
County Clerk and Recorder

By James L. Linn Deputy

Fee \$ 10.00

Filed for record this 20th day of Sept. A.D. 1978 at 11:05 AM by Marian A. Smith Recorder
 Reception No. 330991 By Jane P. Davis Deputy

COVENANTS AND RESTRICTIONS

SPRING CREEK ESTATES

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Beginning at the Northwest corner of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-two (22), Township Fifteen (15) South, Range Eighty-four (84) West, Sixth P.M.; thence North 825 feet; thence East 1,320 feet; thence South 825 feet; thence West 1,320 feet to the place of beginning, containing 25 acres, more or less, in Section 15, Township 15 South, Range 84 West, Sixth P.M., Gunnison County, Colorado, together with all fishing rights in and upon the creek commonly known as Spring Creek, flowing through the land conveyed in Book 245 at page 204 of the records of the County Clerk and Recorder of Gunnison County, Colorado

WHEREAS, John W. Staples is causing the above-mentioned land to be platted into lots as shown on various plats, recorded, or to be recorded, but all nevertheless subject to the provisions of the indenture as fully as if now recorded, all to be filed in the Office of the Clerk and Recorder of Gunnison County, Colorado; and

WHEREAS, John W. Staples intends to develop and improve the said tract of land and lay out and open up the streets shown on said plats, and offer for sale the lots and parcels included in said tract, and is desirous of subjecting all of said tract of land and the lots and parcels shown on said plats to certain covenants, easements, restrictions, conditions and charges hereinafter set forth;

NOW, THEREFORE, WITNESSETH that John W. Staples does hereby impose and charge all lots in Spring Creek Estates with the covenants, agreements, easements, restrictions, conditions and charges hereinafter set out for the benefit of John W. Staples and all purchasers, and with the intention

that each purchaser and John W. Staples may enforce the provisions hereof, as follows (streets and roads excepted):

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- 2.02-1 To incorporate as a non-profit corporation or association.

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17.01 The conditions, restrictions, stipulations, agreements and covenants herein contained shall not be waived, abandoned, terminated or amended except by an instrument setting forth the written consent of the then landowners of seventy-five percent of the lots within the subdivision, which instrument shall be duly executed, acknowledged and recorded in Gunnison County, Colorado.

17.02 Until such time as seventy-five percent of the lots within the subdivision have been conveyed to third persons by John W. Staples, these Protective Covenants shall not be waived, abandoned, terminated or amended except upon the written consent of the Board of County Commissioners of Gunnison County, Colorado.

17.03 If any person shall violate or threaten to violate any of the provisions of the instrument or the terms and conditions contained in the subdivision plat, it shall be lawful for any person or persons owning a lot in the subdivision, or the Committee or Board of County Commissioners of Gunnison County, Colorado, to institute proceedings in law or in equity.

18.00 SEVERABILITY:

18.01 If any provision hereof be held invalid, or the application of any provision to any person, firm or corporation or any circumstance be unenforceable, such provision shall be severable, and the remainder hereof remain in full force and effect as though the invalid portion had not been included herein.

SPRING CREEK ESTATES

By 
John W. Staples

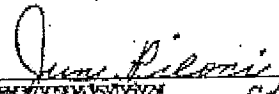
STATE OF COLORADO)
) ss.
COUNTY OF GUNNISON)

The foregoing instrument was subscribed, sworn to and acknowledged before me by John W. Staples this 20th day of September, 1978.

WITNESS my hand and official seal.

commission expires: January 9, 1979




~~NOTARY PUBLIC~~ Deputy
County Clerk

SPRING CREEK ESTATES
Homeowner's Annual Meeting
July 14, 2012 2 PM

Minutes of Meeting:

Members Present:

Courtney & Bill Birkholz
*Brian Camp
Bill Doricott
*Barbara & Michael Draper
*Betty & Dale Folks
*Sydna & Don Gordon
*Brian Haenisch
*Kelly Koons
*David Mahone
*Lela & James Porter
*Gail & Steve Woodley

Members Absent:

*John & Jay Borth
Pam & Mike Garrett
Vicki & Wayne Castka

***Dues paid through July 2012. Dues of \$30 now due for 2013.**

The meeting was convened at about 2:15 PM by President Koons. A quorum of dues paying members was present. Minutes of the July 9, 2011 meeting had been previously mailed, but were distributed again at the meeting. No revisions were requested and David Mahone moved approval, seconded by Jim Porter. The minutes were unanimously approved.

Agendas were distributed (Exhibit 1) and the first order of business was a report by Sydna Gordon concerning her research of the advisability of registering the Spring Creek Estates Homeowners Association (SCHOA) with the Colorado Secretary of State (CSOS) and the Colorado Division of Real Estate (DORA). Mrs. Gordon presented a comprehensive analysis of the pros and cons of Homeowners Associations (HOA) and recommended that the SCHOA be registered with both the CSOS and DORA. Mrs. Gordon recommended SCHOA engage Michael O'Laughlin, a Gunnison attorney, to draft a set of bylaws that concur with the SCHOA existing Covenants and Restrictions (CCR's) and to properly register with CSOS and DORA. It was agreed that the CCR's are very adequate and have served the SCHOA well since 1978. There are provisions for amendment should a need arise.

Note: For any SCHOA lot owner that wishes to examine the HOA concept and practice further, there is a wealth of information on the internet by searching "HOA" and/or "DORA". If you have the interest, you are urged to make the search.

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The next item on the agenda was a report by Kelly Koons concerning the Gunnison County Commissioner's pending hearing concerning ownership of the new bridge. The planned July 17 date has been moved to the commissioner's meeting in August.

Kelly Koons gave a financial update which is attached as Exhibit 2.

There followed a brief discussion of the Williamson property which has been listed for sale. The discussion was for information only and to bring to the attention of lot owners that a buyer may request access via Jolee Trail.

A brief discussion ensued of the deeding process when a purchase is made of one or more of the sixteen platted lots of the Spring Creek Estate development. By deed conveyance, the existing CCR's are a natural and legal part of the deed for the property and are a condition of conveyance.

Due to additional costs for legal assistance from Michael O'Laughlin, the annual dues were raised from \$20 per year to \$30 per year per lot owned. Payment is now due and checks should be made out to Kelly Koons and delivered in person or mailed to:

3318 Abbey Road
Mansfield, TX 76063

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Resolutions were then passed in appreciation to Betty and Dale Folks for providing flowers every year at the entrance to Jolee Trail and to Lela Porter for providing the Porter home for the meeting.

President Koons adjourned the meeting.

Respectfully Submitted,

Kelly Koons
David Mahone
James Porter

July 20, 2012

Exhibit 1

SPRING CREEK ESTATES

Homeowners Annual Meeting

July 14, 2012

Location: Home of Lela and Jim Porter; 165 Jolee Trail

Time: 2:00 PM

Phone: 642-6332

AGENDA

Minutes	Porter
HOA Discussion	S. Gordon & Lot Owners
Bridge Ownership Status	Koons
Financial Update	Koons
Williamson Property	Porter/Folks
New Business	As Needed
Bridge Presentation: Slides and Q & A	Cowboy Steel
Barbeque for lot owners and families (Courtesy of Julie and Terry Klug)	Cowboy Steel

FINANCIAL REPORT**General Fund:****Income**

DUES COLLECTED 2011	\$240.00
BRIDGE OVERAGE	5.00
BALANCE from 2010	27.52
	<hr/>
TOTAL	\$272.52

Expenses

FLOWERS for ENTRY	118.50
MISCELLANEOUS	10.00
	<hr/>
	128.50
BALANCE JULY 14, 2012	\$144.02

BRIDGE ACCOUNT	\$665.99
-----------------------	-----------------

Exhibit 2

FINANCIAL REPORT

General Fund:

Income

DUES COLLECTED 2011	\$240.00
---------------------	----------

BRIDGE OVERAGE	5.00
----------------	------

BALANCE from 2010	27.52
-------------------	-------

TOTAL	<u>\$272.52</u>
-------	-----------------

Expenses

FLOWERS for ENTRY	118.50
-------------------	--------

MISCELLANEOUS	10.00
---------------	-------

<u>128.50</u>

BALANCE JULY 14, 2012	\$144.02
-----------------------	----------

BRIDGE ACCOUNT	\$665.99
----------------	----------

SUMMARY OF SCHOA ACTIVITIES/STATUS

As of August 15, 2012

ROAD AND BRIDGE:

On August 7, 2012 Gunnison County Commissioners were presented our request for them to make Jolee Trail, including the recently reconstructed bridge, a public road and to take total responsibility for the maintenance and snowplowing. We have received a letter to that effect and it will be sent to you in the near future.

The operative paragraph of the letter is: **" The entire road known as CR # 53 (Jolee Trail) from CR # 744 to and including the cul-de-sac be and is accepted by the Board of County Commissioners of Gunnison County, Colorado as a public road, with maintenance and snowplowing at the discretion and expense of Gunnison County"**

In order to get a very definitive "total responsibility" (ownership) on behalf of the County, all Jolee lot owners will need to sign a "Quitclaim" document which you will receive in the near future. Kelly is currently researching all the legal names under which our lots are deeded. While it may be a long shot, we are also researching if this will assist us in receiving a tax deduction for the bridge "Gift" to the County. David Mahone is researching the tax question.

Attending the Commissioners meeting were Koons, Porter, and Woodley. Our request was presented by Marlene Crosby, with follow up questions from your representatives.

INSURANCE:

Steve Woodley obtained a quote for GL from State Farm as related to the fishing easement, plus Directors and Officers coverage and that amount is \$625 per annum. This assumes we complete the Quitclaim process. This policy will cover all sixteen lots in the development.

REGISTRATION OF THE HOA WITH CSOS AND DORA:

On Friday, August 17, Attorney O'Loughlin will be given the authorization to proceed with registration and preparation of the necessary By Laws to establish us as a legal HOA. We will be required to use a new name as the name we have been using is taken by another HOA. We will register with and adopt the name

"ESTATES OF SPRING CREEK HOA".

DUES AND COSTS:

Dues of \$30 per lot have been received from all but five lot owners. Please send to Kelly Koons at his Texas address: 3318 Abbey Road; Mansfield, Texas 76063. Make the check out to Kelly Koons.

Costs for the attorney and subsequent ongoing annual costs are not known yet but will be determined as soon as we work all of these matters to completion.

Spring Creek Homeowners:

July 21, 2012

This transmittal letter is for the minutes from our July 14, 2012 meeting. Please note the minutes track the Exhibit 1 Agenda and Exhibit 2 summarizes our financial status. Due to the added cost of an initial Q&A visit with attorney Michael O'Laughlin, our annual dues assessment will be \$30 per lot.

The visit with Mr. O'Laughlin will be held August 2, 2012 at 10 AM at the Gunnison Bank & Trust located at 232 W. Tomichi Avenue, Suite 204. Bring your questions for Mr. O'Laughlin to address. Your personal attendance is encouraged, however, if you cannot attend please send your questions to Kelly Koons, Jim Porter, or David Mahone. We will collect answers and convey them to you. Please RSVP via email or phone call to one of your board members whether you do or do not intend to be at the August 2, 2012 meeting with Mr. O'Laughlin. The August 2nd meeting has been scheduled in accordance with the motion made and passed at the July 14, 2012 meeting.

Subsequent to this Q&A session we will have a written vote from all those eligible to vote (2013 dues paid).

In order to assist with the Q&A part of this process, several questions were presented to Mr. O'Laughlin on July 19, 2012 by Jim Porter and Brian Haenisch. A summary of responses follows:

1. He emphatically recommends we register with the state and DORA ASAP.
2. In his opinion, the county does not take "ownership" of roads or bridges, but only agrees to provide maintenance at the time of maintenance need, if they have the funds.
3. The deed and the covenants/restrictions to a property go together and are a part of the property conveyance process and are not separable.
4. When registering a non profit HOA, it is not required to submit the bylaws and covenants/restrictions to the state or to DORA.
5. The presence of a general fishing easement in our covenants/restrictions automatically provides a need for general liability coverage over and above our individual homeowners insurance. The fishing easement is the equivalent of common use property.
6. The cost to register with the Colorado Secretary of State is \$50 per year and the cost to register with DORA is \$43 per year.

The addition of the Q&A session increases earlier legal cost estimates and Mr. O'Laughlin estimates our total cost for his services at \$200 per hour will not be greater than \$2000. All 16 lots will benefit from this action and the prorated costs should max out at about \$125 each. All lot owners will be covered by general liability insurance when purchased by our HOA. Mr. O'Laughlin believes we have been very fortunate to have not had a legal incident since our 1978 inception.

If you have any questions, please direct them to one of your elected board members.

Respectfully,

Kelly Koons	970-641-9125
David Mahone	970-641-5669
James Porter	970-642-6332

SPRING CREEK ESTATES
Homeowner's Annual Meeting
July 14, 2012 2 PM

Minutes of Meeting:

Members Present:

Courtney & Bill Birkholz
*Brian Camp
Bill Doricott
*Barbara & Michael Draper
*Betty & Dale Folks
*Sydna & Don Gordon
*Brian Haenisch
*Kelly Koons
*David Mahone
*Lela & James Porter
*Gail & Steve Woodley

Members Absent:

*John & Jay Borth
Pam & Mike Garrett
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***Dues paid through July 2012. Dues of \$30 now due for 2013.**

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A brief discussion ensued of the deeding process when a purchase is made of one or more of the sixteen platted lots of the Spring Creek Estate development. By deed conveyance, the existing CCR's are a natural and legal part of the deed for the property and are a condition of conveyance.

Due to additional costs for legal assistance from Michael O'Laughlin, the annual dues were raised from \$20 per year to \$30 per year per lot owned. Payment is now due and checks should be made out to Kelly Koons and delivered in person or mailed to: 3318 Abbey Road
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Resolutions were then passed in appreciation to Betty and Dale Folks for providing flowers every year at the entrance to Jolee Trail and to Lela Porter for providing the Porter home for the meeting.

President Koons adjourned the meeting.

Respectfully Submitted,

Kelly Koons
David Mahone
James Porter

July 20, 2012

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2012-23**

**A RESOLUTION ACCEPTING FOR MAINTENANCE AND SNOWPLOWING
THE ROADS IN SPRING CREEK ESTATES**

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado and the property owners of the Spring Creek Estates have entered in to an agreement, dated August 4, 2009 (the "Agreement") by which the roads in Spring Creek Estates as represented on the plat titled Spring Crcek Estates, dated September 15, 1978, recorded on September 20, 1978 bearing Reception No: 330990, all of which have a 60 foot right-of-way, are to be improved by Gunnison County with the costs of personnel, equipment and materials necessary to perform such improvements allocated between Gunnison County and property owners;

WHEREAS, the Agreement provides that the road in Spring Creek Estates is to be dedicated to and accepted by Gunnison County as a public road with maintenance and snowplowing provided at the discretion and expense of Gunnison County;

NOW THEREFORE, be it resolved by the Board of County Commissioners of Gunnison County, Colorado that:

The entire road known as CR #53 (Jolee Trail) from CR #744 to and including the cul-de-sac be and is accepted by the Board of County Commissioners of Gunnison County, Colorado as a public road, with maintenance and snowplowing at the discretion and expense of Gunnison County.

INTRODUCED by Commissioner *Swenson*, seconded by Commissioner *Chamberland*, and adopted this *7th* day of August, 2012.

**BOARD OF COUNTY COMMISSIONERS OF
THE COUNTY OF GUNNISON, COLORADO**

By

Hap Channell
Hap Channell, Chairperson

By

Paula Swenson
Paula Swenson, Vice Chairperson

By

Phil Chamberland
Phil Chamberland, Commissioner

ATTEST:

[Signature]
Deputy County Clerk



S Dominguez Gunnison County, CO
8/8/2012 2:28:06 PM
447

614677
Page 1 of 1
R 0.00 D 0.00



DEUTES 40% FALL LINE
INDICATING RESTRICTED BUILDING
EAST OF THIS LINE -
SET BACKS IN PARENTHESES

THE PROTECTIVE COV
AND CONDITIONS OF
SUBDIVISION RECOR
GUNNISON COUNTY, CO

ESTATES of SPRING CREEK ASSOCIATION, INC.

HOMEOWNERS ANNUAL MEETING

July 13, 2013

Location: 165 Jolee Trail, Almont, CO

Time: 2:00 PM

AGENDA

Minutes	Porter
Road and Bridge Review and Status	Koons
Financial Update	Koons
Dues Calculation for 2014	Porter
Election of Board/Committee(3)	Koons
Other Business	

ESTATES of SPRING CREEK ASSOCIATION, INC.

ESTIMATED DUES AMOUNT for July 2013 – June 2014

Liability Insurance	\$675
Annual Renewal:	
Colorado Division of Real Estate	50
Colorado Secretary of State	50
Flowers at Entry	120
Postage and Misc.	25
	<hr/>
	\$920

Per Member = $\$920/16 = \57.50

Round to \$60 ??

Adjust for member who cannot pay ??

UPDATE LETTER

ESTATES of SPRING CREEK ASSOCIATION, INC. (ESCA)

November 6, 2012

To: ESCA Lot owners

This update culminates a host of activity that has occurred regarding our Spring Creek community of lot owners in the past 18 months. Your Board of Directors wishes to thank you all for the exceptional degree of participation and support for: A) renovating our bridge, B) achieving Gunnison County ownership of the bridge, C) reaching legal standing with the state of Colorado, and D) securing general liability protection for our lot owners.

This packet contains several documents that we **recommend you keep** in your files concerning your property. They are as follows:

1) Registration documents from the Colorado Secretary of State. DORA documents are on file and can only be accessed at their website. If you wish to have the password and user ID for this registration, please contact one of your board members or Michael O'Loughlin, our attorney for this information.

2) Our By Laws, as constructed by your board (per Section 2 of our Covenants and Restrictions (C&R)) and our attorney. These have been made as simply as the Colorado law allows and do conform to Colorado law.

3) By Laws and C&R Amendments as previously voted by lot owners in years past. These have been formalized and recorded with the Gunnison County Clerk. These amendments relate to Sections 5.00, 5.01, 7.02, and 8.01 of the C&R.

4) A copy of the C&R's are included for your files. These and the By Laws become important documents in the event you transfer title to your property.

5) A summary of costs that have been incurred during this period of time.

a) Bridge renovation summary. **Fully Paid**

b) Late billing from Williams Engineering for Flood Plain Certificate.

Fully Paid

c) Legal costs. Payment for this invoice has been advanced by your board president. An assessment of **\$176.45** is due from each lot owner (see financial summary).

6) A cover page for our General Liability insurance coverage from State Farm. The assessment for the \$625.00 per year premium is included in the \$176.45 in item 5 above. We thank Steve Woodley for arranging for this policy.

Questions are welcome and can be addressed to any of your board members.

Respectfully,

Kelly Koons

David mahone

Jim Porter

2012

2011

Bal 7/14/12 144.02

25¢
10A
DUES 20.00
DUES 30.00/LOT
10.00 HORA EST
20.00 DUES

PAID		
10.00	20.00	FOLKS 30.00
10.00	20.00	KRANS 30.00
10.00	20.00	SORRIGOT 30.00
10.00	20.00	DRAPER 30.00
20.00	40.00	PORTER 60.00
10.00	20.00	MATHEW 30.00
10.00	20.00	WOODLEY 30.00
10.00	20.00	HAEINSH 30.00
10.00	20.00	BORTH 30.00
30.00	40.00	CAMP 60.00
10.00	20.00	BIRKHOLZ 30.00
10.00	20.00	GARRETT 30.00
10.00	20.00	GORDON 30.00
0	0	CASTKA 0

118.00 Lot
BRIDGE XTRA FLOOD Plain Study

236.00
118.00
N/A
118.00
236.00
118.00
118.00
118.00
236.00
N/A
N/A
118.00
N/A

EXP
PL. OUT 10.00 STREAM
FLOWERS 125.36
135.36 *

150.00
300.00

Williams FLOOD Plain
PL OUT 1533.08

GENERAL ACC
Bal 144.02
Dues PL 300.00
444.02
- 135.36 *
308.66 Bal

ESTATES of SPRING CREEK ASSOCIATION, INC.

FINANCIAL SUMMARY

November 6, 2012

General Account:

Balance 7-14-2012	\$144.02
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Expenses:

*Transfer to Stream Account	10.00
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Flowers at entrance	<u>125.36</u>
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Sub Total	135.36
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Balance after expenses	\$ 8.66
------------------------	---------

** Dues paid for 2012-13 year	\$300.00
-------------------------------	----------

Balance	<u>\$308.66</u>
---------	-----------------

* Required by Bank to keep the separate account active.

** Fifteen lot owners paid \$30, consisting of \$20 for regular dues and \$10 for

assisting with initial legal fees. One lot owner is unable financially to pay any dues or other assessments.

Bridge Account:

Bridge Renovation: The bridge account of \$77,155 is **fully paid** by 13 lot owners.

Bridge late billing of \$ 1533.08 by Williams Engineering has been **fully paid** by 13 lot owners.

Registration Account:

Legal and Registration costs (see invoice)	\$2358.25
Insurance Policy Premium (annual)	<u>625.00</u>
Total	\$2983.25*

***This amount has been advanced by our President and invoices have been paid.**

Amounts are due from lot owners as follows:

\$2983.25 /16 = \$186.45 per lot. Less \$10.00 assessment for initial legal fees

= \$176.45 per lot

Send Payment to: Kelly Koons
3318 Abbey Road
Mansfield, Texas 76063

*** One lot owner cannot pay. This will be discussed at the July, 2013 ESCA meeting.**

Kelly Koons

From: Marlene Crosby [MCrosby@gunnisoncounty.org]
Sent: Thursday, October 18, 2012 11:12 AM
To: Kelly Koons
Cc: james_r_porter@hotmail.com; davemah@swbell.net
Subject: RE: Tax Letter/Quit Claim deeds

Hi Everyone,

The County Attorney had major surgery a couple of weeks ago and will be out for 3-4 more weeks. As you can imagine the Deputy is swamped, and only essential items are moving to the top. Long story short, it will be at least another month.

Thank you,
Marlene

From: Kelly Koons [mailto:kellyk@lfc-ind.com]
Sent: Thursday, October 18, 2012 10:05 AM
To: Marlene Crosby
Cc: james_r_porter@hotmail.com; davemah@swbell.net
Subject: Tax Letter/Quit Claim deeds

Marlene,
Hope all is well with you and your excellent staff. Just wanted to see where we are on the Tax Letter and Quit Claim Deeds.
As you can imagine I have the other residents of Spring Creek Estates asking quite often.

Thank you in advance for your help.

-Kelly

Kelly Koons

From: Kelly Koons [kellyk@lfc-ind.com]
Sent: Wednesday, October 24, 2012 11:45 AM
To: 'Marlene Crosby'
Cc: 'james_r_porter@hotmail.com'; 'davemah@swbell.net'
Subject: RE: Tax Letter/Quit Claim deeds

Marlene,

Thanks for your reply. Hope all is going well with David's recovery from surgery.

Have a great day!

-Kelly

From: Marlene Crosby [mailto:MCrosby@gunnisoncounty.org]
Sent: Thursday, October 18, 2012 11:12 AM
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Cc: james_r_porter@hotmail.com; davemah@swbell.net
Subject: RE: Tax Letter/Quit Claim deeds

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Thank you in advance for your help.

-Kelly

10/24/2012

O'Loughlin 2358.²⁵
STATE FARM 625.⁰⁰

2983.²⁵ $\div 16$ 186.⁴⁵ - 10⁰⁰ PRP 176.⁴⁵/LOT

176. ⁴⁵ /LOT	X 11	1940. ⁹⁵
352. ⁹⁰ /	PORTER CAMP X 2	705. ⁸⁰
		<u>2646.⁷⁵</u>

186. ⁴⁵ CASTKA	\rightarrow	186. ⁴⁵
+ 20. ⁰⁰ GEN ACC		2833. ²⁰
206. ⁴⁵ BAL DUE		150. ⁰⁰
		<u>2943.²⁰</u>

Point

AIN/AL 2358.25

Ans 625.00

2983.25

START Bal 308.66

2646.75

Corrected 2646.75 = 15 x 176.45

2955.41

2955.41

2983.25

- 2955.41

27.84

Defect

ESTATES of SPRING CREEK ASSOCIATION, INC.

ESTIMATED DUES AMOUNT for July 2013 – June 2014

Liability Insurance	\$675
Annual Renewal:	
Colorado Division of Real Estate	50
Colorado Secretary of State	50
Flowers at Entry	120
Postage and Misc.	25
	<hr/>
	\$920

Per Member = $\$920/16 = \57.50

Round to \$60 ??

Adjust for member who cannot pay ??

ESTATES of SPRING CREEK ASSOCIATION

ANNUAL HOMEOWNERS MEETING

SATURDAY

JULY 13, 2013 at 2:00 PM

Home of Lela and Jim Porter

165 Jolee Trail

Posted: June 26, 2013

ESTATES of SPRING CREEK ASSOCIATION, INC.

HOMEOWNERS ANNUAL MEETING

July 13, 2013

Location: 165 Jolee Trail, Almont, CO

Time: 2:00 PM

AGENDA

Minutes	Porter
Road and Bridge Review and Status	Koons
Financial Update	Koons
Dues Calculation for 2014	Porter
Election of Board/Committee(3)	Koons
Other Business	

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SPRING CREEK ESTATES
Homeowner's Annual Meeting
July 14, 2012 2 PM

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Members Present:

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*Brian Camp
Bill Doricott
*Barbara & Michael Draper
*Betty & Dale Folks
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Subsequently, Bill Doricott presented a motion to engage Michael O'Laughlin for a Q&A/Information session for those who can attend such a meeting. A budget of \$300 was approved for that consultation. Following the Q&A/Information session, a vote will be planned to approve or disapprove the drafting of bylaws and registration.

As an additional note for clarification, the information regarding ownership of the Jolee Trail road is being rechecked as the reference document used was for "Spring Creek Tracts", which is the road south of Jolee Trail that services Dr. Hager and the Kinards.

The next item on the agenda was a report by Kelly Koons concerning the Gunnison County Commissioner's pending hearing concerning ownership of the new bridge. The planned July 17 date has been moved to the commissioner's meeting in August.

Kelly Koons gave a financial update which is attached as Exhibit 2.

There followed a brief discussion of the Williamson property which has been listed for sale. The discussion was for information only and to bring to the attention of lot owners that a buyer may request access via Jolee Trail.

A brief discussion ensued of the deeding process when a purchase is made of one or more of the sixteen platted lots of the Spring Creek Estate development. By deed conveyance, the existing CCR's are a natural and legal part of the deed for the property and are a condition of conveyance.

Due to additional costs for legal assistance from Michael O'Laughlin, the annual dues were raised from \$20 per year to \$30 per year per lot owned. Payment is now due and checks should be made out to Kelly Koons and delivered in person or mailed to:

3318 Abbey Road
Mansfield, TX 76063

Following the business items from the agenda, Mr. Terry Klug, owner of Cowboy Steel, LLC made a presentation to all describing and illustrating, via pictures, the demolition and construction of the renovated Spring Creek Estates bridge. Mr. Klug's presentation was followed by a barbeque dinner hosted by Cowboy Steel (Terry and Julie Klug).

Resolutions were then passed in appreciation to Betty and Dale Folks for providing flowers every year at the entrance to Jolee Trail and to Lela Porter for providing the Porter home for the meeting.

President Koons adjourned the meeting.

Respectfully Submitted,

Kelly Koons
David Mahone
James Porter

July 20, 2012

Kelly Koons

From: james porter [james_r_porter@hotmail.com]
Sent: Monday, July 29, 2013 4:21 PM
To: Kelly Koons; Mike Draper; Brian Haenisch
Cc: james porter
Subject: FW: ESCA Entry Sign
Attachments: ESCA Entry.pdf

See attached

From: james_r_porter@hotmail.com
To: kellyk@lfc-ind.com; mdraper767@aol.com; brianhenry165@gmail.com
CC: james_r_porter@hotmail.com
Subject: ESCA Entry Sign
Date: Mon, 29 Jul 2013 16:17:15 -0500

The attached drawing might help alleviate some of the "unfairness" complaints about dues assessments.

Jim

7/30/2013

Kelly Koons

From: james porter [james_r_porter@hotmail.com]
Sent: Monday, July 29, 2013 8:17 AM
To: kellyk@lfc-ind.com
Subject: FW: Vote and Dues for 2013-14

From: trout4now@hotmail.com
To: james_r_porter@hotmail.com
Subject: RE: Vote and Dues for 2013-14
Date: Sun, 28 Jul 2013 12:27:47 -0600

Hello Jim

I've paid the dues to Kelly and I approve the minutes as presented and also approve of Koons, Draper and Haenish as presented by the Nominating Committee.

Thank you, as always, for your help in these matters.

Brian Camp

From: james_r_porter@hotmail.com
To: james_r_porter@hotmail.com; courtdupuy@aol.com; garrettmike@sbcglobal.net; victoria@pcrs.net; dongordon@modularbank.com; johnnyborth@gmail.com; mitzic4435@aol.com; trout4now@hotmail.com; silentspringresort@sbcglobal.net; swood63979@gmail.com; quail1025@aol.com; brianhenry165@gmail.com; 77dgeronimo@gmail.com; mdraper767@aol.com; davemah@swbell.net
Subject: Vote and Dues for 2013-14
Date: Mon, 22 Jul 2013 11:23:14 -0500

All,

This is a reminder to vote per the instructions in the Annual Meeting update. If you approve of the Minutes of the July 13, 2013 meeting and the Nominated committee of Koons, Draper and Haenisch, please email me with your approval. If you do not approve, please let me know.

Also, dues of **\$60 per owned lot** is now due. Please send the check to:

KELLY KOONS
3318 ABBEY ROAD (Make check to Kelly Koons)
MANSFIELD, TX 76063

Thank you,

Jim Porter
David Mahone
Kelly Koons

7/30/2013

Kelly Koons

From: james porter [james_r_porter@hotmail.com]
Sent: Tuesday, July 16, 2013 7:03 PM
To: Steve Woodley
Cc: Kelly Koons
Subject: RE: Minutes and election

Thank you, Steve.

Date: Tue, 16 Jul 2013 18:11:56 -0500
Subject: Minutes and election
From: swood63979@gmail.com
To: james_r_porter@hotmail.com

I approve the minutes of 2012 and approve of the election of Koons, Haenisch and Draper.

--

Steve Woodley

Kelly Koons

From: Michael P. O'Loughlin [mike@gunnisonlaw.net]

Sent: Friday, July 19, 2013 11:03 AM

To: james porter; Kelly Koons

Subject: FW: Time to renew your HOA Registration

Dear Jim and Kelly,

Please see the message below from the Colorado Department of Regulatory Agencies (DORA) regarding Spring Creek's soon to expire registration. Can you please respond to this email, and provide me with direction to renew Spring Creek HOA's DORA registration? Thanks, and I hope you gentlemen are having a wonderful summer,

Mike

Michael P. O'Loughlin
Schumacher & O'Loughlin, LLC
Attorneys at Law
232 W. Tomichi Ave, Suite 204
Gunnison, CO 81230
Phone: (970) 641-4900
Fax: (970) 641-5005
Email: mike@gunnisonlaw.net
Website: www.gunnisonlaw.net

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From: Aguilar - DORA, Cynthia [mailto:cynthia.aguilar@state.co.us]

Sent: Wednesday, July 17, 2013 3:30 PM

To: undisclosed-recipients:

Subject: Time to renew your HOA Registration

You are receiving this email as a courtesy reminder, reminding you that the HOA registered on your account is set to expire, if you do not know which HOA it set to expire, log in and you will see the dates of expiration by the HOA name. Please disregard this notice if you have already renewed your HOA and please notify me if the HOA that is expired on your account is no longer an HOA you manage and I will be happy to remove it. Section 38-33.3-401(1), C.R.S. requires every unit owners' association organized under §38-33.3-301, C.R.S. to register annually with the Director of the Division of Real Estate. Pursuant to § 38-33.3-401 (3) C.R.S a HOA that fails to register is ineligible to impose or enforce a lien for assessments or to pursue any action or employ any other enforcement mechanism under § 38-33.3-123, C.R.S.

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Cynthia Aguilar
HOA Information & Resource Center
Program Assistant
1560 Broadway St, Suite 925
Denver, Colorado 80202
ph: 303.894.2292

7/23/2013

Kelly Koons

From: james porter [james_r_porter@hotmail.com]
Sent: Saturday, July 20, 2013 3:54 PM
To: Michael O'Loughlin; Kelly Koons
Cc: Mike Draper; Brian Haenisch
Subject: RE: Time to renew your HOA Registration

Mike,

I understand the cost will be the DORA fee of \$16 plus your office fee of \$20. If correct, pls renew our registration. If significantly otherwise, pls call Kelly (641-9125 or me (642-6332).

Thank you for the reminder and service.

Jim Porter

From: mike@gunnisonlaw.net
To: james_r_porter@hotmail.com; kellyk@lfc-ind.com
Subject: FW: Time to renew your HOA Registration
Date: Fri, 19 Jul 2013 10:03:17 -0600

Dear Jim and Kelly,

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Mike

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From: Aguilar - DORA, Cynthia [mailto:cynthia.aguilar@state.co.us]
Sent: Wednesday, July 17, 2013 3:30 PM
To: undisclosed-recipients:
Subject: Time to renew your HOA Registration

7/23/2013

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—
Cynthia Aguilar
HOA Information & Resource Center
Program Assistant
1560 Broadway St, Suite 925
Denver, Colorado 80202
ph: 303.894.2292

Kelly Koons

From: james porter [james_r_porter@hotmail.com]

Sent: Saturday, July 20, 2013 6:00 PM

To: mitzic4435@aol.com; kellyk@lfc-ind.com

Subject: RE: New Board Members

Thank you, Mitzi. We love you and miss you.

Jim

From: Mitzic4435@aol.com

Date: Sat, 20 Jul 2013 17:59:41 -0400

Subject: New Board Members

To: james_r_porter@hotmail.com

I approve the 2012 minutes and the election of Koons, Draper and Haenisch.

See you next week.

7/23/2013

Kelly Koons

From: james porter [james_r_porter@hotmail.com]
Sent: Sunday, July 21, 2013 5:34 PM
To: Mike Draper; Kelly Koons; Brian Haenisch
Subject: RE: ESCA Annual Meeting

Thanks, Mike.

To: james_r_porter@hotmail.com
Subject: Re: ESCA Annual Meeting
From: mdraper767@aol.com
Date: Sun, 21 Jul 2013 17:23:08 -0400

Hi again Jim,
I should have read through things first! Let's try again.....
I approve the 2012 minutes and the election of Koons, Draper and Haenisch

-----Original Message-----

From: james porter <james_r_porter@hotmail.com>
To: james_r_porter <james_r_porter@hotmail.com>; courtdupuy <courtdupuy@aol.com>; garrettmike <garrettmike@sbcglobal.net>; victoria <victoria@pcrs.net>; dongordon <dongordon@modularbank.com>; johnnyborth <johnnyborth@gmail.com>; mitzic4435 <mitzic4435@aol.com>; trout4now <trout4now@hotmail.com>; silentspringresort <silentspringresort@sbcglobal.net>; swood63979 <swood63979@gmail.com>; quail1025 <quail1025@aol.com>; brianhenry165 <brianhenry165@gmail.com>; 77dgeronimo <77dgeronimo@gmail.com>; mdraper767 <mdraper767@aol.com>; davemah <davemah@swbell.net>
Sent: Tue, Jul 16, 2013 10:32 am
Subject: ESCA Annual Meeting

To ESCA Lot Owners/Residents:

Attached are several documents to apprise you of the proceedings of the July 13, 2013 annual meeting of the Estates of Spring Creek Association.

Documents attached are:

Minutes of the July 13, 2013 meeting
Agenda for the meeting
Financial Status
Annual dues calculation for 2013-2014
Minutes of the annual meeting of July 14, 2012

Please note that a **response is needed from you** concerning approval of the 2012 meeting minutes and the election of our Board Committee for the next two years. This is covered in the minutes for the July 13, 2013 minutes for the annual ESCA meeting.

Also, per Exhibit C of the several attachments, please remit your annual dues assessments of \$60 per lot owned to:

Kelly Koons
3318 Abbey Road
Mansfield, TX 76063
Make checks payable to Kelly Koons

7/23/2013

Best to all,

Jim Porter

7/23/2013

Kelly Koons

From: Michael P. O'Loughlin [mike@gunnisonlaw.net]

Sent: Monday, July 22, 2013 9:45 AM

To: 'james porter'; 'Kelly Koons'

Cc: 'Mike Draper'; 'Brian Haenisch'

Subject: RE: Time to renew your HOA Registration

Ok Jim thanks, I received your voicemail too. I will go ahead and renew Spring Creek's membership today. I hope you all are having a fantastic summer!

Mike

Michael P. O'Loughlin
Schumacher & O'Loughlin, LLC
Attorneys at Law
232 W. Tomichi Ave, Suite 204
Gunnison, CO 81230
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From: james porter [mailto:james_r_porter@hotmail.com]

Sent: Saturday, July 20, 2013 2:54 PM

To: Michael O'Laughlin; Kelly Koons

Cc: Mike Draper; Brian Haenisch

Subject: RE: Time to renew your HOA Registration

Mike,

I understand the cost will be the DORA fee of \$16 plus your office fee of \$20. If correct, pls renew our registration. If significantly otherwise, pls call Kelly (641-9125 or me (642-6332).

Thank you for the reminder and service.

Jim Porter

From: mike@gunnisonlaw.net

To: james_r_porter@hotmail.com; kellyk@lfc-ind.com

Subject: FW: Time to renew your HOA Registration

Date: Fri, 19 Jul 2013 10:03:17 -0600

Dear Jim and Kelly,

Please see the message below from the Colorado Department of Regulatory Agencies (DORA) regarding Spring

7/23/2013

Creek's soon to expire registration. Can you please respond to this email, and provide me with direction to renew Spring Creek HOA's DORA registration? Thanks, and I hope you gentlemen are having a wonderful summer,

Mike

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From: Aguilar - DORA, Cynthia [<mailto:cynthia.aguilar@state.co.us>]
Sent: Wednesday, July 17, 2013 3:30 PM
To: undisclosed-recipients:
Subject: Time to renew your HOA Registration

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--

Cynthia Aguilar
HOA Information & Resource Center
Program Assistant
1560 Broadway St, Suite 925
Denver, Colorado 80202
ph: 303.894.2292

7/23/2013

Kelly Koons

From: james porter [james_r_porter@hotmail.com]
Sent: Monday, July 22, 2013 10:12 AM
To: Michael O'Laughlin; Kelly Koons
Cc: Mike Draper; Brian Haenisch
Subject: RE: Time to renew your HOA Registration

Thanks, Mike. Pls send us verification and date that the renewal is effective. Also, if there are verification documents of registration and renewal, pls send them for our records.

Jim

From: mike@gunnisonlaw.net
To: james_r_porter@hotmail.com; kellyk@lfc-ind.com
CC: mdraper767@aol.com; brianhenry165@gmail.com
Subject: RE: Time to renew your HOA Registration
Date: Mon, 22 Jul 2013 08:44:33 -0600

Ok Jim thanks, I received your voicemail too. I will go ahead and renew Spring Creek's membership today. I hope you all are having a fantastic summer!

Mike

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Cc: Mike Draper; Brian Haenisch
Subject: RE: Time to renew your HOA Registration

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7/23/2013

Thank you for the reminder and service.

Jim Porter

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7/23/2013

Cynthia Aguilar
HOA Information & Resource Center
Program Assistant
1560 Broadway St, Suite 925
Denver, Colorado 80202
ph: 303.894.2292

Kelly Koons

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Sent: Monday, July 22, 2013 10:54 AM
To: 'james porter'; 'Kelly Koons'
Cc: 'Mike Draper'; 'Brian Haenisch'
Subject: RE: Time to renew your HOA Registration

Jim,

The registration is effective today. There is no email/record confirmation, as DORA handles these things through a website in which I am a member. The website shows Spring Creek's registration being effective and renewed as of today. Please let me know if you need anything else. Thanks,

Michael P. O'Loughlin
Schumacher & O'Loughlin, LLC
Attorneys at Law
232 W. Tomichi Ave, Suite 204
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Phone: (970) 641-4900
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7/23/2013

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Cynthia Aguilar
HOA Information & Resource Center
Program Assistant
1560 Broadway St, Suite 925
Denver, Colorado 80202
ph: 303.894.2292

7/23/2013

Kelly Koons

From: james porter [james_r_porter@hotmail.com]
Sent: Monday, July 22, 2013 11:34 AM
To: Dale Folks
Cc: Kelly Koons; Brian Haenisch; Mike Draper
Subject: RE: Vote and Dues for 2013-14

Thanks, Dale. Duly recorded.

Date: Mon, 22 Jul 2013 11:27:20 -0500
From: quail1025@aol.com
Subject: Re: Vote and Dues for 2013-14
To: james_r_porter@hotmail.com

Dale & Betty Folks approve the minutes and the nominated committee. If this is not adequate please let me know.

Dale Folks

In a message dated 07/22/13 11:23:18 Central Daylight Time, james_r_porter@hotmail.com writes:

All,

This is a reminder to vote per the instructions in the Annual Meeting update. If you approve of the Minutes of the July 13, 2013 meeting and the Nominated committee of Koons, Draper and Haenisch, please email me with your approval. If you do not approve, please let me know.

Also, dues of \$60 per owned lot is now due. Please send the check to:

KELLY KOONS
3318 ABBEY ROAD (Make check to Kelly Koons)
MANSFIELD, TX 76063

Thank you,

Jim Porter
David Mahone
Kelly Koons

7/23/2013

Kelly Koons

From: james porter [james_r_porter@hotmail.com]
Sent: Monday, July 22, 2013 9:49 PM
To: David Mahone
Cc: Kelly Koons; Mike Draper; Brian Haenisch
Subject: RE: Vote and Dues for 2013-14

Date: Mon, 22 Jul 2013 13:25:25 -0700
From: davemah@swbell.net
Subject: Re: Vote and Dues for 2013-14
To: james_r_porter@hotmail.com

Jim,

I approve the 2012 board minutes as written and the election of Draper, Koons, and Haenisch. Many thanks for your leadership and glad/relieved we're both off the board for now. Brace yourself for my brother Kelly should arrive late tonight. Sister Molly's surgery was successful and she awaits her path reports. Please give my best to Lela and hope to see you both again soon.

Dave

From: james porter <james_r_porter@hotmail.com>
To: james_r_porter@hotmail.com; courtdupuy@aol.com; garrettmike@sbcglobal.net; victoria@pcrs.net; dongordon@modularbank.com; johnnyborth@gmail.com; mitzic4435@aol.com; trout4now@hotmail.com; silentspringresort@sbcglobal.net; swood63979@gmail.com; quail1025@aol.com; brianhenry165@gmail.com; 77dgeronimo@gmail.com; mdraper767@aol.com; davemah@swbell.net
Sent: Monday, July 22, 2013 11:23 AM
Subject: Vote and Dues for 2013-14
Thanks, David.

All,

This is a reminder to vote per the instructions in the Annual Meeting update. If you approve of the Minutes of the July 13, 2013 meeting and the Nominated committee of Koons, Draper and Haenisch, please email me with your approval. If you do not approve, please let me know.

Also, dues of **\$60 per owned lot** is now due. Please send the check to:

KELLY KOONS
3318 ABBEY ROAD
MANSFIELD, TX 76063

(Make check to Kelly Koons)

Thank you,

Jim Porter
David Mahone
Kelly Koons

7/23/2013

Kelly Koons

From: james porter [james_r_porter@hotmail.com]
Sent: Monday, July 22, 2013 9:51 PM
To: John and Ginger Borth
Cc: Kelly Koons; Brian Haenisch; Mike Draper
Subject: RE: Vote and Dues for 2013-14
Thanks, Johnny. Hope to see you soon.

Date: Mon, 22 Jul 2013 13:24:56 -0500
Subject: Re: Vote and Dues for 2013-14
From: johnnyborth@gmail.com
To: james_r_porter@hotmail.com

Jim , the Borth's all approve of the committee nominated

John

On Mon, Jul 22, 2013 at 11:23 AM, james porter <james_r_porter@hotmail.com> wrote:

All,

This is a reminder to vote per the instructions in the Annual Meeting update. If you approve of the Minutes of the July 13, 2013 meeting and the Nominated committee of Koons, Draper and Haenisch, please email me with your approval. If you do not approve, please let me know.

Also, dues of \$60 per owned lot is now due. Please send the check to:

KELLY KOONS
3318 ABBEY ROAD (Make check to Kelly Koons)
MANSFIELD, TX 76063

Thank you,

Jim Porter
David Mahone
Kelly Koons

7/23/2013

Kelly Koons

From: Michael P. O'Loughlin [mike@gunnisonlaw.net]
Sent: Tuesday, July 23, 2013 9:41 AM
To: james porter; Kelly Koons
Cc: mdraper767@aol.com; brianhenry165@gmail.com
Subject: FW: Periodic Report Due for 20121482054 - Estates of Spring Creek Association, Inc.
Attachments: batch_EntityPeriodicReport.html

Dear Spring Creek Board,

As you can see below, this morning I received the renewal notification from the Colorado Secretary of State for the Spring Creek HOA. This is the required annual renewal with the State of Colorado for the corporate entity (this is a separate renewal from DORA). I will renew this registration annually too, as it is required by law, unless I hear otherwise from you all. It is a total charge of \$50 for this renewal, which includes the filing fee with the Secretary of State and my fee.

Michael P. O'Loughlin
Schumacher & O'Loughlin, LLC
Attorneys at Law
232 W. Tomichi Ave, Suite 204
Gunnison, CO 81230
Phone: (970) 641-4900
Fax: (970) 641-5005
Email: mike@gunnisonlaw.net
Website: www.gunnisonlaw.net

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From: Colorado Department of State [mailto:entity.subscribe@sos.state.co.us]
Sent: Tuesday, July 23, 2013 3:45 AM
To: MIKE@GUNNISONLAW.NET
Subject: Periodic Report Due for 20121482054 - Estates of Spring Creek Association, Inc.

7/23/2013

Kelly Koons

From: james porter [james_r_porter@hotmail.com]
Sent: Tuesday, July 23, 2013 11:56 AM
To: kellyk@lfc-ind.com; brianhenry165@gmail.com
Subject: FW: Periodic Report Due for 20121482054 - Estates of Spring Creek Association, Inc.
Attachments: batch_EntityPeriodicReport.html

We now have eleven votes approving minutes and Board. I am no longer authorized to act for ESCA.

Jim

From: mike@gunnisonlaw.net
To: james_r_porter@hotmail.com; kellyk@lfc-ind.com
CC: mdraper767@aol.com; brianhenry165@gmail.com
Subject: FW: Periodic Report Due for 20121482054 - Estates of Spring Creek Association, Inc.
Date: Tue, 23 Jul 2013 08:40:44 -0600

Dear Spring Creek Board,

As you can see below, this morning I received the renewal notification from the Colorado Secretary of State for the Spring Creek HOA. This is the required annual renewal with the State of Colorado for the corporate entity (this is a separate renewal from DORA). I will renew this registration annually too, as it is required by law, unless I hear otherwise from you all. It is a total charge of \$50 for this renewal, which includes the filing fee with the Secretary of State and my fee.

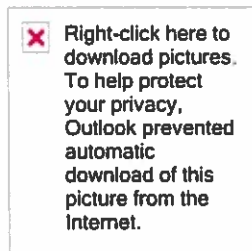
Michael P. O'Loughlin
Schumacher & O'Loughlin, LLC
Attorneys at Law
232 W. Tomichi Ave, Suite 204
Gunnison, CO 81230
Phone: (970) 641-4900
Fax: (970) 641-5005
Email: mike@gunnisonlaw.net
Website: www.gunnisonlaw.net

The information contained in this message comes from a law firm and may be privileged, confidential, and protected from disclosure. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you believe you received this message in error, please inform the sender. Thank you.

From: Colorado Department of State [mailto:entity.subscribe@sos.state.co.us]
Sent: Tuesday, July 23, 2013 3:45 AM
To: MIKE@GUNNISONLAW.NET
Subject: Periodic Report Due for 20121482054 - Estates of Spring Creek Association, Inc.

7/23/2013

--Forwarded Message Attachment--



A Message from the Colorado Secretary of State

The Periodic Report for 20121482054 - Estates of Spring Creek Association, Inc. is due on or before October 31, 2013.

To file your Periodic Report:

- Go to the entity [Summary](#) and click on "File a Document" at the bottom of the page, or
- Go to our website, www.sos.state.co.us. Click on "Businesses, Trademarks, Trade Names", and then on "Periodic report filing".

The Periodic Report must be filed to maintain the Good Standing of this entity, as well as the registered agent and principal office information. If the report is not filed by the due date, this entity will become noncompliant, and a late fee will be imposed when the report is filed.

Protect your business: Help protect your business records from unauthorized changes by setting up free password protection with our [Secure Business Filing](#) system.

This is an automatically generated email. If you would like to contact our office, please send an email to business@sos.state.co.us or call 303-894-2200 and press 2.

If you would like to unsubscribe from this email notification service, visit the [Email Notifications](#) page.

7/23/2013

ESTATES of SPRING CREEK ASSOCIATION

Homeowners Annual Meeting

July 13, 2013

Minutes of Meeting:

The meeting was called to order by President Koons at 2:18 pm. Attendance was as follows:

Attending:

Folks

Haenisch

Koons

Porter

Regrets:

Borth

Camp

Draper

Dorricott

Gordon

Mahone

Woodley

No Response:

Birkholz

Castka

Garrett

A quorum was not present for approving the minutes and electing the Board Committee to serve for the two years beginning July 14, 2013.

The minutes of the July 14, 2012 were reviewed and approved by all those present. President Koons proceeded to follow the published agenda (Exhibit A) and reviewed the Road and Bridge history of the past two years and again confirmed the acceptance by Gunnison County (GC) of both the road and renovated bridge. After extensive correspondence and personal contact with GC, the Quitclaim Deeds were completed by GC and were distributed to those in attendance. For those absent, they will be mailed to each Jolee Trail lot holder. Your tax preparer will need the quitclaim deed to list your deduction for your contribution to rebuild the bridge.

Kelly

Final Set of
July 13, 2013
meeting package.
sent to lot owner 7-16-2013

ESCA Annual Meeting

From: james porter (james_r_porter@hotmail.com)

Sent: Tue 7/16/13 11:31 AM

To: james_r_porter@hotmail.com; courtdupuy@aol.com; garrettmike@sbcglobal.net; victoria@pcrs.net; dongordon@modularbank.com; johnnyborth@gmail.com; mitzic4435@aol.com; trout4now@hotmail.com; silentspringresort@sbcglobal.net; swood63979@gmail.com; quail1025@aol.com; brianhenry165@gmail.com; 77dgeronimo@gmail.com; mdraper767@aol.com; davemah@swbell.net

5 attachments

ESCAMinutes2013.docx (14.5 KB) , ESCA Agenda2013.docx (11.9 KB) ,
ESCAFinStat2013.docx (10.5 KB) , ESCADuesEst2014.docx (11.0 KB) ,
SCHOA71412minutes.docx (14.4 KB)

To ESCA Lot Owners/Residents:

Attached are several documents to apprise you of the proceedings of the July 13, 2013 annual meeting of the Estates of Spring Creek Association.

Documents attached are:

Minutes of the July 13, 2013 meeting
Agenda for the meeting
Financial Status
Annual dues calculation for 2013-2014
Minutes of the annual meeting of July 14, 2012

Please note that a **response is needed from you** concerning approval of the 2012 meeting minutes and the election of our Board Committee for the next two years. This is covered in the minutes for the July 13, 2013 minutes for the annual ESCA meeting.

Also, per Exhibit C of the several attachments, please remit your annual dues assessments of \$60 per lot owned to:

Kelly Koons
3318 Abbey Road
Mansfield, TX 76063
Make checks payable to Kelly Koons

Best to all,

Jim Porter

Exhibit A

ESTATES of SPRING CREEK ASSOCIATION, INC.

HOMEOWNERS ANNUAL MEETING

July 13, 2013

Location: 165 Jolee Trail, Almont, CO

Time: 2:00 PM

AGENDA

Minutes	Porter
Road and Bridge Review and Status	Koons
Financial Update	Koons
Dues Calculation for 2014	Porter
Election of Board/Committee(3)	Koons
Other Business	

Exhibit B

ESTATES of SPRING CREEK ASSOCIATION

Financial Status

Balance as of 7-14-2012	\$308.66	
Collected for ESCA Formation 15x\$176.45	2646.75	
		2955.41
Paid Expenses:		
Legal/Registration for ESCA	2358.25	
State Farm(Liability and D&O Insurance)	625.00	
		2983.25
Deficit as of 7-13-2013		<u>(\$27.84)</u>

Exhibit C

ESTATES of SPRING CREEK ASSOCIATION, INC.

ESTIMATED DUES AMOUNT for July 2013 – June 2014

Liability Insurance	\$625
Annual Renewal:	
Colorado Division of Real Estate	50
Colorado Secretary of State	50
Flowers at Entry	120
Postage and Misc.	25
	<hr/>
	\$870

Per Member = $\$870/15^* = \58

Round to \$60

***Adjusted for member who cannot pay.**

Dues are now due for the period July 13, 2013 – July 12, 2014.

Please remit \$60 per lot owned with your check made out to Kelly Koons.

Mail to: Kelly Koons, 3318 Abbey Road, Mansfield, TX 76063

SPRING CREEK ESTATES
Homeowner's Annual Meeting
July 14, 2012 2 PM

Minutes of Meeting:

Exhibit D

Members Present:

Courtney & Bill Birkholz
*Brian Camp
Bill Doricott
*Barbara & Michael Draper
*Betty & Dale Folks
*Sydna & Don Gordon
*Brian Haenisch
*Kelly Koons
*David Mahone
*Lela & James Porter
*Gail & Steve Woodley

Members Absent:

*John & Jay Borth
Pam & Mike Garrett
Vicki & Wayne Castka

*Dues paid through July 2012. Dues of \$30 now due for 2013.

The meeting was convened at about 2:15 PM by President Koons. A quorum of dues paying members was present. Minutes of the July 9, 2011 meeting had been previously mailed, but were distributed again at the meeting. No revisions were requested and David Mahone moved approval, seconded by Jim Porter. The minutes were unanimously approved.

Agendas were distributed (Exhibit 1) and the first order of business was a report by Sydna Gordon concerning her research of the advisability of registering the Spring Creek Estates Homeowners Association (SCHOA) with the Colorado Secretary of State (CSOS) and the Colorado Division of Real Estate (DORA). Mrs. Gordon presented a comprehensive analysis of the pros and cons of Homeowners Associations (HOA) and recommended that the SCHOA be registered with both the CSOS and DORA. Mrs. Gordon recommended SCHOA engage Michael O'Laughlin, a Gunnison attorney, to draft a set of bylaws that concur with the SCHOA existing Covenants and Restrictions (CCR's) and to properly register with CSOS and DORA. It was agreed that the CCR's are very adequate and have served the SCHOA well since 1978. There are provisions for amendment should a need arise.

Note: For any SCHOA lot owner that wishes to examine the HOA concept and practice further, there is a wealth of information on the internet by searching "HOA" and/or "DORA". If you have the interest, you are urged to make the search.

Subsequently, Bill Doricott presented a motion to engage Michael O'Laughlin for a Q&A/Information session for those who can attend such a meeting. A budget of \$300 was approved for that consultation. Following the Q&A/Information session, a vote will be planned to approve or disapprove the drafting of bylaws and registration.

As an additional note for clarification, the information regarding ownership of the Jolee Trail road is being rechecked as the reference document used was for "Spring Creek Tracts", which is the road south of Jolee Trail that services Dr. Hager and the Kinards.

The next item on the agenda was a report by Kelly Koons concerning the Gunnison County Commissioner's pending hearing concerning ownership of the new bridge. The planned July 17 date has been moved to the commissioner's meeting in August.

Kelly Koons gave a financial update which is attached as Exhibit 2.

There followed a brief discussion of the Williamson property which has been listed for sale. The discussion was for information only and to bring to the attention of lot owners that a buyer may request access via Jolee Trail.

A brief discussion ensued of the deeding process when a purchase is made of one or more of the sixteen platted lots of the Spring Creek Estate development. By deed conveyance, the existing CCR's are a natural and legal part of the deed for the property and are a condition of conveyance.

Due to additional costs for legal assistance from Michael O'Laughlin, the annual dues were raised from \$20 per year to \$30 per year per lot owned. Payment is now due and checks should be made out to Kelly Koons and delivered in person or mailed to: 3318 Abbey Road
Mansfield, TX 76063

Following the business items from the agenda, Mr. Terry Klug, owner of Cowboy Steel, LLC made a presentation to all describing and illustrating, via pictures, the demolition and construction of the renovated Spring Creek Estates bridge. Mr. Klug's presentation was followed by a barbeque dinner hosted by Cowboy Steel (Terry and Julie Klug).

Resolutions were then passed in appreciation to Betty and Dale Folks for providing flowers every year at the entrance to Jolee Trail and to Lela Porter for providing the Porter home for the meeting.

President Koons adjourned the meeting.

Respectfully Submitted,

Kelly Koons
David Mahone
James Porter

July 20, 2012

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2004- 62**

**A RESOLUTION ACCEPTING FOR MAINTENANCE AND SNOWPLOWING
THE ROADS IN SPRING CREEK TRACTS**

Whereas, the Board of County Commissioners and the property owners of the Spring Creek Tracts have entered into an agreement, dated August 3, 2004 by which the roads in Spring Creek Tracts as represented on the plat titled Spring Creek Tracts Amended, dated October 22, 1981, recorded on November 10, 1981 bearing Reception No: 363755, all of which have a 40 foot right of way are to be improved by Gunnison County and the costs of personnel, equipment and materials necessary to perform such improvements allocated between the County and property owners;

WHEREAS, an integral portion of the agreement provides that the roads in Spring Creek Tracts are to be dedicated to and accepted by Gunnison County for maintenance and snowplowing at the expense of Gunnison County;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that:

The entire road known as CR #54 from CR #744 to CR #744 and the spur that extends northeasterly for 400' from the northern access to CR #744, but not the spur that extends from County Road 54 to Spring Creek, all in Spring Creek Tracts be and is accepted by the board of County Commissioners of Gunnison County, Colorado for maintenance and snowplowing at the discretion and expense of Gunnison County.

INTRODUCED by Commissioner Anderson, seconded by Commissioner Starr, and adopted this 7th day of December, 2004.



Attest

Kelly Balch
Clerk Deputy Clerk

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON,
COLORADO**

By Jim Starr, Vice Chairperson
Jim Starr, Commissioner

SPRING CREEK ESTATES IMPROVEMENT COMMITTEE
BYLAWS (As amended July, 1996)

1. Authority

The Spring Creek Estates Improvement Committee, herein known as "The Committee", shall have no authority except as given to it by the majority of owners, and as provided for in the Spring Creek Covenants and Restrictions.

2. Owners

By definition, an owner is any person or persons owning any lot or lots in Spring Creek Estates. See Section 1.01-1 of the Covenants and Restrictions.

Lot or Lots defined under Section 1.01-3 of the Covenants and Restrictions.

3. Annual Meeting

There will be an annual meeting of the owners the Second Saturday in July. The exact time and location of the meeting to be posted on the mail box by County Road 744 at least two weeks prior to the meeting.

4. Committee Members

- A. In odd years, three new Committee Members will be elected for a two year term at the annual meeting.
- B. All owners are eligible to serve on The Committee.
- C. All elections to be by nomination and written ballot.
- D. After the election, the newly elected Committee members may appoint a Recording Secretary to serve a two year term.
- E. If, for any reasons, a Committee member becomes unable to serve, The Committee have the following options:
 - 1) If more than one year is remaining on the Committee members term at the time of the annual meeting, an election will be conducted to replace the member.
 - 2) If less than one year, but more than 6 months remain, The Committee may appoint a replacement to serve the remainder of the term. Whomever is appointed will be eligible to be elected to a full two year term at any time.

3) If less than 6 months remain on the members term, no action will be taken.

5. Who Votes

- A. Each owner shall have one vote per lot.
- B. If an owner is unable to attend the annual meeting, they may vote by letter, if they so desire. There will be no proxy votes.
- C. In case of an emergency, The Committee may conduct a telephone vote.

6. Finances

- A. The Committee has the authority given by the owners, to spend up to but not exceeding \$100 per lot annually, without any other approval. Amounts over \$100.00 per lot annually must be approved by the owners. Each owner will be assessed their portion of the amount spent for each lot they own.
- B. All monies spent must be accounted for by The Committee at the annual meeting.
- C. In the event a Maintenance Fund is deemed necessary by the owners, a Treasurer will be elected to serve for a term of two years, and will give a financial report at the annual meeting.
- D. The owners are to determine the amount of the Maintenance Fund, and how this amount is to be assessed and collected from the owners.
- E. A Committee member, the Treasurer and Recording Secretary may be reimbursed as necessary for incidental expenses (i.e. telephone, postage, etc.).
- F. Any owner who does not pay an assessment in full within 3 months from the date of the assessment, will automatically lose their voting privileges. Voting rights will be restored upon payment in full of assessments.

These bylaws are not a legal instrument and therefore may be in all or in part, added to, deleted from, or changed by a majority vote of the owners.

BYLAWS
ESTATES OF SPRING CREEK ASSOCIATION, INC.
(As amended on October 10, 2012)

ARTICLE I. GENERAL

Section 1.1. Name. The name of the corporation is Estates of Spring Creek Association, Inc. It is a Colorado nonprofit corporation (the "Association").

Section 1.2. Purpose of Bylaws. The purpose for which the Association was formed is to govern the Lots, exercise the rights, powers and authority, and fulfill the duties of the Association, as provided in the Covenants and Restrictions of Spring Creek Estates, and any amendments and supplements thereto, recorded in the office of the Clerk and Recorder of Gunnison County, Colorado ("Covenants"), and the Association's Articles of Incorporation, and any amendments thereto, filed with the Secretary of State of Colorado ("Articles of Incorporation"), and these Bylaws. All Members and any other Person who may use the Lots, or any portion thereof, or any facilities or appurtenances thereto or thereon shall be subject in all respects to the covenants, conditions, restrictions, reservations, easements, regulations, and all other terms and provisions set forth in the Covenants, Articles of Incorporation and Bylaws (collectively "Association Documents"). The mere acquisition, rental or occupancy of any Lot, or any portion thereof, shall signify that all terms and provisions of the Association Documents are accepted and shall be complied with.

Section 1.3. Terms Defined in Covenants. Terms which are defined in the Covenants shall have the same meanings in these Bylaws unless such terms are otherwise defined in these Bylaws.

Section 1.4. Controlling Laws and Instruments. These Bylaws are controlled by and shall always be consistent with the applicable provisions of the Colorado Common Interest Ownership Act ("Act"), the Colorado Revised Nonprofit Corporation Act, the Covenants, as any of the foregoing may be amended or supplemented from time to time. If there is a conflict between these Bylaws and the Covenants or Colorado law, the Covenants and Colorado law are authoritative.

ARTICLE II. OFFICES

Section 2.1. Principal Office. The principal office of the Association shall be at the law offices of Schumacher & O'Loughlin, LLC, located at 232 W. Tomichi Ave., Suite 204, Gunnison, CO 81230. The principal office of the Association shall be as determined by the Board of Directors, but meetings of Members and Directors may be held at such places within the State of Colorado as may from time to time be designated by the Board of Directors of the Association a/k/a the Spring Creek Estates Improvement Committee ("Board").

Section 2.2. Registered Office and Agent. The Colorado Revised Nonprofit Corporation Act requires that the Association have and continuously maintain in the State of Colorado a registered office and a registered agent who resides in the State of Colorado and whose business office is identical with such registered office. The registered office need not be the same as the principal office of the Association. The initial registered office and the initial registered agent are specified in the Articles of Incorporation of the Association, but may be changed by the Association at any time, without amendment to the Articles of Incorporation, by filing a statement as specified by law in the Office of the Secretary of State of Colorado.

ARTICLE III. MEMBERS

Section 3.1. Member. A "Member" of the Association is as defined in the Covenants as an "Owner." The corporation shall have one class of Members.

Section 3.2. Memberships Appurtenant to Lots. Each Membership shall be appurtenant to the fee simple title to a Lot. The Member(s) which has fee simple title to a Lot shall automatically be the holder of the Membership therefore, and the Membership shall automatically pass with fee simple title to

the Lot. No Member may resign his, her or its Membership without the conveyance of fee simple title to the Lot.

Section 3.3. Members' Votes. Each Member shall be entitled to one vote for each Lot which it owns within the Common Interest Community.

Section 3.4. Voting by Joint Members. If there is more than one Member of a Lot, the vote for such Lot shall be exercised as the persons holding such interest shall determine between themselves, provided that in no event shall more than one vote be cast with respect to any Lot. If, however, more than one Member attends a meeting in person or by proxy, and seeks to cast the vote attributable to the Lot, then the act of those Persons owning a majority interest in such a Lot shall be entitled to cast the vote attributable to such Lot.

Section 3.5. Resolution of Voting Disputes. In the event of any dispute as to the entitlement of any Member to vote or as to the results of any vote of Members at a meeting, the Board shall act as arbitrators and the decision of a disinterested majority of the Board shall, when rendered in writing, be final and binding as an arbitration award and may be acted upon in accordance with the Colorado Uniform Arbitration Act of 1975, as amended.

Section 3.6. Suspension of Voting Rights. The Board may suspend the voting rights of a Member during and for up to 60 days following any breach by such Member of any provision of the Covenants or these Bylaws or of any rule or regulation adopted by the Association, unless such breach is a continuing breach, in which case such suspension shall continue for so long as such breach continues and for up to 60 days thereafter.

Section 3.7. Transfer of Memberships on Association Books. Transfers of Memberships shall be made on the books of the Association only upon presentation of a recorded deed showing transfer of such Lot to which the Membership is appurtenant. Prior to presentation of such evidence, the Association may treat the previous owner of the Membership as the owner of the Membership entitled to all rights in connection therewith, including the right to vote and to receive notices.

ARTICLE IV. MEETINGS OF MEMBERS

Section 4.1. Place of Members' Meetings. Meetings of Members shall be held at the principal office of the Association or at such other place as may be fixed by the Board from time to time and specified in the notice of the meeting.

Section 4.2. Annual Meetings of Members. Each regular annual meeting of the Members shall be held on the second Saturday of every July, at a time and location to be designated by the Board. The annual meeting notice shall be posted on the mail box adjacent to County Road 744 at least two weeks prior to such meeting. At each annual meeting in an odd-numbered year, the Members shall elect Directors to fill vacancies and conduct such other business as may properly come before the meeting.

Section 4.3. Special Meetings of Members. Special meetings of the Members may be called by the President and shall be called by the President at the request of Members holding not less than 20% of the total votes of the Association.

Section 4.4. Notice of Meetings. Written notice of each meeting of the Members shall be given by, or at the direction of, the Secretary of the Association or person authorized to call the meeting, not less than 10 nor more than 50 days before the date of the meeting, either by hand delivery or by United States mail, to each Member entitled to vote at such meeting. Such notices shall also be emailed to those Owners who have requested electronic notice. The notice of any meeting must state the time and place of the meeting and the items on the agenda, including the general nature of any proposed amendment to the Covenants, the Articles, or these Bylaws, any budget changes, and any proposal to remove an officer or member of the Board. If mailed, such notice shall be deemed to have been delivered when deposited in the United States mail addressed to the Member at the address designated in writing

by the Member, with postage thereon prepaid; if delivered, such notice shall be deemed to have been delivered on the date of actual delivery thereof.

Section 4.5. Record Date. For the purpose of determining Members entitled to notice of, or to vote at, any meeting of Members or in order to make a determination of such Members for any other proper purpose, the Board may fix, in advance, a date as the record date for any such determination of Members. The record date shall be not more than 50 days prior to the meeting of Members or the event requiring a determination of Members.

Section 4.6. Proxies. A Member entitled to vote may vote in person or by proxy executed in writing by the Member or its duly authorized attorney-in-fact and filed with the Secretary of the Association prior to the time the proxy is exercised. A Member may appoint a proxy by signing an appointment form, either personally or by the Member's attorney-in-fact. A Member may appoint a proxy by transmitting or authorizing the transmission of a telegram, teletype, or other electronic transmission providing a written statement of the appointment to the proxy, to a proxy solicitor, proxy support service organization, or other person duly authorized by the proxy to receive appointments as agent for the proxy or to the Association; except that the transmitted appointment shall set forth or be transmitted with written evidence from which it can be determined that the Member transmitted or authorized the transmission of the appointment. Appointment of a proxy is revoked by the person appointing the proxy: (a) attending any meeting and voting in person; or (b) signing and delivering to the Secretary or other officer or agent authorized to tabulate proxy votes either a writing stating that the appointment of the proxy is revoked or a subsequent appointment form. A proxy shall automatically cease upon the conveyance by a Member of the Lot of the Member and the transfer of the Membership on the books of the Association. No proxy shall be valid after 11 months from its date of execution. A proxy is void if it is not dated or if it purports to be revocable without notice.

Section 4.7. Quorum at Members' Meetings. Except as may be otherwise provided in the Association Documents, and except as hereinafter provided with respect to the calling of another meeting, a quorum is deemed present if persons entitled to cast at least fifty-one percent (51%) of the votes which may be cast for election of the Board are present, in person or by proxy, at the beginning of the meeting. A quorum of Members who are present in person or by proxy at a duly organized meeting may continue to transact business until adjournment, notwithstanding the withdrawal of Members so as to leave less than a quorum.

Section 4.8. Vote Required at Members' Meetings. At any Members' meeting, if a quorum is present, in person or by proxy, a majority of the votes present in person or by proxy and entitled to be cast on a matter shall be necessary for the adoption of the matter, unless a greater percentage is required by law, the Covenants, the Articles of Incorporation or these Bylaws.

Section 4.9. Cumulative Voting Not Permitted. Cumulative voting by Members is not permitted.

Section 4.10. Action of Members Without a Meeting. Any action required to be taken or which may be taken at a meeting of Members may be taken without a meeting if a consent, in writing, setting forth the action so taken, shall be signed by two-thirds (2/3) of the Members entitled to vote with respect to the subject matter thereof. All such writings must be received by the Association within 60 days after the date the notice requesting action is sent to the Members. Any such writing may be received by the Association by electronically transmitted facsimile or other form of wire or wireless communication providing the Association with a complete copy thereof, including a copy of the signature thereto. Action taken pursuant to this Section shall be effective when the last writing necessary to effect the action is received by the Association, unless the writings describing and consenting to the action set forth a different effective date.

Section 4.11. Action by Written Ballot. Any action that may be taken at any annual, regular, or special meeting of Members may be taken without a meeting if the Association delivers a written ballot to every Member entitled to vote on the matter. A written ballot shall set forth each proposed action and provide an opportunity to vote for or against each proposed action. Approval by written ballot pursuant to

this Section shall be valid only when the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action, and the number of approvals equals or exceeds the number of votes that would be required to approve the matter at a meeting at which the total number of votes cast was the same as the number of votes cast by ballot. All solicitations for votes by written ballot shall indicate the number of responses needed to meet the quorum requirements; state the percentage of approvals necessary to approve each matter other than election of directors; specify the time by which a ballot must be received by the Association in order to be counted; and be accompanied by written information sufficient to permit each person casting such ballot to reach an informed decision on the matter. In the event the action is for election of Directors, there shall be space on the ballot to write in nominations. Action taken under this Section has the same effect as action taken at a meeting of Members and may be described as such in any document.

ARTICLE V. BOARD OF DIRECTORS

Section 5.1. General Powers and Duties of Board. The Board of Directors shall have the duty to manage and supervise the affairs of the Association and shall have all powers necessary or desirable to permit it to do so. Without limiting the generality of the foregoing, the Board shall have the power to exercise or cause to be exercised all of the powers, rights and authority not reserved to Members in the Covenants, the Articles of Incorporation, these Bylaws, the Act or the Colorado Revised Nonprofit Corporation Act.

Section 5.2. Qualifications of Directors. A Director shall be a natural person who is 21 years of age or older and must be a Member or, if the Member is not a natural person, but is an entity, then a Director must be an authorized agent of such entity. If a Director conveys or transfers title to his or her Lot, then such Director's term shall immediately terminate and a new Director shall be selected as promptly as possible to take such Director's place.

Section 5.3. Number of Directors. The affairs of the Association shall be managed by a Board of three (3) Directors. The number of Directors may be increased or decreased from time to time by amendment to these Bylaws provided that the number of Directors, except as specified in this Section 5.3, shall not be less than three and no decrease in number shall have the effect of shortening the term of any incumbent Director.

Section 5.4. Term of Office of Directors. In odd-numbered years, three (3) Directors shall be elected for a term of two (2) years at the annual meeting of the Members.

Section 5.5. Nomination. Nominations to the Board may be made from the floor at any Member meeting, or by written notice by a Member received by the Association prior to the annual meeting.

Section 5.6. Election. Election to the Board shall be by secret written ballot. At such election the Members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Covenants. In the case of elections in which there are two or more candidates, the person (or persons if there is more than one seat to be filled) receiving the highest number of votes cast shall be elected.

Section 5.7. Removal and Vacancies of Directors. Sixty-seven percent (67%) of the votes cast at any meeting of the Members at which a quorum is present (in person, and not by proxy), may remove any member of the Board of Directors with or without cause. Any vacancy occurring in the Board (by reason of death, resignation or removal of a Director, or an increase in the number of directors) or any newly created directorship resulting from any increase in the authorized number of directors shall be selected by a majority of the remaining members of the Board not later than the second regular meeting of the Board following such death, resignation or removal, whether or not such remaining members constitute a quorum, and shall serve for the unexpired term of the Director being replaced.

Section 5.8. Resignation of Director. Any Director may resign at any time by giving written notice to the President, to the Secretary or to the Board stating the effective date of such resignation. Acceptance of such resignation shall not be necessary to make the resignation effective.

Section 5.9. Compensation. No Director shall receive compensation from the Association for serving on the Board. However, any Director may be reimbursed for actual expenses incurred in the performance of the Director's duties. Further, no Director shall, directly or indirectly, be under contract with, or have any arrangement with, the Association to provide any goods or services while such Director is a member of the Executive Board.

ARTICLE VI. MEETINGS OF DIRECTORS

Section 6.1. Place of Directors' Meetings. Meetings of the Board shall be held at the principal office of the Association or at such other place as may be fixed from time to time by the Board and specified in the notice of the meeting.

Section 6.2. Regular Meetings of Directors. The Board shall hold regular meetings at least annually and may, by resolution, establish in advance the times and places for regular meetings. No prior notice of any regular meetings need be given after establishment of the times and places thereof by resolution.

Section 6.3. Special Meetings of Directors. Special meetings of the Board may at any time be called by the President or any two members of the Board, upon not less than two (2) days' notice to each Director.

Section 6.4. Open Meetings. All regular and special meetings of the Board shall be open to attendance by all Members or their representatives, except that the Board may hold an executive or closed door session and may restrict attendance to Board members and other persons specified by the Board. The matters to be discussed at such an executive session may include the following matters: (a) matters pertaining to employees of the Association or involving the employment, promotion, discipline, or dismissal of an officer, agent, or employee of the Association; (b) consultation with legal counsel concerning disputes that are the subject of pending or imminent court proceedings or matters that are privileged or confidential between attorney and client; (c) investigative proceedings concerning possible or actual criminal misconduct; (d) matters subject to specific constitutional, statutory, or judicially imposed requirements protecting particular proceedings or matters from public disclosure; or (e) any matter the disclosure of which would constitute an unwarranted invasion of individual privacy.

Section 6.5. Quorum of Directors. A majority of the number of Directors fixed in these Bylaws in office immediately before the meeting begins shall constitute a quorum for the transaction of business.

Section 6.6. Vote Required at Directors' Meeting. At any meeting of Directors, if a quorum is present, a majority of the votes present in person and entitled to be cast on a matter shall be necessary for the adoption of any matter, unless a greater proportion is required by law, the Covenants, the Articles of Incorporation or these Bylaws.

Section 6.7. Officers at Meetings. The President shall act as chairman and the Board shall elect a Director to act as secretary at all meetings of Directors.

Section 6.8. Waiver of Notice. A waiver of notice of any meeting of the Board, signed by a Director, whether before or after the meeting, shall be equivalent to the giving of notice of the meeting to such Director.

Section 6.9. Action of Directors Without a Meeting. Any action required to be taken or which may be taken at a meeting of Directors may be taken without a meeting if each and every member of the Board in writing either: (a) votes for such action; or (b) votes against such action or abstains from voting; and waives the right to demand that a meeting be held. Action is taken under this Section only if

the affirmative vote for such action equals or exceeds the minimum number of votes that would be necessary to take such action at a meeting at which all of the Directors then in office were present and voted. No action taken pursuant to this Section shall be effective unless writings describing the action taken and otherwise satisfying the requirements of this Section, signed by all Directors and not revoked pursuant to the provisions of this Section, are received by the Association. Any such writing may be received by the Association by electronically transmitted facsimile or other form of wire or wireless communication providing the Association with a complete copy of the document, including a copy of the signature on the document. Action taken pursuant to this Section shall be effective when the last writing necessary to effect the action is received by the Association, unless the writings describing the action taken set forth a different effective date. Action taken pursuant to this Section has the same effect as action taken at a meeting of Directors and may be described as such in any document. All signed written instruments necessary for any action taken pursuant to this Section shall be filed with the minutes of the meetings of the Board of Directors.

Section 6.10. Participation by Electronic Means. Unless otherwise provided in the Bylaws, the Board may permit any Director to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all Directors participating may hear each other during the meeting. A Director participating in a meeting by this means is deemed to be present in person at the meeting.

ARTICLE VII. POWERS AND DUTIES OF THE BOARD

Section 7.1. Powers. The Board shall have and may exercise all the powers of the Association except such as are expressly conferred upon the Members by the Covenants, the Articles of Incorporation, or these Bylaws. In addition to its general powers, the Board shall have the authority, acting through the Association's officers (subject to any and all limitations upon such powers as set forth in the Covenants, the Articles of Incorporation, or these Bylaws) to:

- a. Suspend the voting rights and the right of a Member to use Common Element amenities for infraction of published Association Covenants or Bylaws for up to sixty (60) days, unless such infraction is a continuing infraction, in which case such suspension shall continue for so long as such infraction continues and for up to sixty (60) days thereafter;
- b. Enter into, make, perform or enforce contracts, licenses, leases and agreements of every kind and description;
- c. Exercise for the Association all powers, duties and authority vested in or delegated to the Association and not reserved to the membership by other provisions of these Bylaws, the Articles of Incorporation or the Covenants;
- d. Employ a manager, an independent contractor, or such other employees as they deem necessary, and prescribe their duties; and
- e. Provide for Notice and Hearing in compliance with the provisions of these Bylaws, through promulgation of procedures therefore.

Section 7.2. Duties. It shall be the duty of the Board to:

- a. Cause to be kept a complete record of all its acts and corporate affairs and present a statement thereof to the Members at the annual meeting of the Members, or at any special meeting when such statement is requested in writing by Members entitled to cast at least 37.5% of the votes at such meeting;
- b. Supervise all Officers, agents, and employees of the Association, and see that their duties are properly performed;
- c. As more fully provided in the Covenants, to:
 - (1) Determine the amount of the annual assessment against each Lot, from time to time, in accordance with the Association budget, and revise the amount of the annual assessment if such budget is rejected by the Members; and
 - (2) Foreclose the lien against any Lot for which assessments are not paid, or bring an action at law against the Member personally obligated to pay the same;

d. Issue, or cause an appropriate Officer or authorized agent to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made by the Board for the issuance of these certificates. If a certificate states that an assessment has been paid, such certificate shall be conclusive evidence of such payment as to all persons who rely thereon in good faith;

e. Procure and maintain insurance for the Association as needed;

f. Provide for maintenance, repair and reconstruction of the Common Elements; and

g. Keep financial records sufficiently detailed to enable the Association to comply with the requirement that it prove statements of unpaid assessments. All financial and other records shall be made reasonably available for examination by any Member and such Member's authorized agents.

Section 7.3. Limitation on Powers. The Board may not act on behalf of the Association to amend the Covenants, to terminate this Common Interest Community, or to elect members of the Board or determine the qualifications, powers and duties, or terms of office of Board members, but the Board may fill vacancies in its membership for the unexpired portion of any term.

ARTICLE VIII. OFFICERS

Section 8.1. Officers, Employees and Agents. The officers of the Association shall consist of a President, a Vice President, a Secretary, a Treasurer and such other officers, assistant officers, employees and agents as may be deemed appropriate or necessary by the Board from time to time. Officers other than the President need not be Directors. The offices of President and Secretary may not be held by the same person. However, any person may simultaneously hold two or more of any of the other offices.

Section 8.2. Appointment and Term of Office of Officers. The officers shall be appointed by the Board at the first meeting of the Board held subsequent to the annual meeting of the Members, and shall hold office for two (2) years, unless the officer sooner resigns or is removed, or shall otherwise be disqualified to serve.

Section 8.3. Removal of Officers. Any officer, employee or agent may be removed by the Board, with or without cause, whenever in the Board's judgment the best interests of the Association will be served thereby.

Section 8.4. Resignation of Officers. Any officer may resign at any time by giving written notice to the President, to the Secretary or to the Board stating the effective date of such resignation. Acceptance of such resignation shall not be necessary to make the resignation effective.

Section 8.5. Vacancies in Officers. Any vacancy occurring in any position as an Officer may be filled by the Board. An Officer appointed to fill a vacancy shall be appointed for the unexpired term of its predecessor in office.

Section 8.6. President. The President shall be a member of the Board and shall be the principal executive officer of the Association. The President shall preside at all meetings of the Board.

Section 8.7. Vice President. The Vice President, if appointed, may act in place of the President in case of his or her death, absence or inability to act, and shall perform such other duties and have such authority as is from time to time delegated by the Board or by the President.

Section 8.8. Secretary. The Secretary shall be the custodian of the records of the Association; shall see that all notices are duly given in accordance with the provisions of these Bylaws and as required by law and that the books, reports and other documents and records of the Association are properly kept and filed; shall take or cause to be taken and shall keep minutes of the Board; shall keep a record of the names and addresses of the Members; and, in general, shall perform all duties incident to the office of Secretary and such other duties as may, from time to time, be assigned by the Board or by the President.

Section 8.9. Treasurer. The Treasurer shall deposit all funds in such depositories as shall be designated by the Board; shall keep correct and complete financial records and books of account and records of financial transactions and condition of the Association and shall submit such reports thereof as the Board may, from time to time, require; shall arrange for the annual report required in these Bylaws; and, in general, shall perform all the duties incident to the office of Treasurer and such other duties as may from time to time be assigned to it by the Board or by the President.

Section 8.10. Bonds. The Association shall require fidelity bonds or insurance (if available) covering officers or other persons handling funds of the Association.

ARTICLE IX. INDEMNIFICATION OF OFFICIALS AND AGENTS

Section 9.1. Certain Definitions. A "Corporate Official" shall mean any Director or Officer, and any former Director or Officer, of the Association. A "Corporate Employee" shall mean any employee, and any former employee, of the Association. "Corporate Official" and "Corporate Employee" shall not include any officer, director, agent or employee of any managing agent employed by the Association, and no such person shall have right of indemnification hereunder. "Expenses" shall mean all costs and expenses including attorney's fees, liabilities, obligations, judgments and any amounts paid in reasonable settlement of a Proceeding. "Proceeding" shall mean any claim, action, suit or proceeding, civil or criminal, whether threatened, pending or completed, and shall include appeals.

Section 9.2. Right of Indemnification. The Association shall indemnify any Corporate Official and may, in the discretion of the Board, indemnify any Corporate Employee, against any and all Expenses actually and reasonably incurred by or imposed upon it in connection with, arising out of, or resulting from, any Proceeding in which it is or may be made a party by reason of (a) actual or alleged error or misstatement or misleading statement or act or omission or neglect or breach of duty while acting in an official capacity as a Corporate Official or Corporate Employee, or (b) any matter claimed against it solely by reason of being a Corporate Official or Corporate Employee. The right of indemnification shall extend to all matters as to which a majority of directors of the Association by resolution, or independent legal counsel in a written opinion, shall determine that the Corporate Official or Corporate Employee acted in good faith and such person reasonably believed that the conduct was in the Association's best interests and had no reasonable cause to believe that its conduct was improper or unlawful. The right of indemnification shall not extend to matters as to which the Corporate Office or Corporate Employee is finally adjudged in an action, suit or proceeding to have been liable for gross negligence or willful misconduct in the performance of its duty except to the extent that a court may determine, upon application, that despite such adjudication of liability, but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity. The right of indemnification shall not extend to any matter as to which said indemnification would not be lawful under the laws of the State of Colorado.

Section 9.3. Rights Not Exclusive. The right of indemnification herein provided shall not be exclusive of other rights to which such Corporate Official or Corporate Employee may be entitled.

Section 9.4. Authority to Insure. The Association may purchase and maintain liability insurance on behalf of any Corporate Official or Corporate Employee against any liability asserted against it as a Corporate Official or Corporate Employee or arising out of its status as such, including liabilities for which a Corporate Official or Corporate Employee might not be entitled to indemnification hereunder.

ARTICLE X. NOTICE AND HEARING

Section 10.1. Notice and Hearing. In all instances where the Colorado Common Interest Ownership Act as amended from time to time, the Colorado Revised Nonprofit Corporation Act, as amended from time to time, the Covenants, or these Bylaws require notice and hearing, the Board shall comply with the following:

- (a) **Demand.** Written demand to cease and desist from the alleged violation shall be served upon the alleged violator specifying:
 - (i) the alleged violation;

(ii) the action required to abate the violation, and
(iii) a time period, not less than five (5) days, during which the violation may be abated without further sanction, if such violation is a continuing one, or a statement that any additional similar violation may result in the imposition of a sanction after notice and an opportunity for hearing, if the violation is not continuing.

(b) Notice. At any time within twelve (12) months of such demand, if the violation continues past the period allowed in the demand for abatement without penalty or if the same or a substantially similar rule is subsequently violated, the Board, or its delegate, shall serve the violator with written notice of a hearing to be held by the Board (the "Notice"). The Notice shall contain:

- (i) the nature of the alleged violation;
- (ii) the time and place of the hearing, which time shall not be less than fifteen (15) days from the giving of the Notice;
- (iii) an invitation to attend the hearing and produce any statement, evidence, and witness on his or her behalf; and
- (iv) the proposed sanction to be imposed.

(c) Hearing. The Hearing shall be held pursuant to this Notice affording the Member a reasonable opportunity to be heard. Prior to the effectiveness of any sanction hereunder, proof of Notice and the invitation to be heard shall be placed in the minutes of the meeting. Such proof shall be deemed adequate if a copy of the Notice, together with a statement of the date and manner of delivery, is entered by the Officer, Director, or agent who delivered such Notice. The Notice requirement shall be deemed satisfied if the alleged violator appears at the meeting. If the Notice requirements have been met, and the alleged violator does not appear at the meeting, the alleged violator will be deemed to have waived his or her opportunity for a hearing. The minutes of the meeting shall contain a written statement of the results of the hearing and the sanction, if any, imposed. The decision of the Board shall be final. However, in no event shall the Board suspend a Member's right to use the common areas or voting rights for infraction of the Association's Covenants or Bylaws for a period in excess of sixty (60) days, unless such infraction is a continuing infraction, in which case such suspension may continue for so long as such infraction continues and for up to sixty (60) days thereafter. These procedures shall not be necessary, in order to impose any sanction or penalty for nonpayment of Assessments.

Section 10.2. Hearing Committee. In any instance that requires a hearing, the President may appoint a Hearing Committee ("Hearing Committee") of three natural persons who need not be Members of the Association. In appointing the members of the Hearing Committee, the President should make a good-faith effort to avoid appointing next-door neighbors of the respondent or any Members who are essential witnesses to the alleged violation giving rise to the complaint. The decision of the President shall be final, except that the respondent may challenge any member of the Hearing Committee for cause, where a fair and impartial hearing cannot be afforded, at any time prior to the taking of evidence at the hearing. In the event of such a challenge, the Board shall meet to determine the sufficiency of the challenge, without the President voting. If such a challenge is sustained, the President shall appoint another member to replace the challenged member of the Hearing Committee. All decisions of the Board in this regard shall be final. The Hearing Committee shall elect a chairperson and appoint a hearing officer who shall take evidence and ensure that a proper record of all proceedings is maintained.

ARTICLE XI. MISCELLANEOUS

Section 11.1. Amendment of Bylaws. The Board shall have the power to alter, amend or repeal these Bylaws or any provision herein, or to adopt new Bylaws. Notwithstanding the foregoing, no alteration or amendment shall result in a change of the rights, privileges, preferences, restrictions, or conditions of a membership class as to voting, dissolution, redemption, or transfer. Further, the Members, at a meeting called for that purpose, shall also have the power to alter, amend or repeal these Bylaws or any provision herein, or to adopt new Bylaws. If, however, the Members shall make, amend or repeal any bylaw, the Board shall not thereafter amend the same in such manner as to defeat or impair the object of the Members in taking such action. The Bylaws may contain any provision for the regulation or management of the affairs of the Association not inconsistent with law, the Covenants or the Articles of Incorporation.

Section 11.2. Execution, Certification and Recording Amendments to Covenants. The President, or the Vice President in the President's absence, shall prepare, execute, certify and record amendments to the Covenants on behalf of the Association.

Section 11.3. Books and Records. The Association shall keep as permanent records minutes of all meetings of its Members and Board, a record of all actions taken by the Members or Board without a meeting, and a record of all waivers of notices of meetings of Members and of the Board. The Association shall maintain appropriate accounting records, and the Association or its agent shall maintain a record of its Members in a form that permits preparation of a list of the name and address of all Members in alphabetical order. The Association shall maintain its records in written form or in another form capable of conversion into written form within a reasonable time. The Association shall keep a copy of each of the following records: (a) its Articles of Incorporation; (b) its Bylaws; (c) resolutions adopted by the Board relating to the characteristics, qualifications, rights, limitations, and obligations of Members; (d) the minutes of all Members' meetings, and records of all action taken by Members without a meeting, for the past three years; (e) all written communications within the past three years to Members generally as Members; (f) a list of the names and business or home addresses of its current Directors and Officers; (g) a copy of its most recent corporate report delivered to the Colorado Secretary of State; and (h) all financial statements prepared for periods ending during the last three years, including assets and liabilities and results of operations.

Section 11.4. Inspection of Books and Records. A Member is entitled to inspect and copy, during regular business hours at a location as designated by the Association, any of the records of the Association described in Section 11.3 (a) through (h) above, if the member gives the Association written demand at least five business days before the date on which the Member wishes to inspect and copy such records. A Member is entitled to inspect and copy, during regular business hours at a reasonable location specified by the Association, any of the other records of the Association if the Member gives the Association written demand at least five business days before the date on which the Member wishes to inspect and copy such records, and if (a) the Member has been a Member for at least three months immediately preceding the demand to inspect or copy; (b) the demand is made in good faith and for a proper purpose; (c) the Member describes with reasonable particularity the purpose and the records the Member desires to inspect; and (d) the records are directly connected with the described purpose. For purposes of this Section "proper purpose" means a purpose reasonably related to the demanding member's interest as a member.

Section 11.5. Statement of Account. The Association shall furnish to a Member, or to a Security Interest Holder or its designee, upon written request delivered personally or by certified mail, first class postage prepaid, return receipt, to the Association, a written statement setting forth the amount of unpaid Assessments currently levied against such Member's Lot. The statement shall be furnished within fourteen (14) calendar days after receipt of the request and is binding on the Association. The Association shall have the right to charge a reasonable fee for the issuance of such certificate.

Section 11.6. Limited Liability. Except as may otherwise be provided by law or as provided in the Articles of Incorporation, the Association, the Board, and any Officer, Director, Member, agent or employee of any of the same, shall not be liable to any Person for any actions taken or omissions made in the performance of such person's duties.

Section 11.7. Minutes. Minutes or any similar records of the meetings of Members or of the Board, when signed by the Secretary or acting Secretary of the meeting, shall be presumed to truthfully evidence the matters set forth therein. A recitation in any such minutes that notice of the meeting was properly given shall be prima facie evidence that the notice was given.


Section 11.8. Checks, Drafts and Documents. All checks, drafts or other orders for payment of money, notes or other evidence of indebtedness, issued in the name of or payable to the Association, shall be signed or endorsed by such person or persons, and in such manner as, from time to time, shall be determined by resolution of the Board.

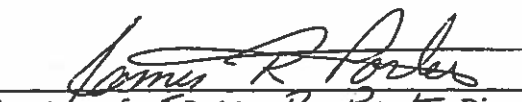
Section 11.9. Execution of Documents. The Board, except as these Bylaws otherwise provide, may authorize any officer or officers, agent or agents, to enter into any contract or execute any instrument in the name and on behalf of the Association, and such authority may be general or confined to specific instance; and unless so authorized by the Board, no officer, agent or employee shall have any power or authority to bind the Association by any contract or engagement or to pledge its credit or to render it liable for any purpose or in any amount.

Section 11.10. Fishing Policy. The fishing policy for Members and their guests on Spring Creek within the Association's fishing easement is as follows:

- a. Only an artificial lure on a single barbless hook may be used.
- b. Any fish that is caught must be immediately returned to the waters of Spring Creek.

Dated this 10TH day of OCTOBER, 2012.


[Signature of B. Kelly Knapp, Director]


[Signature of James R. Porter, Director]

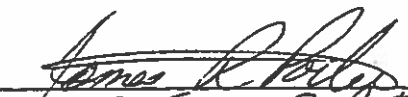
[Signature of _____, Director]

CERTIFICATION

I, the undersigned, do hereby certify:

That I am the duly elected and acting Secretary of Estates of Spring Creek Association, Inc., a Colorado nonprofit corporation, and that the foregoing Bylaws constitute the Bylaws of said Association, as duly adopted at a meeting of the Members, held on OCTOBER 5, 2012.

Dated this 10TH day of OCTOBER, 2012.


[Signature of James R. Porter, Secretary]


Section 11.9. Execution of Documents. The Board, except as these Bylaws otherwise provide, may authorize any officer or officers, agent or agents, to enter into any contract or execute any instrument in the name and on behalf of the Association, and such authority may be general or confined to specific instance; and unless so authorized by the Board, no officer, agent or employee shall have any power or authority to bind the Association by any contract or engagement or to pledge its credit or to render it liable for any purpose or in any amount.

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Dated this 10TH day of OCTOBER, 2012.

[Signature of _____, Director]



[Signature of David Mahone, Director]

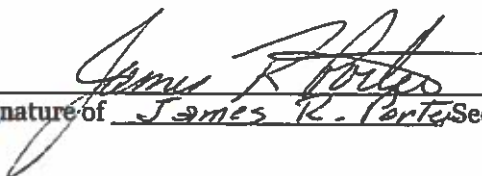
[Signature of _____, Director]

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Dated this 10TH day of OCTOBER, 2012.



[Signature of James R. Porter, Secretary]

James Porter
Sept. 19, 2012

Homeowners Association Meeting July 14, 2012

Homeowners Discussion Sydney Gordon

1. Where we are.
2. Recommendations & why.
3. Path to the future.

I. Where we are

A. Owners

B. Deed restrictions

1. Covenants - are in deed restrictions.

2. Covenants - allow bylaws

C. Common area - Road & bridge

Each owner has interest whether on the road or not.

D. Fishing easement

1. All owners have rights in the fishing easement.

2. Not a common area - owned by those with creek frontage, subject to fishing easement for all.

E. Covenants

(1) Improvement Committee

3 members

(2) Enforce covenants & restrictions, including architectural

Animals

Setbacks

Minimum size

Maintenance of common areas

F. Since 1978, we have been operating as an HOA

G. County -

(1) Question whether accepted road for maintenance only or ownership.

(2) Bridge - same question
Is it still owned by Spring Creek Estates?

H. Our covenants

(1) Can assess & collect

a. ~~Our~~ Our assessments up to now have been voluntary

b. ~~We~~ We could, with changes to our bylaws, assess & collect

c. (4) 6 years to collect under current law

{2} Can enforce building restrictions
But must do so in one year
from the date of the violation
of the building restrictions.

I. Colorado Community Interest
Ownership Act
(Kiowa) cioa

{1} 1992

{2} Many, but not all, provisions
apply to Common Interest
Communities begun earlier.

{3} DORA Registration

§3-311

J. A Important provision of Kiowa
Any action alleging an act
or omission by the association
must be ~~brought~~ brought
against the association,
not the individual owners.

{2} Therefore, if a lawsuit for
damages or injuries
occurring on common areas,
they cannot sue individual
owners

{3} A This does not apply
to us.

II. Recommendation:

incorporate as a non-profit.

A. Benefits

(1) Take advantage of protection from liability for common areas

(2) Take advantage of KIOWA's treatment of assessments

a. Statutory lien

b. No need to file a lien in deed records, because the assessment is the lien.

c. Priority status for 6 years

3. We could continue ~~to~~ as we are and try to cover ourselves with individual umbrella insurance

a. Dangers

~~(1) An insurance company could allege we are "illegally" operating as HOA & deny coverage if a claim were made based on common area incident.~~

(2) No reason to leave ourselves open to being a test case.

3. Eliminate dangers of continuing as we are doing.
a. Trying to cover ourselves individually with umbrella policies is a danger because the

4. A benefit of incorporating would be eliminating uncertainties.

B. Negatives

1. Concerns about HOA powers.

a. Gunnison County case - tool shed addition where HOA fined homeowner \$1,000 per day and eventually sued to foreclose the resulting \$1600,000 assessment.

b. Address such concerns by voting.

2. Cost

a. \$1,000 - 1,500 start-up

b. Ongoing filing fees for CPA, and some attorney's fees.

III. Path to incorporating if we want to do so.

A. Call a special meeting with 10 days notice.

1. Be specific as to what will be voted on.

a. Vote on whether to incorporate as a non-profit corporation

- b. Vote to elect 3 initial directors
- c. Vote to expend money for an attorney + costs of incorporating, and to assess each lot owner a pro-rata amount per lot

2. Officers + Directors elected later.

B. Covenants are controlling. By-laws must not conflict with our covenants.

C. Considerations for our next annual meeting might include

1. Changing by-laws

a. Animals - some HOA's have power to impound loose animals. Do we want to include or exclude powers regarding pets?

b. Repairs

c. Fines or penalties?

We have never assessed but our covenants do not prohibit them.

D. Attorney recommendation -
Mike O'Laughlin in Gunnison

2015 SPRING CREEK HOMEOWNERS MEETING

In attendance: Dale and Betty Folks, Jim and Lela Porter, Brian and Nancy Haenisch, Steve Woodley, Brian Camp, Kelly Koons, and Mike and Barbara Draper.

The meeting this year is graciously hosted by Brian and Nancy Haenisch.

The meeting was brought to order at 1615 on July 11, 2015.

The first order of business was the reading of the 2014 minutes, which were approved as read.

Kelly Koons went over the finances. We had a positive cash flow of \$25, with a total of \$70 in the account. The separate stream account has \$653.15 remaining. A discussion took place over what should be done with the leftover stream account money and it was decided to leave it as is for possible future use. The cost of the flowers that Betty Folks so graciously purchases and plants for the entryway each year is increasing and it was decided that dues should be raised to \$65/yr to cover the increase.

The bridge and road are in good order and are being properly maintained by the county. Mag. Chloride will be added later in the summer.

Brian Haenisch offered to approach our new neighbors, Kyle and Laura Shannon, about the possible sharing of fishing rights on spring creek.

We had two lots that did not pay dues this year. Kelly went on record that he did not wish to be responsible as a bill collector. After a discussion it was decided that a letter, along with a roster of who paid, should be sent out in an effort to collect dues owed. Steve Woodley volunteered his services.

All the current officers agreed to remain for another term.

The meeting was adjourned at 1700.

Michael Draper
Secretary

P.S. Please make dues payments directly to "Kelly Koons"

164 Jolee Trail
Almont CO 81210

UPDATE LETTER

ESTATES of SPRING CREEK ASSOCIATION, INC. (ESCA)

November 6, 2012

To: ESCA Lot owners

This update culminates a host of activity that has occurred regarding our Spring Creek community of lot owners in the past 18 months. Your Board of Directors wishes to thank you all for the exceptional degree of participation and support for: A) renovating our bridge, B) achieving Gunnison County ownership of the bridge and road, C) reaching legal standing with the state of Colorado, and D) securing general liability protection for our lot owners.

This packet contains several documents that we **recommend you keep in your files concerning your property. They are as follows:**

1) Registration documents from the Colorado Secretary of State. DORA documents are on file and can only be accessed at their website. If you wish to have the password and user ID for this registration, please contact one of your board members or Michael O'Loughlin, our attorney for this information.

2) Our By Laws, as constructed by your board (per Section 2 of our Covenants and Restrictions (C&R)) and our attorney. These have been made as simply as the Colorado law allows and do conform to Colorado law.

3) By Laws and C&R Amendments as previously voted by lot owners in years past. These have been formalized and recorded with the Gunnison County Clerk. These amendments relate to Sections 5.00, 5.01, 7.02, and 8.01 of the C&R.

4) A copy of the C&R's are included for your files. These and the By Laws become important documents in the event you transfer title to your property.

5) A summary of costs that have been incurred during this period of time.

a) Bridge renovation summary. **Fully Paid**

b) Late billing from Williams Engineering for Flood Plain Certificate.

Fully Paid

c) Legal costs. Payment for this invoice has been advanced by your board president. **An assessment of \$176.45 is due from each lot owner (see financial summary).**

6) A cover page for our General Liability insurance coverage from State Farm. The assessment for the \$625.00 per year premium is included in the \$176.45 in item 5 above. We thank Steve Woodley for arranging for this policy.

7) The quitclaim letter is still pending completion by the county attorney.

Questions are welcome and can be addressed to any of your board members.

Respectfully,

Kelly Koons

David mahone

Jim Porter

Choose

Disclosure Center

Register HOA

Renew

Make Payment

Transfer Requests

Search

Reports

Profile

Log Off

[Help](#)**Disclosure Center for Michael O'Loughlin**

To start adding HOAs to your account, click on the Register HOA button just to the left of this message.

Reminders

No reminders found.

Transfer Requests**Requests to Transfer HOAs to Me**

	SOS			Original	
Name	ID	Number	Registered	Registrant	Requested Sta

No transfer requests found.

Requests to Transfer My HOAs to Someone Else

	SOS			Requesting	
Name	ID	Number	Registered	Registrant	Requested Sta

No transfer requests found.

HOA Information

Name	SOS ID	Number	Registered	Expiration	Status
	19871466154	22869	02/08/2011	02/22/2013	Active
	19871406567	22882	02/08/2011	02/22/2013	Active
	19871443419	22886	02/08/2011	02/22/2013	Active
	19871422575	22915	02/08/2011	02/22/2013	Active
	20001180991	22917	02/08/2011	02/22/2013	Active
	19871280565	24440	02/16/2011	02/22/2013	Active

19871327903 27637	03/04/2011	03/04/2013	Active
20071068059 28459	03/19/2012	03/19/2013	Active
<u>Estates of Spring Creek Association, Inc.</u>	20121482054 28603	08/31/2012	08/31/2013 Active

Contact Information

Name: Michael O'Loughlin

Address: 232 W Tomichi Ave, Suite 204, Gunnison, CO 81230

Email: mike@gunnisonlaw.net

Phone: (970) 641-4900

Colorado Division of Real Estate • 1580 Broadway, Suite 925, Denver, CO 80202

[Technical Assistance](#) [Privacy](#) [Accessibility](#)

© 2012 State of Colorado, Denver, CO



State Farm Fire and Casualty Company

CMP Homeowners Association (HOA) Policy

Printed: August 8, 2012 | New Busn: July 1, 2011 | Ren Busn: October 1, 2011

Prepared for
Ing creek
e trail
ont, COLORADO 81210

Prepared by
Jen
Agency: 1957

Phone: 970-641-1407
Email: jen@richamgren.com

Number of locations quoted: 1		
Basic Policy Deductible	\$500	
Optional Property Damage Deductible	None	
Coverages	Amount	Premium
Coverage A - Auxiliary Structure(s)	\$0	\$0.00
Coverage B - Business Personal Property	\$0	\$0.00
Coverage C - Loss of Income - 12 Months	Actual Loss Sustained	
Coverage L - Business Liability - Per Occurrence	\$2,000,000	\$86.00
Coverage L - Business Liability - Annual Aggregate	\$4,000,000	
Coverage M - Medical Expenses	\$5,000	
Basic Premium		\$86.00
Optional Coverages	Amount	Premium
Directors and Officers Liability	\$1,000,000 D&O Liability Limit	\$245.00
Fees and Charges which have been applied		Adjustment

Annual Premium (Minimum Applied): \$625.00
Monthly Premium (Service charge not included): \$52.08

Business Information
- Jolee trail 81210

Zone & Subzone: 53|4

Units: 18 | Stat: 872

This is a sample quote that contains only a general description of some available coverages and limits with an approximate premium, subject to eligibility. It is not a contract, binder of coverage or a recommendation. All coverages are subject to the terms, provisions, exclusions, and conditions in the policy and its endorsements. If information used for rating changes or different rates are effective at the time of policy issuance, this rate quote may be revised.

Last Revised Date: October 20, 2011 16:01:01

B. KELLY OR DERINDA KOONS 3318 ABBEY RD MANSFIELD, TX 76063		28-9/11/48 25
9-26-12		Date
Pay to the Order of	STATE FARM	\$ 625.00
Six Hundred & Twenty Five		Dollars
Signature		Checking
Frost www.frostbank.com		
For HOA ins.		

Document must be filed electronically.
Paper documents will not be accepted.
Fees & forms are subject to change.
For more information or to print copies
of filed documents, visit www.sos.state.co.us.

Colorado Secretary of State
Date and Time: 08/31/2012 09:44 AM
ID Number: 20121482054
Document number: 20121482054
Amount Paid: \$20.00

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Incorporation for a Nonprofit Corporation
filed pursuant to § 7-122-101 and § 7-122-102 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name for the nonprofit corporation is Estates of Spring Creek Association, Inc.
(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the nonprofit corporation's initial principal office is

Street address

232 W Tomichi Ave

(Street number and name)

Suite 204

Gunnison

(City)

CO

(State)

81230

(ZIP/Postal Code)

United States

(Country)

(Province – if applicable)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City)

(State)

(ZIP/Postal Code)

(Province – if applicable)

(Country)

3. The registered agent name and registered agent address of the nonprofit corporation's initial registered agent are

Name

(if an individual)

(Last)

(First)

(Middle)

(Suffix)

OR

(if an entity)

(Caution: Do not provide both an individual and an entity name.)

Schumacher & O'Loughlin, LLC

Street address

232 W Tomichi Ave

(Street number and name)

Suite 204

Gunnison

(City)

CO

(State)

81230

(ZIP Code)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City)

CO
(State)

(ZIP Code)

(The following statement is adopted by marking the box.)

☒ The person appointed as registered agent above has consented to being so appointed.

4. The true name and mailing address of the incorporator are

Name

(if an individual)

(Last)

(First)

(Middle)

(Suffix)

OR

(if an entity)

Schumacher & O'Loughlin, LLC

(Caution: Do not provide both an individual and an entity name.)

Mailing address

232 W Tomichi Ave

(Street number and name or Post Office Box information)

Suite 204

Gunnison

(City)

CO

(State)

81230

(ZIP/Postal Code)

United States

(Country)

(Province – if applicable)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ The corporation has one or more additional incorporators and the name and mailing address of each additional incorporator are stated in an attachment.

5. (If the following statement applies, adopt the statement by marking the box.)

☒ The nonprofit corporation will have voting members.

6. (The following statement is adopted by marking the box.)

☒ Provisions regarding the distribution of assets on dissolution are included in an attachment.

7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ This document contains additional information as provided by law.

8. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are

(mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

9. The true name and mailing address of the individual causing the document to be delivered for filing are

O'Loughlin	Michael		
<small>(Last)</small>	<small>(First)</small>	<small>(Middle)</small>	<small>(Suffix)</small>
232 W Tomichi Ave			
<small>(Street number and name or Post Office Box information)</small>			
Suite 204			
Gunnison	CO	81230	
<small>(City)</small>	<small>(State)</small>	<small>(ZIP/Postal Code)</small>	
	United States		
<small>(Province – if applicable)</small>	<small>(Country)</small>		

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

- ☐ This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

DISTRIBUTION OF ASSETS UPON DISSOLUTION OF ESTATES OF SPRING CREEK ASSOCIATION, INC.

The Estates of Spring Creek Association, Inc. is a homeowners' association located in Gunnison County, Colorado. Upon dissolution of the Association, all creditors will first be paid and any leftover assets will be disbursed in an equal share to the Association's members.

**Minutes
Spring Creek Estates Homeowners Meeting
July 15, 2006**

In Attendance: Dale & Betty Folks, Brian & Claudia Haenisch, Jim & Lela Porter, Abbe Mahone, Ben & Brooks Powell, Mitzi, Cherry, & Brian Camp, Steve & Gail Woodley, Kelly & Derinda Koons, Mike & Barbara Draper

Minutes of 2005 meeting were missing.

Brian Haenisch gave the financial report stating the HOA account had \$324.12. Haenisch collected \$37.56 from each lot owner for a total of \$458.72 and paid GMCO. Corp. \$411.68 for Mag Chloride to the street and \$39.12 to Kelly Koons for a no outlet sign. Haenisch also reported the stream Improvement Acct. had \$1345.99 balance this amount was wrong as a check of \$715.00 had been paid to Lucas Construction Co. for rebuilding the original 5 weirs, plus the addition of 4 additional weirs. The correct balance reported should have been \$630.89

Old Business:

Kelly Koons reported there was no news from the Gunnison County Road & Bridge Department requiring a new bridge be installed. A work day was designated to oil and clean the bridge.

New Business:

A. Haenisch read a letter from Brooks Powell suggesting the entire 25 acre Spring Creek Estates be surveyed by a GPS and the same surveyor be used when a new survey is needed. Such a requirement should be written into the by-laws of our organization. After discussion of this matter, it was agreed that this would not be possible because the laws of Colorado allow any state licensed surveyor to perform this service.

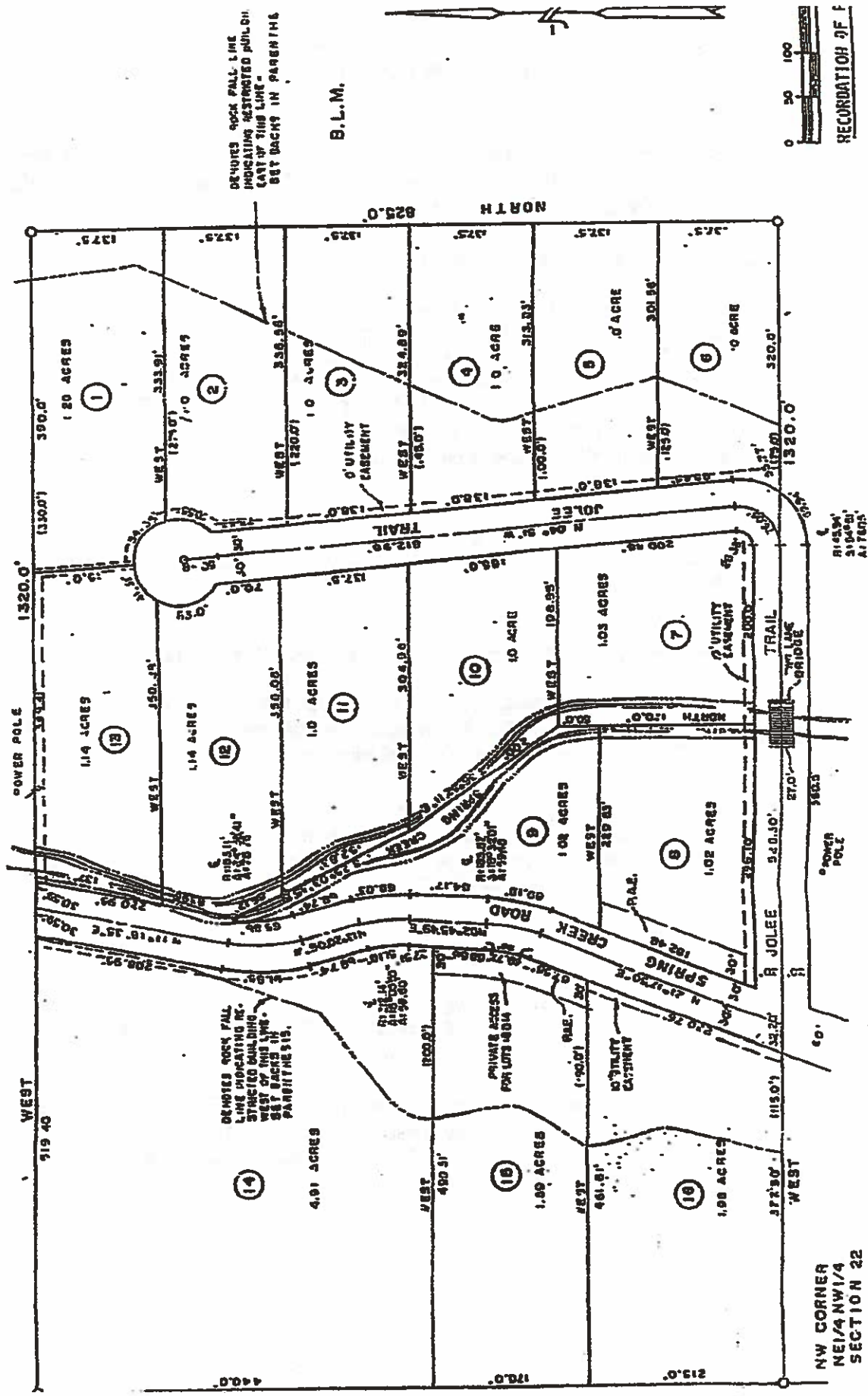
B. C&R – Temporary Structure and Mobile Units. The Brooks letter also referred to other by-laws including the parking of trailers in the neighborhood. After much discussion and some opposition a motion was made by Jim Porter and seconded by Abbe Mahone that we allow 3 nights of off road parking. The motion passed. Opposed Steve Woodley.

C. C&R – Review of 7.02 & 8.01

After much discussion about changing 7.02 the side set back for building purposes motion was made by Ben Powell & seconded by Dale Folks that this line be changed from the present 10 feet to 18 feet. The motion passed. Steve Woodley opposed.

After much discussion about changing 8.01 from a minimum 800 sq. ft. new residence structure motion was made by Mike Draper and seconded by Kelly Koons that the minimum be changed to 1800 sq. ft. The motion passed with a vote of 8 for 3 against. All present homes are grandfathered for new structure.

UNPLATTED



SPRING CREEK BRIDGE PROJECT

Payment Schedule

<u>Name</u>	<u>No. Lots</u>	<u>1st Payment</u>	<u>2nd Payment</u>	<u>Total</u>
Borth, John/Jay	1	2693	3242	5935
Camp, Mitzi/Brian	2	5386	6484	11870
Draper	1	2693	3242	5935
Folks	2	5386	6484	11870
Gordon	1	2693	3242	5935
Haenisch	1	2693	3242	5935
Koons	1	2693	3242	5935
Mahone	1	2693	3242	5935
Porter	2	5386	6484	11870
Woodley	1	2693	3242	5935
TOTALS	13	35009	42146	77155

Payments should be sent to and made payable to:

Kelly Koons

3318 Abbey Road

Mansfield, Texas 76063

April 5, 2012

ESTATES of SPRING CREEK ASSOCIATION, INC.

FINANCIAL SUMMARY

November 6, 2012

General Account:

Balance 7-14-2012 \$144.02

Expenses:

*Transfer to Stream Account 10.00

Flowers at entrance 125.36

Sub Total 135.36

Balance after expenses \$ 8.66

** Dues paid for 2012-13 year \$300.00

Balance \$308.66

* Required by Bank to keep the separate account active.

** Fifteen lot owners paid \$30, consisting of \$20 for regular dues and \$10 for assisting with initial legal fees. One lot owner is unable financially to pay any dues or other assessments.

Bridge Account:

Bridge Renovation: The bridge account of \$77,155 is **fully paid** by 13 lot owners.

Bridge late billing of \$ 1533.08 by Williams Engineering has been **fully paid** by 13 lot owners.

Registration Account:

Legal and Registration costs (see invoice)	\$2358.25
Insurance Policy Premium (annual)	<u>625.00</u>
Total	\$2983.25*

***This amount has been advanced by our President and invoices have been paid.**

Amounts are due from lot owners as follows:

\$2983.25 /16 = \$186.45 per lot. Less \$10.00 assessment for initial legal fees

= \$176.45 per lot

Send Payment to: Kelly Koons
3318 Abbey Road
Mansfield, Texas 76063

*** One lot owner cannot pay. This will be discussed at the July, 2013 ESCA meeting.**

- Attorneys at Law -
 232 W. Tomichi Avenue, Suite 204
 Gunnison, CO 81230
 phone: 970.641.4900
 fax: 970.641.5005
 email: info@gunnisonlaw.net
 website: www.gunnisonlaw.net

Attn: Spring Creek Estates HOA
 Spring Creek Estates HOA
 c/o Kelly Koons
 3318 Abbey Rd.
 Mansfield, TX 76063

Statement Date:
 Statement No.
 Account No.

October 15, 2012
 717
 5044.00
 Page: 1

Previous Balance

\$1,862.25

Fees

Hours

09/25/2012 MPO	Email correspondence w/ J Porter re requested changes to proposed Bylaws	0.10	20.00
09/27/2012 MPO	Reviewed email from J Porter re changes to draft Bylaws Reviewed 2006 HOA minutes re owner vote on sq footage amendment to Covenants Phone conference w/ J Porter re changes to Bylaws Revised C&R amendment accordingly Email to HOA Board re above	1.20	240.00
10/04/2012 MPO	Reviewed Colo law re legality of some HOA proposed changes to draft Bylaws Reviewed and revised draft HOA Bylaws according to changes discussed with J Porter and pursuant to Colo law Email to HOA Board re above	1.00	200.00
10/10/2012 MPO	Reviewed signature page from final draft of Bylaws Updated HOA file with finalized Bylaws and responded to email from HOA Board	0.10	20.00
	For Current Services Rendered	2.40	480.00

B. KELLY OR DERINDA KOONS
 3318 ABBEY RD
 MANSFIELD, TX 76063

30-8/1140
 IS

Pay to the Order of SCHUMACHER & D'LOUGH LIN, LLC \$ 2358.25

TWENTY THREE HUNDRED FIFTY EIGHT & 25/100 Dollars



www.frostbank.com

For HOA OF SPRING CREEK

Signature Checking

16.00
 16.00

496.00

\$2,358.25

Jim, I mailed this 11/2/12. Hope all is well
 11/2/12

THE GUNNISON BANK

232 WEST TOMICHI - P.O. BOX 119
GUNNISON, COLORADO 81230-0119
PHONE: (970) 641-0320 • FACSIMILE: (970) 641-0054

THE CRESTED BUTTE BANK

116 6TH ST. (HWY 135) - P.O. BOX 1010
CRESTED BUTTE, COLORADO 81224
PHONE: (970) 349-0170 • FACSIMILE: (970) 349-0175

THE GUNNISON BANK AND TRUST COMPANY

BRIAN HAENISCH
LELA PORTER
SP CREEK EST OWNERS ESC ACCT
825 FM 2602
VALLEY MILLS TX 76689

PAGE 1

* NEW FRAUD PROTECTIONS COMING THIS SUMMER!!! *
* TO FURTHER PROTECT YOU, YOU WILL BEGIN RECEIVING TEXTS *
* AND/OR EMAILS ASKING YOU TO CONFIRM IF SUSPICIOUS PURCHASES *
* ARE VALID OR NOT. WE WILL ONLY ASK YOU TO VERIFY THE *
* PURCHASE(S). WE WILL NOT ASK FOR ACCOUNT OR PERSONAL *
* INFORMATION. KEEPING YOU PROTECTED IS IMPORTANT TO US AND WE *
* ARE EXCITED TO OFFER THESE NEW ENHANCED FRAUD SERVICES TO *
* YOU! *

PERSONAL DDA

ACCOUNT NO 124305
STATEMENT DATE 06/03/2016
LAST STATEMENT DATE 05/04/2016

0

STATEMENT PERIOD

PREVIOUS BALANCE	663.15	# OF DAYS-STMT PERIOD	30
0 DEPOSITS/CREDITS	0.00		
0 CHECKS/WITHDRAWALS	0.00	AVERAGE BALANCE	663.15
ENDING BALANCE	663.15		
MONTHLY SERVICE CHARGE	0.00	YTD INTEREST	0.00



NOTE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION

RECONCILEMENT OF ACCOUNT

[illegible]

BANK BALANCE FROM STATEMENT \$

ADD DEPOSITS
NOT INCLUDED IN
THIS STATEMENT \$ _____

TOTAL \$

LESS CHECKS OUTSTANDING \$ 7,000,000

* REVISED BANK BALANCE \$

CHECK BOOK
BALANCE \$

LESS BANK SERVICE CHARGES \$ _____

*REVISED CHECK BOOK BALANCE \$ _____

* THESE TOTALS SHOULD AGREE

**IF YOUR ACCOUNT DOES NOT BALANCE
PLEASE CHECK THE FOLLOWING CAREFULLY**

- HAVE YOU CORRECTLY ENTERED THE AMOUNT OF EACH CHECK IN YOUR REGISTER?
- ARE THE AMOUNT OF YOUR DEPOSITS ENTERED IN YOUR CHECK BOOK REGISTER THE SAME AS THOSE SHOWN ON THE DEPOSIT SLIP RECEIVED WITH THIS STATEMENT
- HAVE ALL CHECKS BEEN DEDUCTED FROM YOUR CHECK BOOK BALANCE?
- HAVE YOU DEDUCTED ALL SERVICE CHARGES FROM YOUR CHECK BOOK BALANCE?
- HAVE YOU CHECKED ALL ADDITIONS AND SUBTRACTIONS IN YOUR REGISTER?
- HAVE YOU CARRIED CORRECT BALANCES FORWARD WHEN WRITING CHECKS OR DEPOSITS?
- HAVE YOU RECORDED ALL ATM TRANSACTIONS?
- HAVE YOU RECORDED ALL READY RESERVE TRANSACTIONS? (IF APPLICABLE)

IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR ELECTRONIC TRANSFERS:

Telephone us at (970) 641-0320 during business hours or write us at the Gunnison Bank & Trust Company P.O. Box 119 Gunnison, Colorado 81230, as soon as you can if you think your statement or receipt is wrong or if you need more information about a transfer on the statement or receipt. We must hear from you no later than 60 days after we sent you the FIRST statement on which the error or problem appeared.

- (1) Tell us your name and account number (if any).
- (2) Describe the error or the transfer you are unsure about and explain as clearly as you can why you believe there is an error or why you need more information.
- (3) Tell us the dollar amount of the suspected error.

We will determine whether an error occurred within ten (10) business days after we hear from you and will correct any error promptly. If we need more time, we may take up to forty five (45) days to investigate your complaint or question. If we decide to do this, we will credit your account within ten (10) business days for the amount you think is in error, so that you will have the use of the funds during the time it takes us to complete our investigation.

IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR READY RESERVE ACCOUNT:

If you think your bill is wrong or if you need more information about a transaction on your bill, write us (on a separate sheet) at the address shown on the front of your statement as soon as possible. We must hear from you no later than 60 days after we sent you the first bill on which the error or problem appeared. You can telephone us but doing so will not preserve your rights.

In your letter, give us the following information:

- Your name and account number.
- The dollar amount of the suspected error.
- Describe the error and explain, if you can, why you believe there is an error. If you need more information, describe the item you are unsure about. You do not have to pay any amount in question while we are investigating, but you are still obligated to pay the parts of your bill that are not in question. While we investigate your question, we cannot report you as delinquent or take any action to collect the amount you question. A FINANCE CHARGE will be imposed at the daily periodic rate on the "average daily balance" of the cardholder's Reserve account including current transactions.

To get the "average daily balance" we take the beginning balance of your account each day, add any new advances, and subtract any payments or credit and unpaid finance charges. This gives us the daily balance. Then we add up all the daily balances for the billing cycle and divide the total by the number of days in the billing cycle. This gives us the "average daily balance".

In order to compute the finance charge we take the "average daily balance" and multiply it by the number of days in the billing cycle and then we multiply it by the daily periodic rate.

A finance charge shall accrue on each advance from the date it is posted to the reserve account.