



RRRHOA

P.O. Box 1463 Monument, CO 80132

December 5, 2016

Dear Homeowner(s),

The board of the Red Rock Ranch Homeowners Association (RRRHOA) is conducting the process of updating the association covenants. Although the current covenants are valid until 2020, we feel that they are in need of early updating to address a variety of issues.

The issues we are handling in this vote are:

- Clarify and refine the meaning of and the requirement for the HOA to consist of Single Family Residences. We are doing this to address recent usages of residential homes that the board feels is not in keeping with the desires of the residents as well as to address possible future uses that are also not in keeping with the neighborhood.
- Clarify and confirm our status as a CCIOA exempt HOA.

We are handling the first issue at this time after multiple discussions with our lawyer has left us with the advice that this action is part of the best plan to allow us to resolve several un-related resident complaints of homeowners grossly violating the existing covenants.

On the next attached page you will find the text we propose to accept and record as a revision to the existing covenants. The last page of this packet is a ballot. We ask that you clearly **mark and return this so that we received it by December 31, 2016**. It is **important** that you vote either YES or NO so that the board can determine your input on these changes. Please remember that not voting is effectively the same as a NO vote.

Voting Rules

- There is one vote per registered property address owners. Please select one owner to vote.
- If multiple lots are owned by the same owner then only 1 vote is allowed for that owner.
- The requirement is that a majority of the possible votes be YES for the revisions to be accepted (this is a majority of all possible votes, not just returned votes)
- If the ballot is modified or incorrectly marked, the card will be rejected.
- Duplicate or conflicting votes for a property will be rejected.
- Only votes delivered via U.S. mail or handed directly to a board member will be counted.
- The voting period may be extended by up to 30 days after the end of the mailing deadline to allow for board members to personally canvas owners. Votes received by U.S mail during this extended period will be counted. Such an extension will be posted on the HOA website.
- Votes received after the termination of the (extended) voting period will not be counted.
- Your signature and verification of the address is required for the vote to count.

! Please Retain this Letter for Future Reference !



Voting Process

- To allow you to verify that your vote was received, we will post the addresses of received votes on the website so that you may determine that your vote was received and counted.
- Unless required by law, we will not disclose to anyone other than board members doing the count, the individual voting choice.
- The final tally of returned cards will be conducted simultaneously by at least three members of the board.

If you have questions or comments please contact us via the contact information listed below.

PLEASE VOTE either yes or no!

Regards,

Beth Lonquist, President, Red Rock Ranch HOA Board of Directors

Contact Information

Website: Check the website rrrhoa.org for any updates regarding this activity.

U.S. Mail: As indicated above. Please allow up to 7 days for a response. Please indicate if a written response is desired or provide other contact information.

Email: voting@rrrhoa.org. This is a special email setup to insure timely response to inquiries. Please allow up to 3 days for a response.

Phone: See director list below. Please allow up to 3 days for a response and consider contacting an alternate board member as we are volunteers and business or personal needs may require that a board member be unable to receive and/or respond to phone contacts.

Board Members

Beth Lonquist	President	548-0455	Jim Bergeron	Secretary	481-2624
David Weber	Treasurer	481-8826	Frank Chuba	Arch Director	487-0371
Kevin Guy	Director	338-7032	Fred Lanyon	Director	684-4360
Michelle Miller	Director	338-9725	Jim Zalmanek	Director	481-2712
Bill Griffith	Director				

**2017 AMENDMENT TO THE RESTRICTIVE COVENANTS OF RED ROCK RANCH
SUBDIVISION (INCLUDING RED ROCK RANCH, FOREST VIEW ACRES, AND
CLOVENHOOF), EL PASO COUNTY, COLORADO**

This 2017 Amendment to the Restrictive Covenants of Red Rock Ranch Subdivision (including Red Rock Ranch, Forest View Acres, and Clovenhoof) (called the "2017 Amendment") is made effective as of the 1st day of February, 2017.

WITNESSETH:

WHEREAS, the lot owners of Red Rock Ranch, Forest View Acres, and Clovenhoof Homeowners Association, Inc., adopted those Restrictive Covenants dated June 15, 1995 which are recorded in Book 6667 at the beginning of Page 679 of the real property records of El Paso County, Colorado (called the "Covenants"); and

WHEREAS, the undersigned Lot Owners (called "Lot Owners") are the owners of a majority of the Lots in the association known as the Red Rock Ranch, Forest View Acres, and Clovenhoof Homeowners Association, Inc., being subdivisions of a portion of Sections 8, 9, and 17, Township 11 South, Range 67 West of Sixth P.M., as recorded in the public records of said El Paso County (collectively called "Red Rock Ranch"); and

WHEREAS, the undersigned Lot Owners are desirous of encumbering all of the Lots and property in said subdivisions with the covenants, terms, and provisions of this 2017 Amendment which shall bind all persons (natural or corporate) who shall acquire title to any of the lots and property in said subdivisions, until January 1, 2030, or such later date as may be fixed by extensions hereof; and

WHEREAS, Paragraph 23 of the Covenants provides that the Covenants may be changed by an instrument signed by a majority of the Lot Owners; and

WHEREAS, the Lot Owners of at least fifty-one percent (51%) of the Lots hereby agree to this 2017 Amendment; and

WHEREAS, in addition, the Lot Owners hereby provide that the real property described in the Covenants known as Red Rock Ranch and the Red Rock Ranch, Forest View Acres, and Clovenhoof Homeowners Association, Inc., a Colorado Nonprofit Corporation; (called the "Association") shall be exempt from the Colorado Common Interest Ownership Act (called "CCIOA" C.R.S 38-33.3-101, et seq).

NOW WHEREFORE, the Association and the Owners hereby amend and restate the Covenants with the following additions:

1. The following shall be added to the Covenants as Paragraphs 6(a) and 6(b):

6(a). Single Family Requirement. Each Lot shall be used and/or occupied only for single-family residential purposes. "Single Family" is defined as "one or more persons who are related by blood, marriage, civil union, or legal adoption occupying and/or using the single family home on the Lot as a single housekeeping unit". No Lot shall be used and/or occupied for non-single family and/or non-residential purposes; such prohibition shall include, without limitation, group home, vacation rental, bed and breakfast, hotel, boarding house, apartment building, any housing for transients, or any other occupancy or use as determined by the Board of Directors of the Association in its discretion to be similar to the foregoing prohibitions or within the intent of

these prohibitions. Any violation of this restriction shall allow the Board to impose fines for such violations and/or allow the Board to obtain injunctive relief without the posting of a bond, and the Board shall recover all of its attorney's fees and expenses of enforcement.

6(b). Limitation on Leases. No residence may be leased for a term of less than six (6) consecutive months at a time.

2. The following is hereby added as Paragraph 27 to the Covenants:

27. CCIOA Exemption. Notwithstanding any provision of the Covenants, it is hereby declared that Red Rock Ranch, the Association and the Owners shall not be subject to the Colorado Common Interest Ownership Act (C.R.S. 38-33.3-101 et seq.) ("CCIOA") based upon the provisions of C.R.S 38-33.3-116 because the Association's annual average common expense assessment of each Lot, (exclusive of optional user fees and any insurance premiums paid by the Association), shall not exceed the maximum annual assessment as provided in C.R.S 38-33.3-116, provided however the following sections of CCIOA shall apply to Red Rock Ranch and the Association: C.R.S. 38-33.3-105, 106, 107 and 217 which are incorporated hereby as if set forth herein. For any and all purposes of exemption from CCIOA, the Covenants are hereby amended, as of the date on which this 2017 Amendment is recorded in the El Paso County real property records.

3. Ratification of Covenants. Except as provided herein, the Covenants shall continue to be in full force and effect and shall be binding upon all Owners. The Association hereby certifies that a majority of the Lot Owners have consented to this Amendment.

IN WITNESS WHEREOF, the Association and the undersigned Owners have signed and agreed to this 2017 Amendment.

ASSOCIATION:

RED ROCK RANCH, FOREST VIEW ACRES, AND CLOVENHOOF HOMEOWNERS ASSOCIATION, INC.

a Colorado Nonprofit Corporation

By: _____
President

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

The foregoing instrument was acknowledged before me this ____ day of _____, 2017 by _____ as President of Red Rock Ranch, Forest View Acres, and Clovenhoof Homeowners Association, Inc., a Colorado nonprofit corporation.

Witness my hand and official seal.
My commission expires: _____

(SEAL)

Notary Public

**RED ROCK RANCH SUBDIVISION (INCLUDING RED ROCK RANCH, FOREST
VIEW ACRES, AND CLOVENHOOF)
ACTION BY WRITTEN BALLOT AND VOTE**

NOTICE IS HEREBY GIVEN that the Red Rock Ranch, Forest View Acres, and Clovenhoof Homeowners Association, Inc., solicits your vote by written ballot for the purpose of amending the Restricted Covenants dated June 15, 1995, which are recorded in Book 6667 beginning at Page 679 in the official records of El Paso County, Colorado (the "Covenants"). Please sign and return this ballot to the Association by **December 31, 2016**.

THE UNDERSIGNED has been provided with a copy of the proposed 2016 Amendment to the Restrictive Covenants of Red Rock Ranch Subdivision (Including Red Rock Ranch, Forest View Acres, and Clovenhoof) which, if approved, will amend the Covenants.

Vote (Vote for one)

- Vote FOR the 2016 Amendment to the Restrictive Covenants of Red Rock Ranch Subdivision (Including Red Rock Ranch, Forest View Acres, and Clovenhoof) with minor revisions to correct typographical errors, if any, as authorized by the Board and agree(s) to be bound by all terms and conditions of such 2016 Amendment subject to approval of the 2016 Amendment by the requisite number of Members of the Red Rock Ranch, Forest View Acres, and Clovenhoof Homeowners Association, Inc.
- Vote AGAINST the adoption of the 2016 Amendment to the Restrictive Covenants of Red Rock Ranch Subdivision (Including Red Rock Ranch, Forest View Acres, and Clovenhoof).

This Written Ballot constitutes a consent under the Declaration and a vote pursuant to the Colorado Revised Nonprofit Corporation Act (C.R.S. 7-127-109). This Written Ballot may be recorded or certified in the El Paso County real property records.

Street Address (select one if multiple owned)

Printed Name of Owner

Signature of Owner

Date