

1. I am a lot owner in Woodmen Hills Filing No. 8 and not a party to this action.
2. Prior to purchasing in Woodmen Hills Filing No. 8, I did quite a bit of house hunting and looking at homes built by D.R. Horton in this filing. During my home search, I inquired about covenants in Woodmen Hills Filing 8. Before signing a purchase contract with D.R. Horton, its sales representatives specifically told me that the filing was self-governed and if we had issues we were to talk with our neighbors to resolve it. We were told that the covenants were not being actively enforced by D.R. Horton, but were guidelines for the lot owners in the event there was a dispute among neighbors so that the neighbors could resolve among themselves. I recall seeing a paragraph in the covenants that specifically indicated that lot owners were to use self-help means for covenant disputes, if necessary. D.R. Horton's representative further stated to me that if there was to be any covenant enforcement, if at all, it would have to be done by agreement of the lot owners in the filing. I purchased my home in Woodmen Hills Filing No. 8 based on this representation from D.R. Horton.
3. Upon signing my purchase contract with D.R. Horton, I received copies of the Declaration of Covenants, Conditions and Restrictions for Woodmen Hills Filing No.8 and a Portion of No. 9 were executed October 24, 2000 which were recorded in the real property records of El Paso County, Colorado on or about November 9, 2000 (the "Covenants") and the Amendment to Declaration of Covenants, Conditions and Restrictions for Woodmen Hills filing No. 8 and a Portion of No. 9 on or about February 12, 2003 (the "Amendment to Covenants"). After review of these documents, I felt that the representation made by the D.R. Horton sales representative about covenants and covenant enforcement were accurate. Neither the Covenants nor the Amendment to Covenants contain: any means of covenant enforcement, no provision for fining lot owners if they do not "comply" with the provisions of the Covenants, a provision for home owners dues for covenant enforcement, or a provision for the formation of a "governing body"/homeowners association.
4. After D.R. Horton sold its last lot in Woodmen Hills Filing No. 8 and the portion of Woodmen Hills Filing No. 9 that is subject to this lawsuit, the homeowners held a meeting for all of the lot owners in those filings to discuss covenant enforcement and the formation of a homeowners association. I was present at that meeting. After much discussion, the homeowners agreed not to form a homeowners association and let the lot owners and non-existent covenant enforcement continue "status quo."
5. We, as lot owners in Filing No. 8 and Filing No. 9, were kept out of the loop regarding Woodmen Hills Metropolitan District's movement to have covenant enforcement assigned to them so that they could take charge of the neighborhood covenant enforcement. We weren't notified of meetings regarding covenant enforcement, weren't notified of the formation of the covenant enforcement board, weren't notified of voting on board members (except for one letter that came after this dispute began) for that board, and weren't informed of the attempt to get

assignments from the builders/developers. We were never given the opportunity for input in a decision that impacts our constitutional property rights.

6. I have been singled out by Woodmen Hills Covenant Management Board, receiving warning letters for alleged covenant violations where others in the filing with the same alleged covenant violations have received no warnings. I believe this is because I have been an outspoken community member in my beliefs about covenant management in my filing and my disagreement with the way this matter has been handled by Woodmen Hills Metropolitan District, Woodmen Hills Covenant Management Board and/or their counsel.

FURTHER, AFFIANT SAYETH NOT.



Tracy Al Ring

The Affidavit of Tracy Al Ring was subscribed and sworn to before me this 3rd day of April 2009, by Tracy Al Ring.

Witness my hand and official seal.

My commission expires: April 9, 2009.



Notary Public

