

Woodmen Hills Filing 8 – Covenant Reform

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This letter is for those folks in Woodmen Hills Filing 8 and a portion of 9 as defined by county clerk filings #200136133 (11/09/2000) and the subsequent #203034235 (2/18/2003).

Covenant Enforcement – do we need it or not... Since this filing was built there has been no enforcement of the covenants as most believed the powers in them had been stricken with the modification in 2003. There was even a public meeting attended by a significant number of home owners on January 11, 2005. To date, in discussions with neighbors (the 20 or so that I talk with) and comments at the meeting there have been no real issue with the way our neighborhood functioned. In fact, I have several neighbors that moved into this filing (and one that wanted to) with the expressed reason that we don't have to fight with the covenants. The end of December, we were notified that a new organization had been formed and were taking the rights to enforce Covenants. I was approached by several neighbors to front a campaign to investigate and attempt to return things to the way they were. There may be some that agree or disagree with this effort. The bottom line is we would like to make this a decision of our neighborhood and have some representation if things are going to stay with the new Covenant enforcement Board.

To the point that some people will say 'we need some sort of management to deal with bad situations'. I agree whole heartily with this, and we have such a method. I would first recommend talking to your neighbor, if possible. If that does not resolve the situation you have recourse through the El Paso County Code Enforcement. Most issues that are being brought up with regard to the need of Covenants, are controlled by the county as well. Now, the county is not going to say that you must keep your garage door closed, but they will force a person to deal with abandoned vehicles on a lot and such matters. The best thing is the county has more power and authority as well as an appeals process to ensure everyone gets a fair shake. I have dealt with them in the past on several issues and have found them to be firm in getting things done while realistic for the expectations of both parties. If that isn't enough, those of us who have dealt with the Pikes Peak Regional Building Department can ensure that they are very thorough on what is valid, how it's built, and where it can be placed on an individual's property.

The sentiment expressed was – we like our neighborhood as it is and we want to keep it that way.

I don't have an RV – this does not impact me... This could not be farther from the truth. Going through the neighborhood, here is a quick list of the things we saw (by no means the end all):

- Money – it's only \$6.50 a month this year, what will it go up to next year? What are we getting for the money they are taking? This is like an open ended tax.
- Privacy Fences – Article III Sec 29 allows for the use of Privacy fence inside your property at the rear. Only three rail fences are allowed on property lines. There are a significant number of people that have used these as wing fences and on the sides.
- Roadways – a lot of folks have side parking done in rock or whatever, this will not be allowed Article III Sec 6.
- Article III Sec 28 - RVs, trailers, boats, any recreational item – this will impact anyone with a hobby.
- Storage Sheds – according to Article III Sec 16, unless it has a building permit, it's a temporary building which is not allowed.
- I could go on, but I have provided a marked up copy of what our covenants will be if this is allowed to be enforced. It is available on the web page.

What do we do now?

As residents, we have the authority to modify our own covenants. In discussion with most people they 'just want to have things the way they were'. To that point I have researched our ability to make changes.

- Article VII Sec 3 states that homeowners may modify covenants with a 75% vote.
 - CRS § 38-33.3-217(a) (I) (a) overrides with a 67% simple legal majority regardless of the value stated in the document.
- Article II Section 11 Defines that there is one vote to each owner of a Lot and that votes may be done in person or by proxy.
- CRS § 7-127-203 Deals the legal proxies. Summary – you can sign a document or sent a statement by electronic means giving the authority for proxy to anyone of your choosing.

It is our intention to get as many people to sign a proxy for the expressed purpose of changing the covenants from being enforceable to guidelines. This will return the Neighborhood to what we had before this change happened.

What am I signing over – The only reason we need a proxy is to provide documentation to the county clerk and recorder that we have a 67% majority. You will not be signing over your rights to anything other than what is explicitly stated “To modify the Current Covenants to make them Non Enforceable and make them Guidelines – this is specific in the dealings with Woodmen Hills Filing 8 and a portion of 9 as described in El Paso County records #200136133 and #203034235”. The proxy may not be used for any other purpose and may be rescinded on written notice prior to execution.

Why not modify a few things and leave the Covenants – believe it or not, this is more difficult than just having all things regarded as guidelines. Not everyone will agree on things and we don't have time to argue the issue. Making everything a guideline puts us back where we were, and that is (from what I have heard) the goal people want.

What if I don't agree – I want to hear from you as well – please mark the NO box and return the form. If you have an issue, please bring it up. If it is the will of the community that we do not modify the Covenants, then at least the Community made the decision and it was not imposed on them.

More information will be posted on the above website – or please send an e-mail requesting to be placed on the mailing list and you will be told when updates are available.

Copies of forms and a list of the people impacted will be available on the website as researched via county records.

In an effort to not keep this hanging we would like people to please submit their vote as soon as possible. A prefilled form will accompany this letter, and a blank form will be available on the website as soon as I can make one available.