

Residents of Woodmen Hills Filing 8 and a Portion of 9 – we wish to hear from you no matter which side of the debate you are on.

PLEASE VOTE

The Proxy Letter – this does not infringe on your right to represent yourself, it merely makes it easier to file paperwork with the county for amending the Covenants. We also want to present EVERY PROPERTY OWNER the ability to have their voice heard and counted – EITHER WAY.

- If there is a form with this letter, we need to hear from you, one way or another.
- If there is not, we have one on file from you already and will be using it.
- If you wish to redo a proxy, a blank form is available on the web at whmd.warneent.com at the top of the Document Links Page.
- “It is also conditioned that this PROXY is revocable by written notice to either or both Charles Warne or Tracy Ring prior to their execution with the El Paso County Clerk and Recorder for said changes to Covenants.”
- Read what the Appeal will mean to you ****See Below for Details****
- We don’t have a deadline – just want to get this done as soon as possible.
- We (the Property owners) are now, due to the law suit, the Declarant to our own Covenants.

Why did the Proxy Process Restart?

- Have you liked the way the Woodmen Hills Covenant Enforcement Board has done business since Jan 2008?
- Are you tired of ‘the Covenant Issue’ in this neighborhood? ****See Below for Background****
- Do you want to be controlled by a minority of property owners, or should the majority have a say in how our property is run?

In summary, this is being restarted upon the request of several property owners in an attempt to stop the problem once and for all. What we are proposing to do is put language in the Covenant to express that these are NOT enforceable covenants and are being kept as guidelines to help ensure the harmony of the Neighborhood.

People are just plain sick and tired of the heavy handed nasty letters they are getting from the Boards. They are also tired of the inconsistent readings, interpretations, and enforcement being done. The way the Covenant Enforcement Board was formed and it’s by laws keep anyone from becoming a part and getting change. More people do not want to move here due to the WAY the covenants are enforced than anything to do with to the WAY the community looks – I have seen it first hand as have others.

Some may agree with what the Boards are doing – **PLEASE VOTE**. I know the majority of the information is contrary to your view, but we hear from so few that believe in what the Boards are doing.

In addition to the appeal, the Boards have taken to the tact of using an assignment of a single (or maybe two) property owners in this filing to attempt to enforce covenants via their rights. Besides the possible legality of this move via CRS 32-1-1004(8)(b):

*The board of a metropolitan district shall have the power to furnish covenant enforcement and design review services pursuant to this subsection (8) only if the **revenues** used to furnish such services are derived from the area in which the service is furnished.*

It appears they wish to force governance upon us by a minority. In truth, I can state it is the minority as the numbers from when we stopped collecting Proxies were 93 in favor of removing them, 7 in favor of keeping them out of 185 total properties. I just hope these property owners were informed that counter suits could be against them, and their property, not the Boards or who they assigned their rights to.

Legal Documents available at whmd.warneent.com

Additional commentary information available at woodmenhillsinfo.com

Afterwards – what do we do? – I would whole heartily support the formation of a group of Property Owners of this filing to give voice to the rewriting of the Covenants which would be done as WE the owners of the Covenants decide. Our Covenants, as they stand, are very difficult and give no variance to reasonability that should be allowed all people. This should be something to bring a community together, not tear it apart as it does now with the way a few people are doing things. This change would give people the time needed to do things right – without the outside pressures of the suit happy group that is running things now. We need to be able to help people – not slam them with frivolous law suits because they do not do things the way a few people want them to.

Background - In January of 2008 a process was started to modify the Covenants governing our property. After a few months into this process the legal process over came the efforts to make change. Since that time, myself and 4 other families successfully sued the Metro District (WHMD) and the Covenant Enforcement Board (WHCEB) – {ruling May 20, 2009}. Contrary to statements the Boards have made:

- We never stated that there ‘were no Covenants’ – what we stated was they had **No Right** to charge a fee or do enforcement ‘per’ our Covenants. We were, and are, a “Home Rule Community”. The judge’s ruling proves they never had the right to do as they did and force an Assignment from Melody /Dr Horton (and they knew that in Feb of 2007).
- We {the property owners} own the covenants – not the Metro District nor the Builder. We should have been involved in the decision to ‘join’ the Covenant Board and were not.
- This ruling does apply to EVERYONE in this filing and possibly those in filings 6 and the rest of 9. The Boards have since chosen to appeal the court’s decision (July 7, 2009). Details of this case and all court records referenced in this letter may be found at whmd.warneent.com under the ‘Timeline of Facts’.

Appeal and what it means to you – the basis of the Board’s Appeal is the Ruling clarification by Judge Schwartz on 18 Sept, 2008 in which he refused the request of the Boards to force us to ‘enjoin’ all property holders under the Covenants in this case. If they win on appeal it will force this case back to that point in time and each property owner will need to be served (by a court officer) and each resident will need to respond to the court in this case. This means they wish to force YOU to pay for the response be it on your own, or with an attorney, and you will also need to pay to have these documents filed in the courts.

Contact Information – Questions can be e-mailed to woodmenhills@warneent.com. In addition, I will post questions and answers as well as updates and further information on the whmd.warneent.com web site.

An Additional Item not related to the Proxy Process

RECALL ELECTION SET

25 August, 2009 from 0700 to 1900

11720 Woodmen Hills Drive

AKA the Community Center West

JUST VOTE - It's Your Right

Absentee Information at whmd.warneent.com

Legal Documents available at whmd.warneent.com

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