

Raspberry Mountain Ranch (RMR) Property Owners' Association (POA)

Board of Directors Meeting – FINAL

La Veta, CO

Date: February 2, 2013

Time: Noon-2:00 PM

Place: Fuller Western Real Estate Office, La Veta, CO 81055

Board Members Present:

JH Jeff Hanko #22, President

EK Ed Kirkland #17, Vice President

DB Doreen Baumann #24, Treasurer

CC Craig Clark, #3, ARB Committee

TB Tom Bettis, #5

Board Members Absent:

FS Fran Sanden #6, Secretary

WC Windell Cannon #12, CRE Liaison

Members Attending: Stu Baumann (SB) #24, Gina Roberta (GR) #22, Sharon Archambault (SA) #13

Special Guest: Jim Young, former mgr of Cuchara River LLC

1. Call to Order: The meeting was called to order at 12:05 PM by President, Jeff Hanko. A quorum was established.

2. Emergency Easement through Joy Smith ranch: Jim Young had requested a meeting with our board in order to address his position on why he vacated the Emergency Easement through Cuchara River Ranch in 2005 (Joy Smith's property). EK invited him to join us at this meeting. Jim said he and his attorney, Gib Weiskoff (representing the now closed Cuchara River LLC) were served with papers by Joy Smith's attorney (John R. Heronimus of Dufford and Brown, P. C. Law Firm) to answer the RMRPOA position that the vacation of the easement was not legal. Jim said Joy Smith and her lawyers were ready to sue both the POA and the owners who signed the affidavit. Jim explained that he had "trump rights" (per 2000 ByLaws Article III, Section 4 Control of Property Owners Assoc.) to vacate the easement in 2005 as he was then manager in control of Raspberry Mountain Ranch Board because he still owned 19 parcels which was more than the 20% of the 39 parcels and he had not yet turned over the property to the owners (which he did at the Annual Mtg, Oct 2006). Therefore, the vacation easement was legal and Joy Smith had full disclosure. When asked if Joy Smith would agree to our continued easement through her property, he said "probably not".

Jim explained the decision to create the emergency easement was made for two purposes: one to create an emergency easement as required by the state for developments of 5 acre parcels or cluster developments which was the plan in 2000. The 2nd purpose was to create a utility easement for CRE parcels 1 & 2 (Edens & Reuss-the former ranch forman's residence) to access their properties on

the other side of the river. Huerfano County refused to allow the 5-acre development and CRE & RMR were then divided into 35 acre plus parcels and the state did not require an emergency easement. Jim said the access through Cuchara River Ranch was through three gates (one locked). Also, the developer built a bridge for CRE parcels 1 & 2 to access their property and thus no longer required access through the “headquarters” ranch. Hence, the easement was vacated. Also, Jim noted that CRE was not registered with the state as it was zoned for 16 parcels, which were less than the 19 required for registration. RMR with 39 parcels was required to be registered with the state.

Jim acknowledged that RMRPOA had done its homework when the letter was sent. He indicated that he disagreed with the POA’s position, but that he believed it was beneficial to try to resolve it without legal wrangling. He also indicated that time was important to resolve the issue because Joy could not sell her property until this issue was resolved.

3. Rilling Canyon Grant of Easement dated June 25, 1990 (reception #3924) and Grant of Easement For Access dated Feb 1st, 1974 (Reception #251872): DB asked Jim about our legal position to access the Rilling Canyon Road easement (from corner of Muleshoe and Rilling Canyon to Highway 12) as we are the assigned “owner” of Goemmer Land & Livestock Co due to property divisions as stated in the easement. The easement says that the “owners” “grant, bargain and convey each to the other a non-exclusive easement for ingress and egress over and across that portion of each “owners” property included within Rilling Canyon Road...” Jim said that the developer never considered that access for use by RMR or CRE. The adjoining properties are divided into 3 parcels, one of which is Cole Goemmer and 2 others. The Goemmers, Millard, Robino, Grace and Wood have access through the easement. EK & SB acknowledged that Millard offered to give RMR an access easement, but RMR believes they already have legal access to this easement.

Jim desired to approach the current owners of the properties surrounding Riling Canyon Road to ask for an emergency easement for RMRPOA. EK indicated that we believed we had an access easement and that we did not want to negotiate down. JH indicated that there was flexibility if we could get the access easement verified and physical access secured. If this already granted access could be enforced, then the need for an emergency easement became less important.

MOTION: JH motioned that we ask Jim Young to work through his attorney to discuss and verify with the current property owners (three parcels surrounding Riling Canyon Road) that RMRPOA had an access easement and should be granted unrestricted use of Riling Canyon Road. Should the Riling Canyon issue be resolved. The RMR BOB would, with a voted approval, drop the issue of the vacation of the emergency easement through Joy Smith’s property. CC 2nd the motion, **Motion carried.** Jim agreed to follow up with JH and requested a copy of this document in writing and a map of the easement with adjoining properties.

4. Other Historic Details were discussed without formal motions: the Reservoir site deeded between CRE and RMR; road ownership divisions made by engineers to create 35 acre parcels; the Wilderness Trail easement between Millard, Nelson and eventually Wood that had not been recorded; Dwight Harrison's health situation; Mary Jackson's property sale; and the election of conservation easements of RMR & CRE to the Palmer Trust. To the latter issue, Jim again had used his 20% "trump rights" to exclude RMR owners from the election to the conservation easement as the agreement for election was to be unanimous and there was one dissenting vote.

The meeting recessed for lunch and Jim Young left the meeting.

The meeting reconvened at 1:15 pm:

5. Approval of 10/6/12 BoD Meeting Minutes – The minutes of the Oct 6th meeting were approved following a motion by TB with a second by CC. All voted in favor. **Motion** carried.

6. Follow up Comments on Easement Issues: JH said that Jim Young's visit was worthwhile. TB suggested we just ask for an emergency easement through the Rilling Canyon Rd and all agreed that we think we have full access pertinent to the easement. JH suggested we could offer to improve the road. SB & EK reminded everyone that Colleen Millard had offered to grant their easement to our property owners. All agreed to settle this as quickly as possible.

7. President – JH reported that he has drafted a letter to the real estate agencies to remove their signs from RMR properties and cited our new sign policy within the Architectural Standard Policy. ACTION: EK to email list of real estate agencies to JH for distribution. Letter was acceptable as written.

8. Vice President – EK reported that he will ask Western Power Group to prepare a contract for maintenance of the gate generator. EK said they did find that the oil filter at our generator was half turned which caused it to leak oil, but now it works properly.

9. Secretary – FS had reported that "alien" cows had been removed from the ranch. SB said he contacted the neighbor Price of Indian Creek Ranch and he removed about 15 cows last week. There are still about 4 remaining cows in the ranch. JH remarked that the website was fantastic and worked well.

10. Treasurer – DB reported that:

a. DB distributed the Balance Sheet as of 2/2/13 and a P&L Budget VS. Actual from Oct 1, 2012 to 2/2/13.

Balance sheet added the CRE-RMR Joint account 6628 of \$4548.87, but RMR portion is 50%. DB said that 17 property owners and 2 access owners had paid their 2013 Assessments as of 1/31/13. And 22 property owners and one land access owner had not paid yet. The balance sheet is based on an Accrual basis to accurately reflect the Accts Receivable of \$23,062.80 (\$13,975 from owners and \$8945

from P-33 Dwight Harrison-Phipps). The Grader is more than half paid off and balance is \$37,603.63. P&L Budget reflects first quarter of estimated portion of budget, not total amount. Due to light snow season, we are under budget for Road/Snow Account by \$1153.

b. DB distributed a new Membership List- Feb 2013. The new owners on P-1 are Aladin & Susan Abughazaleh from Dallas, TX. Also, there are new email addresses for P4 Laubach and P13 Archambault and new addresses for P15 (Behrend & Penoyer). **ACTION ITEM:** DB will email list to BOD and asked all to update their email distribution lists.

11. Committee Chair Reports:

Architectural Review Committee Chair (CC) – None to report

Rules Documents Chair –

All policies & procedures have been filed with the County except those with outstanding issues: Emergency Exit Policy and Easements. Front Gate Policy is on hold as everything is working fine.

Ranch Management Committee Chairs (CC & SB) –

- a. SB reported that front gate was erratic for a short period of time and seems to be OK now after he adjusted the sensors.
- b. Roads are just fine as he has not had to plow much snow (only 6 hours since Sept)
- c. SB suggested waiting to install additional snow fencing in the Fall. Ground is frozen. Needed in two places: 100' to stagger at the gate and 200' at Mountain Valley just before Maverick where it drifts. SB reported that Lance Freeman gave SB his permission to plow Mtn Valley as needed.
- d. Gina reported that Lance told her the road would be graded next week.

12. New Business –

- a. Cost of Snow Fencing would come out of CRE-RMR account: DB reported that cost for fencing and posts from Sporleders would be about \$600 (\$90 per 50' section including T-posts)
- b. Spring Workday was set for May 25th to remove snow fence and spray weeds. SB mentioned that Bruce Cantrell may need fencing removed earlier due to ditch irrigation of hay fields. JH to email Bruce to confirm if May 25th not too late. Otherwise several volunteers could remove fencing earlier.

- 8. Next Meeting** – May 25, 2013 at 8AM at the Fuller Western Real Estate office, La Veta. With Spring Work Day to follow at 10:30 AM.

Adjournment – The meeting was adjourned at 1:44 PM.

Respectfully submitted this date 2nd day of February 2013:

by _____

Doreen S. Baumann, acting RMR Secretary