

# Stonehaven at Breckenridge Golf Club Association, Inc.

## Executive Board Meeting

3:00 p.m. MDT, February 1, 2006

Via Telephone Conference

## Minutes

### 1. *Roll call and determination of quorum.*

The meeting was called to order by the President, Ms. Paige Beville, at 3:05 p.m. MDT and a quorum was declared by the presence of Mr. Steve Lindsey, Mr. Bill Kies, Ms. Paige Beville and Mr. Ray Nielsen.

Also in attendance were Ms. Susan Miller and Mr. Tim Glasco of Neils Lunceford, Inc. and Mr. Michael Yearout of Year In and Yearout Management, Inc. manager of the Association.

### 2. *Reading of the Minutes of the Last Meeting.*

A motion was made to dispense with the reading of the minutes of the last meeting and approve them as submitted. The motion was seconded and passed unanimously.

### 3. *New Business.*

Ms. Miller and Mr. Glasco reviewed the conceptual landscape design plans that had previously been sent to all Board members. A discussion ensued. Highlights of that discussion included:

- The entryway by the monument sign is the most important and should be the most formal.
- The irrigation system will probably have to be expanded in some areas, while other areas will be abandoned at some future time. The system will be up-graded and utilize a drip irrigation system as much as possible.
- The formal entry areas around each home were discussed. The potential problem of adding landscape to these areas as association expense vs. the expense some homeowners have already gone to adding landscape to these areas was discussed.
- Native plants and plants that have adapted to our environment will be utilized.
- The priority of the plan was set: the monument sign/entry area and the "B" areas to the east of lots 1, 2 and 3, along Clubhouse Drive.

Neils Lunceford was directed to take into consideration the discussion and get back to the Board with a more detailed plan including cost estimates, grading and drainage issues and a schedule of what will be done and when. It was agreed implementation of the landscape plan will take place over a 5 year period beginning this year. Ms. Miller indicated she should be able to have this done by March 1.

Mr. Yearout reported that a number of the "snowmelt system sensors" either had failed or had been turned off by the owner. Mr. Nielsen noted that the design of the project made the operation of the snowmelt systems mandatory – the paving stones in the driveway of each home were not designed to be plowed of snow and doing so could damage them. Mr. Yearout reported that he had researched the types of sensors available and had found a sensor from the same company that manufactured the present

sensors that would “turn-on” when detecting snow and remain on for 4 – 6 hours. The present sensors turn off as soon as the snow melts from the sensor.

Mr. Yearout was directed to write a letter to each owner with defective or shut-off snowmelt sensors and strongly suggest they replace their sensor or turn on their present sensor. And also inform them the snow removal company will not be plowing the areas that have paving stone only the concrete areas of the driveways and that the Association will not be held responsible for any damage to the paved stone areas.

Mr. Yearout was directed to draw up a schedule of Board meetings as follows: 1 meeting every 2 months from November through April and 1 meeting each month from May through October. The meetings will be held via telephone conference and will occur in the afternoon (approximately 3 p.m. MST) and will not be held on Fridays. He will distribute this schedule to all Board members as soon as possible.

The Board agreed to devote a brief amount of time at each meeting to review the monthly financial statements.

4. *Old Business.*

There was no old business.

5. *Adjournment.*

A motion was made to adjourn the meeting. The motion was seconded and passed unanimously.

The meeting was adjourned at 5:07 p.m. MDT.

Respectively submitted,

Year In and Yearout Management, Inc.  
Managing Agent

Michael K. Yearout, President

## Stonehaven at Breckenridge Golf Club Association, Inc.

Executive Board Meeting  
2:00 p.m. MDT, February 28, 2006  
Via Telephone Conference

### Minutes

1. *Roll call and determination of quorum.*

The meeting was called to order by the President, Ms. Paige Beville, at 2:00 p.m. MDT and a quorum was declared by the presence of Mr. Steve Lindsey, Mr. Bill Kies, Ms. Paige Beville and Mr. Ray Nielsen.

Also in attendance was Mr. Michael Yearout of Year In and Yearout Management, Inc. manager of the Association.

2. *Reading of the Minutes of the Last Meeting.*

A motion was made to dispense with the reading of the Minutes of the last meeting and approve them as submitted. The motion was seconded and passed unanimously.

3. *New Business.*

Ms. Beville indicated there were three primary reasons for this meeting:

- To get a mutual understanding of what the Board will get from Neils Lunceford in the next phase of the 5-year Stonehaven Landscape Planning Process and to identify what the Board wants them to provide in March regarding landscape plans.
- Reach a tentative decision by the Board, in advance of the next meeting with Lunceford, regarding priorities for areas to be landscaped over the five-year period.
- Reach consensus amongst the Board Members as to how much the Association can prudently spend on landscaping in 2006.

Neils Lunceford has told the Board that they will provide a detailed landscape master plan around March 1. Once the Board approves that plan, they will provide cost estimates for each element of the plan.

Landscape priorities for 2006 were discussed.

- The first priority is the "A" element, as described in the "Stonehaven Conceptual Landscape Design" at the main entrance where the monument sign is and the "C" native element southwest of the sign – all the way to the split rail fence.
- The second priority is a portion of the "B" "transitional/streetscape" element to the north of lots 1, 2 and 3.
- The third priority is the "B" element in front of and between lots 7 and 11.

These areas were selected because they are the most highly visible to the public and will not be disturbed during future home construction. While the areas along the entrance into and along Fieldstone Drive are very visible, they will be disturbed during construction of homes on Lots 8, 9, 10, and 15. The Board elected to defer landscaping those areas until construction had been completed. Furthermore, Fieldstone, in accordance with Town of Breckenridge requirements, will be doing some interim landscaping of the berms along Fieldstone Drive this year.

Ray Nielsen said that Fieldstone might commence construction of a home on Lot 15 this year. Should that occur and should landscaping be ready to be completed on and around Lot 15 this summer, Nielsen indicated that Fieldstone would work with the Association to landscape that area in accordance with the Stonehaven landscaping plan.

Mr. Nielsen noted that The Highlands had at one time indicated they would contribute to the landscaping along the Clubhouse Drive right-of-way (the "B" element to the north of Lots 1, 2 and 3). Mr. Nielsen

recalled the discussion with a Don Neilson. Mr. Neilson indicated he would contact Don Neilson and discuss the matter and report back to the Board.

The Board noted that Neils Lunceford must obtain Town of Breckenridge approval of the landscape master plan.

The Board also noted that the up-grade/expansion of the irrigation system is integral to many areas of the landscape improvements it is undertaking and must be made a part of the master plan. Total annual cost estimates provided by Lunceford, as part of this plan, must include irrigation and other landscape maintenance expenses.

Mr. Yearout was directed to contact Neils Lunceford and request a “project workflow master sheet” that would include the 5-year plan, expenses associated with each element and the order in which the elements/projects will be completed. As noted above, the project must also include on-going maintenance activities including eradication of the tall grasses, irrigation system maintenance and improvements, deep root feeding of the trees/shrubs, etc.

The Board discussed the landscape budget for 2006. It was noted that there is approximately \$57,000 in non-budgeted funds in the Stonehaven Association 2006 budget, including about \$28,500 in cash, and \$28,300 in Fieldstone Settlement funds. A motion was made to increase the 2006 Reserve and Contingency Fund to \$15,000 to provide a greater cushion for unexpected/unplanned expenses. The motion was seconded and it passed unanimously. After considering all matters, the Board agreed to increase the landscaping budget for 2006 from its current \$30,000 to \$65,000 for landscape improvements and maintenance for 2006, with the potential to add another \$5,000 should it be deemed appropriate by the Board.

A general discussion about the snow removal budget and the landscape/up-lighting ensued. In spite of the heavy snows, Stonehaven is currently within its budget for snow removal costs, since the snow removal contract is a fixed-price contract. It was agreed that no increase in the snow removal budget was necessary at this time, but that snow removal costs may increase over time as snow storage areas decrease. At this time, the unfinished Stonehaven lots are being used for snow storage. As new homes are constructed on those lots, other areas for snow storage may become necessary and will come at a cost to the Association.

The issue of ways to resolve the landscape/up-lighting problem was discussed again. The problem is difficult and no easy, inexpensive solution has been identified. Since it is not a critical item, further discussion was deferred.

4. *Old Business.*

There was no old business.

5. *Adjournment.*

A motion was made to adjourn the meeting. The motion was seconded and passed unanimously. The meeting was adjourned at 3:36 p.m. MDT.

Respectively submitted,

Year In and Yearout Management, Inc.  
Managing Agent

Michael K. Yearout, President

# Stonehaven at Breckenridge Golf Club Association, Inc.

Executive Board Meeting

3:00 p.m. MST, March 15, 2006

Via Telephone Conference

## Minutes

### 1. *Roll call and determination of quorum.*

The meeting was called to order by the President, Ms. Paige Beville, at 3:01 p.m. MDT and a quorum was declared by the presence of Mr. Steve Lindsey, Mr. Bill Kies, Ms. Paige Beville and Mr. Ray Nielsen.

Also in attendance were Susan Miller, Kim Swanson and Tim Glasco of Neils Lunceford, Inc. and Mr. Michael Yearout of Year In and Yearout Management, Inc. manager of the Association.

### 2. *Reading of the Minutes of the Last Meeting.*

A motion was made to dispense with the reading of the minutes of the last meeting and approve them as revised. The motion was seconded and passed unanimously.

### 3. *New Business.*

A review and discussion of the detailed landscape plans Neils Lunceford sent to all Board members took place.

Mr. Lindsey questioned the irrigation of the proposed newly planted areas. Specifically what areas will need water long term vs. short term.

Tim Glasco said the system will be expanded and up-graded where needed. By doing so, the Association might actually save money as one of the benefits of a correctly operating system is water savings. Newly planted trees and shrubs need water for 5 to 7 years. Perennial flower areas will need supplemental water on a permanent basis. Seeded areas will need water for the first few growing seasons, and then we may be able to decrease the supplemental water. "I think you'll see a reduction in water consumption over time," Mr. Glasco said.

There were a few questions about notes on the first page of the detailed plans. Neils Lunceford answered them.

Ms. Beville asked if it would be possible, each year, to review what has been done and make changes for the following year based on how the previous planting year went. Would the Board have the flexibility to alter the plan in minor ways from year to year? Neils Lunceford said that was possible and would be relatively inexpensive.

A motion was made from the floor to approve the final landscape plans as presented by Neils Lunceford with the flexibility to make minor modifications from year to year based on the previous year's results. The motion was seconded and it passed unanimously.

The Board has identified 3 areas of the plan to implement this year, along with all the associated ongoing maintenance.

Those areas are:

The main entrance “A” element monument sign and the “C” elements going west from the sign all the way to the property line.

The 2<sup>nd</sup> “B” element that is east and northeast of lots 1, 2 and 3.

The 3<sup>rd</sup> “B” element between lots 7 and 11.

The Board noted the total budget for 2006 for these three areas and the ongoing maintenance is \$65,000.

Neils Lunceford said they will be able to provide us with estimated costs for these items within the next 2 weeks.

The Board asked Neils Lunceford what they can expect next.

Neils Lunceford said the next phase will be to bid out the priority areas as identified and provide those costs to the Board. That will occur by March 29.

The Board agreed to have a meeting Tuesday, April 4 at 3 p.m. MST via telephone conference to approve the expenditures and consider other priorities.

4. *Old Business.*

There was no old business.

5. *Adjournment.*

A motion was made to adjourn the meeting. The motion was seconded and passed unanimously.

The meeting was adjourned at 3:50 p.m. MST.

Respectively submitted,

Year In and Yearout Management, Inc.  
Managing Agent

Michael K. Yearout, President

**Stonehaven at Breckenridge Golf Club Association, Inc.**

Executive Board Meeting  
3:00 p.m. MDT, April 4, 2006  
Via Telephone Conference

**Minutes**

1. *Roll call and determination of quorum.*

The meeting was called to order by the President, Ms. Paige Beville, at 3:05 p.m. MDT and a quorum was declared by the presence of Mr. Steve Lindsey, Ms. Paige Beville and Mr. Ray Nielsen. Also in attendance was Mr. Michael Yearout of Year In and Yearout Management, Inc. manager of the Association.

2. *Reading of the Minutes of the Last Meeting.*

A motion was made to dispense with the reading of the Minutes of the last meeting and approve them as submitted. The motion was seconded and passed unanimously.

3. *New Business.*

The Board reviewed the cost estimates for landscape improvements received from Neils Lunceford for the three areas identified at the last Board Meeting as "A," "B," and "C." The "A" area is around the new Stonehaven monument entrance sign and the common area between Lots 14 and 16 all the way west to the split rail fence. The "B" area is the common area between Lots 7 and 11 all the way west to the split rail fence and along The North Road between the two lots. The "C" area is to the northeast of Lot 3. These areas are outlined on the Landscape Improvement Diagram, sheet 1, L1.1. That document is hereby made a part of these Minutes and is attached hereto.

The Board requested that Lunceford work with Fieldstone to coordinate the landscaping work around the monument sign with regards to lighting of the monument sign. Fieldstone is responsible for installation of the monument sign lighting. Fieldstone agreed to coordinate with Neils Lunceford to bring electricity to the "A" area since it will be needed for the landscaping project in that area. Mr. Nielsen said there is a conduit under the road that provides for this. Fieldstone agreed to bear the costs for ensuring Lunceford has access to and use of electricity while doing their work.

Mr. Yearout was directed to request the following modifications or clarifications to the Landscaping Proposal.

- Neils Lunceford would be responsible for arranging for private and public utility locates, except for private water shutoffs, electronic animal fences, security systems, and low voltage or other lighting circuits. Mike Yearout was directed to work with Lunceford to try to ensure the low voltage lines would not be cut during landscape work. If they are, Lunceford would try to make repairs, but would not be liable for them.
- It was noted that area "C" described in the budget proposal is not the same size as was indicated in the landscape design plans approved at the last Board meeting. Mr. Yearout was directed to contact Neils Lunceford to determine whether the change was an oversight or deliberate. Mr. Yearout did find out that Lunceford reduced the size of Area C to include only the northeast corner of the Stonehaven property adjacent to Lot 3 since to include an extended area north of Lots 1 and 2 along Club House Drive would be too costly for the limited Stonehaven budget.

The Board requested the use of one of Fieldstone's undeveloped lots to store material for the landscape improvements. Mr. Nielsen agreed to the use of Lot 10 for storage of landscape materials.

Over the life of the project, the Board agreed that prior to commencement of work adjacent to or on individual homeowner lots, that the affected homeowners would be notified of the work to be done. Mr.

Yearout was asked to contact these homeowners as appropriate and to provide information about the work to be done. In addition, Mr. Yearout was also directed to ask those homeowners to allow Neils Lunceford to use water and electricity from their outside outlets. It was noted the water and electrical requirements would be minimal. It was noted there is temporary power on Lot 15 and Fieldstone agreed to allow Neils Lunceford use of this power for landscaping work to be done in proximity to that Lot.

Mr. Yearout noted he had discussed improvements to the existing irrigation system with Neils Lunceford and that Neils Lunceford will advise of recommendations regarding improvement to the system as it is brought on line and utilized this summer.

Ms. Beville reminded the Board that they were reviewing and considering three separate landscaping improvement projects (the aforementioned Areas A, B, and C) as well as a separate proposal from Lunceford for routine landscaping and irrigation system maintenance work for 2006.. The Board needed to decide which of the projects would be funded during 2006.

At that point, the Board discussed the 2006 Landscaping Maintenance Proposal which had been received prior to the Board Meeting. During earlier discussions, the Board had wondered whether the Lunceford group who put the proposal together was aware that another Lunceford group was working with the Association to develop a Landscape Improvement Proposal and whether there was any overlap or redundancies in the two proposals. Mr. Yearout noted he had discussed the maintenance proposal with Neils Lunceford and was told the two proposals were separate and there were no overlaps. All work identified in the Maintenance Proposal, such as weed cutting, irrigation repairs, deep root feeding of the trees and shrubs, pruning and staking were all items that should be completed each year to keep the existing landscape healthy and growing. Neils Lunceford told him the landscape improvement areas would not require maintenance this year, beyond what was necessary to install the improvements.

Ms. Beville noted the total cost estimate for the landscape improvements to Areas A, B and C plus the maintenance proposal was nearly \$99,000, well over the agreed-upon 2006 landscaping budget of \$65,000 (see Board Meeting Minutes of March 15, 2006). She asked that the Board consider accepting the proposals to improve Areas A and C as well as the 2006 Landscaping Maintenance proposal in order to stay within the 2006 Landscaping budget. A motion was made to accept the maintenance proposal and to proceed with the landscape improvements to Areas "A" and "C" and defer the improvements to Area "B" until 2007. The motion was seconded and passed unanimously.

4. *Old Business.*

Mr. Yearout indicated he had met with a concrete company regarding the heated drainage area between Lots 1 and 2. The heating system failed last autumn. He received a verbal estimate of approximately \$6000 to remove the concrete and replace it after a new heating system was installed. He said a written estimate should be received in about a week. He noted the company can get it scheduled for late April or early May.

5. *Adjournment.*

A motion was made to adjourn the meeting. The motion was seconded and passed unanimously. The meeting was adjourned at 3:58 p.m. MDT.

Respectively submitted,

Year In and Yearout Management, Inc.  
Managing Agent





## **STONEHAVEN AT BRECKENRIDGE GOLF CLUB ASSOCIATION, INC.**

### **ANNUAL MEETING**

#### **Minutes**

**August 16, 2006**

- 1) Roll call and determination of quorum.

The Annual Meeting of the Lot Owners of Stonehaven at Breckenridge Golf Club Association, Inc. (the Association) was called to order, by the President, Ms. Paige Beville, at 1:10 p.m. at the Beaver Run Resort and Conference Center, Breckenridge, Colorado.

A quorum was declared by the presence of 15 Lot Owners either in person or by proxy. Also present was Mr. Michael Yearout of Year In and Yearout Management, Inc., Manager of the Association and Mr. Tim Glasco of Neils Lunceford Landscaping.

- 2) Proof of Notice of Meeting.

Mr. Yearout presented the notarized certificate of the mailing of the Notice of Annual Meeting to all Lot Owners as Proof of Notice of Meeting.

- 3) Reading of the Minutes of the 2005 Annual Meeting of the Lot Owners of the Association.

Mr. Yearout read the Minutes of the 2005 Annual Meeting. A motion was made from the floor to approve the Minutes of the 2005 Annual Meeting as read. The motion was seconded and passed unanimously.

- 4) Reports.

- A. Fieldstone Settlement

Ms. Beville recapped the Settlement reached earlier this year with Fieldstone LLC. As part of the Settlement, Fieldstone is obligated to build a dumpster enclosure, complete a limited amount of landscaping on the berms at the entry to the project, complete and light the entrance/monument sign and install permanent street signs for the North and South Roads. In exchange for completion of these items along with \$28,300 in cash, the Association agreed to release the \$98,000 lien.

- B. 2006 Landscaping/Irrigation System Projects

Ms. Beville noted that the Association had completed two landscape projects within the development. As shown on the Stonehaven landscape plans developed by Neils Lunceford, the two sections completed are noted as Area A and Area C. Area A is in front of and behind the monument sign at the entry to the project. Area C is on the northeast corner of the project near the

intersection of Highlands Drive and Clubhouse Drive. The Association wanted to complete other areas, however not enough funds were available. Ms. Beville indicated that the Board would be asking for input from the membership for preferences of areas for landscape improvements and how quickly they would like those areas completed. She cautioned that Stonehaven is a relatively small Association and has only a small budget with which to work. Unless the membership agrees to a Special Assessment or an increase in dues, landscaping projects or other improvement projects as discussed later in these Minutes will have to be deferred and/or will take longer to complete.

She discussed plans for upgrading and extending the current irrigation system. It was noted that Fieldstone planned this system to be temporary since their vision for the Stonehaven landscape was a “natural” landscape consisting primarily of tall grasses, a relatively small number of trees and shrubs, and no flowers. Their plan, as approved by the Town of Breckenridge (TOB), was to abandon the irrigation system after three to five years, once the tall grasses, shrubs and trees were established. At last year’s Annual Meeting the membership decided to adopt a landscape plan that included some “formal areas” with annual and perennial flowers, shrubs and trees, other areas with low grasses that blended with the golf course landscape and other areas that were left in a more natural state. In addition, the membership agreed that flowers and other more “formal” landscaping around and between homes was desirable and something most homeowners were already doing. All of this will require a permanent irrigation system in the more formal areas. The Association is working with Neils Lunceford to upgrade and extend the irrigation system as the formal areas are created. However, completion of the system will take time as funds are limited. A new irrigation system that ties into the existing infrastructure has been installed in Areas A and C.

C. Activity Report by Fieldstone

As lot owners, Fieldstone was invited to attend this meeting, but no representatives were present. As such, Fieldstone sent an e-mail to Ms. Beville explaining the status of the projects they were to complete as part of the Settlement. Below is a recap of their e-mail and the related discussions.

- Fieldstone quoted a price of \$1900 to complete the dumpster enclosure as the Board had requested, including filling in the gables, installing a manually-operated garage-type door (the Board had requested an electrically-operated door with keypad entry), and a man door on the side entry. The \$1900 would be at the expense of the Association since this was for changes to the plan approved by the TOB. The original plan approved by the TOB required Fieldstone to install “swinging/ barn-type” doors on the enclosure and to leave the side door open. The Board requested the changes to improve the appearance of the building, make it more accessible to the homeowners and their guests and to make it bear-resistant. Mike Yearout indicated that in a recent conversation with Jennifer Cram, from the TOB Planning Department, she indicated her preference for a garage-door type closure. Since this conflicts with the TOB approved plan, the Board will seek to determine what is actually required by the TOB. If a garage door is required, the Board will ask Fieldstone to install one at Fieldstone’s expense.
- Fieldstone is supposed to light the entry sign. They initially proposed to install up-lights on the sign, but the TOB will not allow ‘up-lights’ as they contribute to light pollution of the sky. Accordingly, Fieldstone is now proposing three options: a) installing down lights from pedestals off of the stone wall; 2) installing two “directional lights” from below the sign that would light only the sign lettering; or 3) contributing \$3000 to the Association to use for whatever lighting scheme the Association determines best meets our requirements. The Board has met with Neils Lunceford regarding installation of lighting of the sign that will comply with the Town’s requirements. (See Monument Sign Lighting discussion under New Business.) Ms. Beville indicated that the Board would consider all options and make a decision as soon as possible.

- The poles to hold the street signs have been installed. Fieldstone has ordered the street signs and the brackets to mount them and should have them up in a week or so.
- Finally Fieldstone indicated that the entry landscaping including temporary seeding/topsoiling adjacent to Lots 15 and 8 will be completed this summer.

Ms. Beville said that Fieldstone has decided not to complete the final four homes at the project at this time. They have put the remaining 4 lots on the market for sale. It was noted that whoever buys them will have to comply with the existing Town-approved plans.

The membership discussed having Fieldstone give the Association money in lieu of completing the projects, then complete the projects itself so as to have them done the way the Association wants them done.

A discussion about foreclosing on the existing lien to get the money to finish the projects took place along with a discussion about whether the lien might be in danger of expiring and how to refile the lien.

A motion was made from the floor to direct the Board to contract with an attorney to write a letter to Fieldstone informing them that the Association was initiating procedures to foreclose on the lien if the Settlement projects were not completed by October 1, 2006. Additionally the Board was instructed to determine the status of the lien and whether steps were necessary to keep the lien in force.

The motion was seconded and passed unanimously.

#### D. Draining Pad Repair

Mr. Yearout reported on the heated drainage area repair between 62 and 64 The North Road. He said the heating system failed late in the autumn of 2005. Although he did acquire estimates to have the pad repaired, by the time they were received, it was too late to begin the repairs. Accordingly the work was not done until this Spring.. Due to concrete and copper price increases, since the original estimate was given along with higher labor costs, the project was over budget by approximately \$10,000.

#### E. Lunceford Landscaping/Irrigation System Upgrade Projects

Tim Glasco from Neils Lunceford reported on the landscape projects completed this summer, the irrigation system and recommendations for further improvements.

He noted their work was completed, on budget, in Areas A and: C. Area B just to the north of the main entry was delayed due to budget constraints and he recommended considering it for the future. He said they had completed many repairs on the irrigation system and it was working as well as it could. Also completed was the test plot around the Fischer's home to test the revision of the system, eliminating the micro-jets and replacing them with a "pop-up" type of irrigation head that covers a wider area and is much more efficient. He noted it has worked well. This is the type of system he recommends for each of the twelve or so "courtyard" areas (the areas around the entry to each home). To install this system in each area would cost approximately \$1,000. He also recommended abandoning the irrigation system in some of the well-established grassy areas.

He said Neils Lunceford had completed an irrigation "as built" drawing showing where the irrigation zones are, where the controller boxes are located and the irrigation time schedule. Copies of this "as built" plan were distributed to the membership. He indicated the new courtyard irrigation system would be much more efficient than the current system. He noted the current maxi-jet system produces a "mist" rather than a heavier spray of water and has to run much longer than the new courtyard system. The courtyard system would allow the system to run for shorter times and apply more water more efficiently.

Ms. Beville asked for comments on the irrigation system up-grade, e.g. is this something the homeowners want and are willing to pay for.

New business:

A. Access Paths

Ms. Bradley suggested creating a path or paths for access to the west side of the homes located on the west side of the North and South Roads. Such paths would allow access for installing large landscape elements without damaging the existing landscape. She suggested this be incorporated into the landscape plans for the future.

B. Monument Sign Lighting Options

Lighting the monument sign was discussed. Mr. Glasco described three options for the membership to consider.

- Option 1: Lights on top of the wall pointing downward towards the sign. Approximate cost = \$4,500.
- Option 2: Solar- powered LED “tube” lighting above and below the letters with a covering directing the light towards the letters, Approximate cost = \$3,800.
- Option 3: Solar-powered ground level lights directed towards the letters. Approximate cost = \$4,200.

He said they had installed solar systems in the county and have had good results. The membership requested Neils Lunceford do a trial of the LED tube lighting on the sign so the membership can see what it looks like. They also requested information regarding battery and bulb life, particularly under harsh weather conditions.

C. Exterior Lighting

Homeowners have expressed concern that the development is not well-lit, making the development and individual homes difficult to locate in the dark and looks, as some have described it, as a “failed“development The Board has discussed potential solutions many times but have not come up with an affordable/desirable solution.

Options explored to date include:

- Continue up-lighting system as is.
- Add two street lights at entry on Fieldstone Drive.
- Put exterior home lighting back in the hands of the individual homeowner.
- Remove up-lights and replace with down-lights mounted on the homes.
- Install sensors on all the exterior garage lights and have them come on with photo cells as is currently done with the up-lights. Homes without garage lights would have them installed at the expense of the Association with the homeowners buying the lights.

Ms. Beville indicated that the Board would seek input from the homeowners before taking any action.

D. Homeowner Rights

Mr. Yearout discussed the revised Colorado statutes regarding homeowner associations.

Colorado statutes have been revised in recent months pertaining to governance of homeowner associations. Originally passed as Senate Bill 100 and recently revised by Senate Bill 89, these laws require associations to disclose certain information on a regular basis, adopt and publish its policies and procedures (that comply with the new laws) and a number of other items relating to same.

Stonehaven is already in compliance with the majority of items required by these revisions to the statutes. The few remaining items that need to be accomplished shortly after the first of the year will be in place and we will be in full compliance.

Our new web site will be used to make the required disclosures. It already contains many of the required documents so that they are available to all members.

The membership was encouraged to review the proposed Policies and Procedures – they are posted on the “message board” as well as in the HOA Library sections of the website. Comments can be posted on the message board or sent directly to a Board Member or Mike Yearout. These Policies and Procedures will be adopted after review by the Executive Board at the next Executive Board meeting.

To access the Association web site: open your browser and in the address bar type in the following address: [www.stonehavenatbreckenridge.org](http://www.stonehavenatbreckenridge.org). If you have never accessed the site before you will need to register. Using the box in the upper left-hand corner click on “register.” This will take you to a page that requests you to enter the community code. That code is: tiger. Type that in the box, click enter and it will take you to a “user registration” page. There you will create your individual user name and password and list any information you want visible to other owners. Once you have completed registering you will be directed back to the main “home” page and will be able to access everything on that page. If you have already registered, all you need do is type in your user name and password and you will have access to everything on that page.

E. Home Rentals

Mr. Lindsey discussed renting of homes. Some owners have expressed concern with rights and obligations of renter. It was suggested that a letter be sent to all owners regarding the rights and obligations of renters. Mr. Lindsey volunteered to head up a committee to draft a letter for the Board to consider. Ms. Schutt volunteered to serve on the committee as well.

F. Monument Sign Color

The lettering of the Stonehaven monument sign was discussed. It was noted the present black lettering is not very visible. It has been determined that we can repaint the letters a different color for between \$150 and \$200. A suggestion was made to paint the letters green, another suggestion was to paint the letters bronze. The membership agreed the Architectural Committee will investigate colors and advise the membership of their recommendations.

G. Architecture Review Committee (ARC) Report

Bob St. Pierre, Chairman of the ARC, gave a brief report of the ARC’s 2006 activities. He noted that nine homes have been re-stained since the last Annual Meeting. Other approved projects included the addition of rock on exterior walls, patio expansions, and new trees.

H. Budget:

Ms. Beville noted the Association is over budget by approximately \$11,000 due to irrigation system repairs and the overage on the heated drainage repair. She indicated the budgetary overage was taken from the Reserve and Contingency fund. She noted that beginning with our new budget year in January 2007 we will have approximately \$4,000 remaining in the Reserve and Contingency fund. At last year’s Annual Meeting the membership agreed to keep \$15,000 in the fund. She discussed the budget line items, noting that most of the costs are fixed, i.e. we must have snow removal, trash removal, electric, management, etc. The total fixed annual expenses are approximately \$60,500. This figure includes landscape maintenance of approximately \$20,000. Income is \$88,000.

After replenishing the Reserve and Contingency fund and covering our “fixed” expenses, the Association is left with approximately \$17,000 in 2007 for improvements to the development, including irrigation system upgrades, and repairs, new landscaping, and exterior lighting. Clearly there are not enough funds to cover all these proposed projects. Therefore, the Board agreed to prepare a list of proposed projects with the costs associated with each and forward it to the homeowners so they could prioritize the projects they wish completed and when. The Board will also seek interest in “fast forwarding” these projects by imposing a Special Assessment and/or

raising quarterly dues. The Board will then prepare a budget, taking these comments into consideration and forward it to the membership for ratification. The Association's fiscal year begins January 1, 2007, so the budget will have to be ratified by that time.

- 5) Establish number and term of membership of the Executive Board.  
Mr. Yearout reviewed the number and qualifications of Directors. He noted the Executive Board shall consist of 5 members, all of whom shall be elected by the Lot Owners. The term of each Executive Board member is one year.
- 6) Election of inspectors of election.  
A motion was made from the floor to make Michael Yearout the inspector of the election. It was seconded from the floor and the motion passed unanimously.
- 7) Election of Directors of the Executive Board.  
Those persons interested in running for the Board were asked to speak briefly on their interest in running for the Board and their qualifications. Each interested person did so.

The floor was opened for nominations to the Executive Board to serve a one-year term.

The following persons were nominated and seconded.

Mr. Tom Maiorano

Ms. Carolyn Bradley

Ms. Linda Schutt

Mr. Bob St. Pierre

Ms. Paige Beville

Mr. Steve Lindsey

A motion was made to close nominations. The motion was seconded and passed unanimously.

A secret ballot took place. Mr. Yearout counted the ballots and reported the following results:

Those elected to the Board are as follows:

Ms. Paige Beville

Mr. Steve Lindsey

Mr. Tom Maiorano

Ms. Linda Schutt

Mr. Bob St. Pierre

- 8) Adjournment.  
A motion was made from the floor to adjourn the meeting. The motion was seconded and passed unanimously. The meeting was adjourned at 4:10 p.m.

Respectfully submitted,  
Year In and Yearout Management, Inc.  
Managing Agent

Michael Yearout  
President

**Stonehaven at Breckenridge Golf Club Association, Inc.**

Executive Board Meeting

4:15 p.m. August 16, 2006

**Minutes**

1. *Roll call and determination of quorum.*

The meeting was called to order by the President, Ms. Paige Beville, at 4:17 p.m. and a quorum was declared by the presence all board members – Also in attendance was Mr. Michael Yearout of Year In and Yearout Management, Inc.

2. *New Business.*

Ms. Beville said the purpose of this short meeting was to elect officers to the Executive Board and opened the floor to nominations. The following persons were nominated:

Ms. Beville for president.

Mr. Lindsey for vice-president.

Mr. Bob St. Pierre for treasurer.

Mr. Tom Maiorano for secretary

Nominations were closed and those nominated were elected by acclamation.

Ms. Schutt was appointed to serve on the ARC committee as the Boards representative.

A motion was made to offer the position of the chairperson of the ARC to Carolyn Bradley. It was seconded. And it passed unanimously.

3. *Adjournment.*

A motion was made to adjourn the meeting. It was seconded and passed unanimously.

There being no further business the meeting was adjourned at 4:30 p.m.

Respectfully submitted,

Year In and Yearout Management, Inc.  
Managing Agent

Michael Yearout, President

**Stonehaven at Breckenridge Golf Club Association, Inc.**

Executive Board Meeting

3:00 p.m. MST, September 28, 2006

Via Telephone Conference

**Minutes**

1. *Roll call and determination of quorum.*

The meeting was called to order by the President, Ms. Paige Beville, at 3:03 p.m. MDT and a quorum was declared by the presence of Mr. Steve Lindsey, Mr. Bob St. Pierre, Ms. Paige Beville, Ms. Linda Schutt and Mr. Tom Mairono.

Also in attendance was Mr. Michael Yearout of Year In and Yearout Management, Inc. manager of the Association.

2. *Reading of the Minutes of the Last Meeting.*

A motion was made to dispense with reading of the minutes and approve the minutes as presented. with the reading of the minutes of the last meeting and approve them as revised. The motion was seconded and passed unanimously.

3. *New Business.*

Rules and Regulations. The bd discussed the proposed rules and regs presented for the board to consider. MKY directed to research tob leash law says. Report to bd.

Mr. Mariono discussed the rules and regs. The rules and regs supplement/augument the regulations that exist in the Declaration. Note there are further regulations regarding the conduct/change of exterior/modification etc. beyond the proposed rules and regs.

Change first pp to read: it is strongly suggested that each owner read article 5 of Decs. These rules and regulations augument and further refine the regulations contained in article 5.

A motion was made to approve the rules and regs with modifications as suggested. Said rules and regs will be sent to al ho's for objections, etc. 30 day period.

Draft policies and procedures. Discussion. All comments must be received by MKY by nnext Monday.

If no commenst rfeceived they will be passed at next bd meeting.

Polling of ho's re landscape, irrigation system and home lighting.

Irrigation system is approx. 12000

Impliment more of the landscape plan. Area B, 33000



Lights: do nothing, do down-lights in approx. same locations, street lights.

Want to poll all ho's with regard to what they would like to do, as we only have approx. 17000 to do anything. If we want to do any of these items, we will have to fund them, i.e. a special assessment.

Ms. Beville volunteered to draft a poll letter and have sent to all ho's by next week.

Give ho's 2 weeks to respond have another bd meeting to draft budget and get budget out to ho's for approval.

Mr. Yearout discussed his new management sign. All members approved of it.

Next bd meeting set for Oct 24 at 3 pm via telephone.

4. *Old Business.*

There was no old business.

5. *Adjournment.*

A motion was made to adjourn the meeting. The motion was seconded and passed unanimously.

The meeting was adjourned at 4:40 p.m. MST.

Respectively submitted,

Year In and Yearout Management, Inc.  
Managing Agent

Michael K. Yearout, President

# Stonehaven at Breckenridge Golf Club Association, Inc.

Executive Board Meeting

3:00 p.m. MDT, October 24, 2006

Via Telephone Conference

## Minutes

### 1. *Roll call and determination of quorum.*

The meeting was called to order by the President, Ms. Paige Beville, at 3:01 p.m. MDT and a quorum was declared by the presence of Mr. Steve Lindsey, Mr. Bob St. Pierre, Ms. Paige Beville, Ms. Linda Schutt and Mr. Tom Maiorano.

Also in attendance was Mr. Michael Yearout of Year In and Yearout Management, Inc., manager of the Association.

### 2. *Reading of the Minutes of the Last Meeting.*

A motion was made to dispense with reading of the minutes and approve the minutes as presented. The motion was seconded and passed unanimously.

### 3. *New Business.*

The Board discussed the Proposed Rules and Regulations that were sent to all homeowners on September 20.

From comments received from homeowners –a total of 8 – the issues of concern are the language the Board proposed under the nuisance rules, the Breckenridge golf course, and parking.

Nuisance Rules – comments indicated a concern that the Executive Board was trying to be overly restrictive, prohibiting any type of playground activities in common areas and courtyards.

The Board discussed the comments and agreed to:

- a) Re-write the “Nuisance” section to reflect that activities that disturbed residents or their guests or renters was prohibited. The rewritten language will therefore prohibit nuisance activities, not the activities themselves.
- b) Remove any mention that the Breckenridge Golf Club was private property and only to be used by paying guests since control of the use of the Club property was outside the purview of the Association.
- c) Leave the parking rules as written since the rules were merely a clarification of the restrictions in the Declaration.
- d) Develop a communication plan to deal with nuisance activities engaged in by guests in 65 The North Road, now owned by High Country Club. Unlike the other homes at Stonehaven, this home is not individually-owned. It is frequently used by Club members who may not be aware of the rules and regulations of Stonehaven and may inadvertently engage in “nuisance” activities. The Association needs to know who to contact to help deal with such activities. P. Beville agreed to contact the VP of High Country Club to ask that he help develop such a plan.

- e) Contact some of the homeowners who submitted comments about the proposed rules and regulations to explain the basis for the rules and the changes the Board made in response to their comments.

Mr. Maiorano volunteered to produce a quarterly newsletter for distribution to all homeowners. He hopes to have the first one completed before the end of 2006.

The Board discussed the budget for 2007 and the responses received from homeowners regarding projects to pursue as well as funding alternatives. Based on homeowner responses, the preferences were

- a) to complete certain improvement project, including irrigation improvements, landscaping and lighting and;
- b) pay for them as the Association had funds to do so or use special assessments. Few were in favor of a dues increase.

The Board noted the responses indicated that the irrigation upgrade is top priority, followed by the area "B" landscape improvements.

A motion was made to implement a special assessment of \$2,000 per lot owner, due May 1, 2007. The motion was seconded and it passed unanimously.

The special assessment will pay for the irrigation system upgrades and the landscape improvements in area "B" as specified on the landscape master plan. P. Beville agreed to draft a letter to the homeowners to accompany the proposed budget to explain the poll results and justification for the special assessment. The letter and proposed budget, once reviewed and approved by the Board, will be sent out to the homeowners for ratification.

A motion made to adopt the policies and procedures as proposed on July 13, 2006. The motion was seconded and passed unanimously.

The next meeting of the Board is scheduled for December 19<sup>th</sup> at 3:00 PM MST. The meeting will be held via conference call.

#### 4. *Old Business.*

There was no old business.

#### 5. *Adjournment.*

A motion was made to adjourn the meeting. The motion was seconded and passed unanimously.

The meeting was adjourned at 4:40 p.m. MDT.

Respectively submitted,

Year In and Yearout Management, Inc.  
Managing Agent

Michael K. Yearout, President

# Stonehaven at Breckenridge Golf Club Association, Inc.

Executive Board Meeting

4:00 p.m. MST, November 16, 2006

Via Telephone Conference

## Minutes

### 1. *Roll call and determination of quorum.*

The meeting was called to order by the President, Ms. Paige Beville, at 4:04 p.m. MST and a quorum was declared by the presence of Mr. Bob St. Pierre, Ms. Paige Beville and Ms. Linda Schutt.

Also in attendance was Mr. Michael Yearout of Year In and Yearout Management, Inc., manager of the Association.

### 2. *Reading of the Minutes of the Last Meeting.*

A motion was made to dispense with reading of the minutes and approve the minutes as presented. The motion was seconded and passed unanimously.

### 3. *New Business.*

Rules and regulations. A motion was made to adopt the rules and regulations as proposed on October 1, 2006 and revised on October 31, 2006 using input received from the membership. The motion was seconded and passed unanimously. Ms. Beville directed Mr. Yearout to send copies of the newly-adopted Rules and Regulations to the membership. She stated that she would draft a note to accompany the mailing explaining the intent of the new Rules.

Discussion of the area in front of the dumpster building. Ms. Shutt and Mr. St. Pierre reported that the area in front of the dumpster building was muddy, making it difficult to access the building.. Both suggested that the problem could be solved by spreading a load of gravel in front of the building. Mr. Yearout reported that a load of gravel and the subsequent spreading/compacting would cost \$350. Ms. Beville asked Mr. Yearout to contact Waste Management Company who collects and empties the dumpster using truck-mounted mechanical arms, to ensure that the addition of the gravel would not impact their ability to access the dumpster. (Ms. Beville had been told by Waste Management that they used the elevation difference between the entrance to the dumpster and the concrete pad on which the dumpster sits, as an effective barrier to prevent the truck from moving in too close to the dumpster.) Mr. Yearout contacted Waste Management and informed them of our plans to add a gravel layer in from of the building. Mike – I assume this is what you told them and they were ok with it.

A motion was made to purchase the gravel and have it spread/compacted in the front area of the dumpster building. The motion was seconded and passed unanimously.

4. *Old Business.*

There was no old business.

5. *Adjournment.*

A motion was made to adjourn the meeting. The motion was seconded and passed unanimously.

The meeting was adjourned at 4:24 p.m. MST.

Respectively submitted,

Year In and Yearout Management, Inc.  
Managing Agent

Michael K. Yearout, President

# Stonehaven at Breckenridge Golf Club Association, Inc.

Executive Board Meeting  
3:00 p.m. MST, December 19, 2006  
Via Telephone Conference

## Minutes

1. *Roll call and determination of quorum.*

The meeting was called to order by the President, Ms. Paige Beville, at 3:06 p.m. MST. A quorum was declared by the presence of Mr. Bob St. Pierre, Ms. Paige Beville, Ms. Linda Schutt, Mr. Tom Maiorano and Mr. Steve Lindsey. Also in attendance was Mr. Michael Yearout of Year In and Yearout Management, Inc., manager of the Association.

2. *Reading of the Minutes of the Last Meeting.*

A motion was made to dispense with reading of the Minutes of the last meeting and approve the Minutes as presented. The motion was seconded and passed unanimously.

3. *New Business.*

### **2007 Budget Ratification**

The Board discussed the responses received from the membership relative to ratifying the proposed 2007 budget. Fifteen budget ballots were received back from the membership and all ratified the budget. A motion was made to approve the budget as ratified by the membership. The motion was seconded and passed unanimously.

### **Sale of Undeveloped Stonehaven Lots**

Mr. Yearout said that Lots 8, 9 10 and 15 had sold with a closing date of December 28 and that a request to release the lien held by the Association on the lots had been received. Much discussion ensued.

The Board is concerned that the Association might be saddled with some of the requirements the Town of Breckenridge (TOB) has placed on Fieldstone with regard to landscaping and other items required in its site and construction permits. If the new developer does not have to assume those requirements, the Association might. The Board requested that a copy of the purchase agreement be forwarded to them for review and that a written statement from the TOB be obtained freeing the Association of any responsibility for any of the Town requirements.

The Board also believed that Fieldstone had not fulfilled all of its obligations in the Settlement Agreement and Mutual Release between the Association and Fieldstone and that release of the lien was not warranted. This understanding of the conditions for lien release as set forth in the Settlement Agreement was supported by the Association's attorney, who, in a letter dated November 29, 2006 to Wendell Porterfield, attorney for Fieldstone said the following:

My review of the Settlement Agreement and Mutual Release with my client indicates that Fieldstone has still not completed its obligations under Section A, Paragraph 5(a), (b) and (c). Specifically, the landscaping required by the Town of Breckenridge (TOB) for Lots 8, 9, 10 and 15 have not been completed and not turned over to the Association in an approved condition.

Accordingly, I have advised my client that a Release is not appropriate at this time. Perhaps when your client has completed this work in the Spring and the TOB has signed off this matter can be concluded.

Given this, the Board agreed that Mr. Yearout should not move forward with the request to indicate that such release would be forthcoming.<sup>1</sup>

### **Executive Board Roles**

Roles of each of the Executive Board members have not been discussed by the Board for several years. Ms. Beville suggested that since the current Board was largely made up of new members, such a discussion would be beneficial. It was noted that Article IV of the Bylaws of the Association defines the responsibilities of each of the officers of the Executive Board. Ms. Beville reviewed the obligations of each officer.

The Board determined after review of Article IV that the officers were largely carrying out their responsibilities as defined therein. It was noted that one of the duties of the Secretary was to take the Minutes of all meetings. A motion was made to delegate the taking of the Minutes to the association manager. The motion was seconded and passed unanimously.

A discussion regarding the duties of the Treasurer also occurred. Those duties include oversight of all expenditures, receipt of monies, etc. To date, the manager of the Association has been handling the day-to-day financial affairs of the Association. The Board reviews the budget, including all financial transactions in a budget report submitted each month by the Association manager. The Board agreed that it should initiate more stringent oversight of the finances of the Association and that the Treasurer should fulfill that role. Accordingly, the current Treasurer – Mr. St. Pierre – agreed to meet with Association manager on a periodic basis to examine the financial records of the Association and report the results of that review to the Board.

#### *4. Old Business.*

There was no old business.

#### *5. Adjournment.*

A motion was made to adjourn the meeting. The motion was seconded and passed unanimously. The meeting was adjourned at 3:48 p.m. MST.

Respectively submitted,

Year In and Yearout Management, Inc.  
Managing Agent

Michael K. Yearout, President

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<sup>1</sup> Subsequent to the meeting, Ms. Beville had a conversation with Mr. Ray Nielsen of Fieldstone, regarding the lien release. After reviewing the Settlement Agreement with Mr. Nielsen, she determined that Fieldstone had fulfilled its obligations for release of the lien and agreed to contact the Board to obtain their approval for release of the lien. Mr. Nielsen also told Ms. Beville that the purchaser, as part of the sales agreement, was assuming all the obligations contained in the Stonehaven site and construction permits, including those of the TOB. These obligations are specified in the approved plans that Fieldstone has with the TOB and on file at the Town Hall. See the attached notes from Ms. Beville's 12/27 conversation with Mr. Nielsen.

## Notes from discussion on Dec. 27<sup>th</sup> with Ray Nielsen, Fieldstone Development, LLC

### Regarding release of the Association's lien against Fieldstone.

Ray called today, in reference to the letter the Association's attorney, Ron Carlson, had sent to Fieldstone's attorney, Wendell Porterfield indicating that upon his "... review of the Settlement Agreement ... indicates that Fieldstone has still not completed its obligation under Section A, Paragraph 5(a), (b) and (c). Specifically, the landscaping required by the Town of Breckenridge (TOB) for Lots 8, 9, 10 and 15 have not been completed and not turned over to the Association in an approved condition. Accordingly, I have advised my client that a Release is not appropriate at this time."

Those paragraphs read as follows:

5 (a): For Newly Created Landscaping in and around the improved and unimproved Fieldstone Lots in accordance with the Town of Breckenridge (TOB) requirements. Responsibility for the landscaping and maintenance in and around the Fieldstone Lots shall be transferred to the Association upon issuance of the Certificate of Occupancy ("CO") for each such Lot pursuant to TOB requirements.

5 (b): For landscaping and maintenance of the Stonehaven entryways in accordance with TOB requirements. Responsibility for landscaping and maintenance of the Stonehaven entryways shall be transferred to the Association upon issuance of the CO for Lots 8 and 15 pursuant to TOB requirements. Fieldstone shall provide a one (1) year warranty on such landscaping material (the "Warranty Period"); however, Fieldstone will not be responsible for maintenance for these areas during the Warranty Period.

5 (c) For the planting of trees and shrubs in accordance with the original TOB permit approvals for the Project. In the development of Lots 8, 9, 10 and 15, the TOB required landscaping as set forth on site plans and other TOB planning documents, will be installed adjacent to these Lots and along The South Road. Fieldstone will make every reasonable effort to accommodate the Association's request for additional trees and shrubs for the areas around Lots 16 and 14, however any additional planting and the location of such planting shall be at the sole discretion of Fieldstone and TOB.

Ray asked why the Association's attorney felt that the Association could not release the lien, when, as Ray pointed out, the requirements for release of the lien, were only those stipulated in Section B of the Settlement Agreement (SA) and those had been fulfilled. I told him that both Carlson and I felt the terms of the Settlement Agreement had not been met. On my part, I felt that the regrading and reseeding of the berms along Fieldstone Drive had not been done and that that was part of the Settlement. On Carlson's part, as indicated above, he felt the terms of Paragraph 5 in Section A had not been met.

Ray pointed out that the requirement to regrade and seed the berms was in Section A and none of the Section A (5) requirements were part of the requirements for lien release. Upon my review of the Settlement Agreement, I now agree with Ray and his attorney – the requirements for release of the lien are only found in Section B.

Ray further pointed out that the terms of Section A transfer to the new owners – Ray said "the Settlement Agreement passes to the new owners". He said that the new owners would be responsible for fulfilling the requirements of the original Class A Permit for the development. The Permit sets out the landscaping and tree/shrub requirements. He also said that when the new owners apply for their Class C Permit, e.g. the design and construction permit for building on Lot 15 (apparently that is the first home they intend to build), the requirements for landscaping, etc. will be set for at that time and will include whatever original landscaping requirements the TOB had.

I asked Ray what the TOB's requirements were and he laughed and said he didn't know since the TOB never articulated (at least to him) what those requirements were. However Ray went on to say that he believed he had met all the tree and shrub requirements except for "some" bristle cone pines, sage bushes and cottonwood trees. He said that even though he wasn't sure how many of those the TOB required, they couldn't all be planted on Lots 8, 9, 10 and 15 lots and therefore would have to be planted within Common Areas.

He also mentioned (and this is a nod to Linda's comment about the ARC's role) that the new owners will likely have to work with the Association's ARC when building these new homes. We will have to review the Declarations to see whether and to what extent the ARC can "advise/participate/intervene" in the construction process.

Finally, as a gesture of goodwill, Ray said that if there were any problems with the dumpster building that the Association could assert a warranty on the building. Ray said that Fieldstone would fix whatever needed to be fixed on that building and to give him a call if something else needed to be done on the building. I assume it is a one year time and materials warranty.

These are my notes from this am's conversation and as my preceding e-mail indicates, I agree with Ray that we have an obligation to release the lien since the terms of Section B have been fulfilled.



I am attaching the Settlement Agreement for your review. There is little in the letters between Carlson and Porterfield that I've not covered, but if you want to see those – ask Mike to fax copies to you.

Paige Beville  
President,  
Stonehaven Homeowner's Association  
December 27, 2006