

## **Declaration Violations by Board of Directors at Highline Meadows**

August 15, 2009

### **Declaration**

#### **Article II definitions**

2.6

General Common Elements- "Improvements thereon necessary or convenient to it's existence, maintenance and Safety"

Reason: Roofs are leaking and need replacement, damaging structure, Asbestos's. Roofs, mansards and porches are in need of replacement and some exterior/interior condo common ares have been allowed to become worn down and unpleasant to look at.

2.13

"Colorado Non-Profit Corporation"

Reason: Rental/lease of "limited Common area" for profit

#### **Article V: Nature of Ownership**

5.1 Division- "298" fee simple estates

Reason: 300 Fee simple estates

5.2

Taxation- "Declaration shall give written notice to assessor of creation of condominium ownership"

Reason: 140 east Highline Circle #103 and 107 not reported to assessor.

5.7

Use of common Elements- "there shall be no obstruction of the general common elements" "right of ingress or egress" "altered"

Reason: 140 East Highline Circle #103 and 107 remodeled/ Garage Rentals/Pool access locked

#### **ArticleVII: Residential**

8.1 "Each unit shall be used for residential purposes only and no trade or business of any kind may be carried on" Reason: Business/Trade use in the following unit: Conflict of interest

**MERICLE, RICHARD S**

**519 E. HIGHLINE CIR.**

**CENTENNIAL, CO 80122-1021**

**Business "Vice President"**

**LARSON, CARL BRADFORD**

**249 E. HIGHLINE CIR. #103**

**CENTENNIAL, CO 80122**

**Handy Man "posted" in the Bulletin as "honey do" for \$35 per hour or \$250 for the day-Is "SECRETARY"**

8.2

Prohibitions " Nothing shall be done or kept in any unit or common elements which would result in the increase of insurance of the project"

Reason: Aluminum wiring in town homes, Asbestos's in ceiling popcorn in common area's, roofs leaking in most all 20 buildings, Roofs are defective. Defective and worn out interior and exterior common areas have been allowed to become unpleasant and unpleasing to look at.

## **10. Article X Association functions:**

### **10.1**

Common Elements- “ shall be kept in good , clean, attractive and sanitary condition” “Repair of roofs” “Repair of exterior surfaces” “painting as often as necessary” “replacement of trim” “automobile parking shall be maintained in a proper fist class manner” “ all landscaping and natural vegetation” “Good Visual continuity”

Reason: Association is not keeping this Highline Meadows complex in the condition as described in the Declaration. Association consisting of Board Of Directors and TMMC have allowed multiple area's inside buildings and around building to become visually unappealing and unpleasant to look at.

Trim has been allowed to become visually damaged, as well as, porches and roofs. Roof repairs have been substandard and roofs need replacement. Board of Directors is not keeping the automobile parking in a “first class manner” by allowing the striping, blocks and parking lot road to become worn out, unpleasant and unpleasing to look at.

### **10.2**

Miscellaneous Services: “Obtain and pay for service to managed its affairs” “For proper operation of the project”

Reason: TMMC is not following this declaration for the association properly

### **10.4**

Rules and Regulations: “association may make reasonable rules and regulations”

Reason: New rules are aimed at certain individuals and not reasonable and rules may affect one lively hood while association will not respect the grandfather clause for association members. New Rules could cause financial burden on association members rendering them unable to pay association New rules Updates are not being posted and updated on “Condo Certs” by TMMC management company.

Letters written to Board of Directors and TMMC are not being answered as work projects are being performed inside homeowners homes without any documentation or recourse in action. Homeowners are not being informed of projects occurring on porches, ceilings or within buildings.

### **10.7**

“Association shall grant each 1<sup>st</sup> mortgagee of a condo unit the right to examine the books and records”

“any changes to the Bylaws must be presented to the owners 10 days prior to effective date of such amendments”

Reason: Board of Directors has changed the inspection of records without informing the community 10 days in advance. These changes were not delivered to the community, nor posted on “Condo Certs” website. Certain association members must pay the association lawyer to be present for travel and on site time while viewing the records is unfair and puts financial burden on the association member in good standing.

## **Article XI Association Assessments:**

11. 2

Total Amount of Periodic Assessments; “advanced estimates of Cash” “Establish a Reserve fund for repair or replacement of common elements” “Not by extraordinary assessments”

Reason: No advanced estimates before special assessments presented to association members Board of Directors is not establishing a reserve fund over the years to cover the cost of roof replacements. Board of Directors are asking association members for Special assessments which are Extraordinary in fact that they are 30% of annual budget for two back to back years in a row.

11. 5

Special assessments for Capitol Improvements: “Amounts shall be assessed to owners in proportion to the interest in the common area's”

Reason: Town home owners latest due increase was not in proportion to the interest in the common area and put the burden on the condo owners. Special assessments are being issued to Homeowners without any capitol improvements and special assessments monies use is not being documented within the presented budgets.

## **Article XII Insurance:**

12. 3

“Prior to obtaining any fire insurance or renewal” “association shall obtain an appraisal of replacement value of entire project” “Insurance will not be less than 90% of Replacement Value”

Reason: Board of Directors have not send the association members of this complex any information concerning current appraisal or insurance current carried. The Board of Directors has allowed the Condo Certs website, controlled and updated by TMMC, not to be updated with all current insurance documentation

12. 6

“ damage to common elements that exceeds \$10,000 dollars” “ Notice of such damaged shall be given to the association each Mortgagee within 10 days after such occurrence”

Reason: Board for Directors has not disclosed the Damaged roofs needing replacement officially to the homeowners, as well as, Condo Paint Damage, Mansard , Mold and Asbestos.

## **Article XII Damage or Destruction**

13.2

General Authority of Association” “association shall have full and complete authorization right” “with respect to the owners” “Restoring the project to substantially the same condition in which it existed prior to damage with each unit and common elements”

Reason: Roofs, Paint, Parking Lots, Garages are all damaged and are not being restored to substantially the same condition that existed when project was established. Most Roofs are damaged, as water is not draining off, mansards are visually damaged. Grounds around building and throughout complex have become overgrown and worn down. Unpleasant interior condo buildings “common areas” have been allowed to be worn down and unpleasant to look at.

13. 3

Estimate of Cost “ Association shall obtain a estimates”

Reason: Members have not received any current estimates of cost for replacement of roofs. Board of Directors have no plan for replacement of roofs. No current status documentation has been presented to community homeowners for estimate of roof replacement.

13. 4

Repair and Reconstruction: “as soon as practical” “ The association shall diligently pursue to completion the repair or reconstruction of that project damaged”

Reason: No repairs or reconstruction have been planned or provided to the association members as damaged areas exist in the roofs, roads, paint, garages etc. Repairs are being made on property without any vote and most reserve monies are being used without any vote by the majority of association members. Porches are being rebuild without replacement of “Load Bearing Supports” and without pulling permits. No structural analysis of project concerning roofs and porches, as well as, estimated life expectancy has been presented to the homeowners.

13.6

Disbursements of Funds for Repair or Reconstruction: “First money disbursed in payment shall be made from the insurance”

Reason: No insurance claims have been made for the replacement of the damaged areas in the complex which include roofs, roads, paint, garages .Insurance plans are not being updated on the Condo certs website. Insurance claims are being paid without disclosure to the community members by written letter or posting on Condo Certs Website. Association Lawsuits and ongoing trials in Colorado courts are not being presented to the homeowners of Highline Meadows and are not being documented by the Board of Directors or TMMC.

#### **Article XVI Amendment or Revocation:**

16.1

“Declaration shall not be Revoked”

16.2

“Declaration shall not be amended unless owners of 75% agree”

Reason: Association must follow this declaration and not Change, Cancel or reverse” its' meaning out without a vote of 75% of the owners. Documents concerning visual inspection of the books have changed without informing the community or documentation on the Condo Certs Website by TMMC or the Board of Directors. Presented Declaration changes to the community are not being voted on as monies have been spent to update and distribute without any Vote by the majority of community members.

#### **Article XX Miscellaneous**

20. 1

Enforcement: “Each owner shall comply with the provisions of this Declaration”

Reason: Owners are not complying with the provision of this Declaration as proven above . Board of Directors and TMMC are not following the guidelines given out by this Highline Meadows Declaration and have allowed the roofs, porches and mansards as well as landscaping to become damaged and in need of replacement.