



DRUID HILLS PROPERTY OWNERS' ASSOCIATION

P.O. Box 91 ♦ DIVIDE, CO 80814
(DruidHillsPOA.org)

December 28, 2020

Dear Druid Hills Property Owners' Association Member:

The Association has been receiving some challenges as to the authority of the Association to enforce its governing documents as well as to collect assessments. The Board of Directors felt it only fair to insure that all Owners within the Association are aware of the legal position of the Association so that everyone will understand the obligations of the Owners within the community.

Druid Hills Property Owners' Association was created in 1971. It was created through the legal process of filing covenants and plats with the Teller County Clerk and Recorder. The Original Declaration was amended to its current form in 2001. The Second Amendment to Declaration of Protective Covenants (Druid Hills - Filing One") was recorded on June 29, 2001 at Reception No. 520066 in the office of the Clerk and Recorder of Teller County, Colorado (hereafter referred to as the "2001 Declaration"). The 2001 Declaration states that it replaces and supersedes the Original Declaration in all respects. The 2001 Declaration was then amended by a document entitled "Amendment to Declaration of Protective Covenants for Druid Hills Filing No. 2" recorded on July 31, 2002 at Reception No. 536825 (hereafter referred to as the "2002 Amendment") which made all of the restrictions and obligations contained in the 2001 Declaration effective as to all of the lots in Druid Hills Filing 2, and also created additional restrictions and obligations with respect to the Filing 2 lots only. Further details are on the Association website, <https://druidhillspoa.org/documents-and-forms.htm>, under the miscellaneous documents "Attorney's letter to members".

One owner, Diana Foraci, attempted to change these covenants by filing her own documents and has claimed that the POA covenants are invalid. Her challenges were evaluated through a lawsuit she filed in January of 2019, 19CV30002. The Court heard evidence from the POA as well as from Ms. Foraci March 20, 2019 and entered an oral judgment on that date finding that the POA documents were valid and enforceable. A written order was also entered May 2, 2019 which you may review on the Association's website under the miscellaneous documents. Pursuant to Colorado law, when Ms. Foraci lost she became responsible to pay the attorney fees of the POA.

The Druid Hills Property Owners' Association is a valid association and the dues for the Association are mandatory. Failure to pay them will result in a lien against your property as it did with Ms. Foraci and failure to pay could result in legal action against owners. Colorado Law as well as the Declaration for the POA provides that losing parties are made to pay all the attorney fees of the winning party should the Association have to file a lawsuit against an owner to obtain payment.

While the Association understands that Ms. Foraci has posted information about the documents she created and understands that she has tried to create her own Homeowners Association, those documents do not replace the Property Owners Association documents and it is questionable that the documents attach to any property other than her own.

All owners within the Druid Hills Property Owners' Association must pay their assessments. Failure to do so can result in late fees and interest and attorney fees should the Association have to take legal action to collect what is due. The Association would prefer to not have to turn over delinquent accounts to the attorneys but will do so if owners refuse to pay what they legally owe. Teller County Courts have already determined the Association is valid and the dues are mandatory. If Owners do not bring their accounts current or get on a payment plan with the Association, then the Association will turn over the delinquent accounts to our attorneys for payment.

The Board of Directors, Druid Hills Property Owners' Association.