

Happy Holidays!

It's definitely looking like winter in Colorado, and my apologies that our fall newsletter is a bit behind schedule (we lost our fantastic newsletter editor just prior to "going to print" in October, which is why you're getting this in Word Document format!). First, I want to take this opportunity to send my thanks to those who attended and sent proxies to the STB POA annual meeting in June, and especially to those who participated in the discussions and decisions that were made. Lucy Thurston and I were newly elected to the board, and I feel comfortable in speaking for Lucy when I say, "thanks for your confidence in us." We, and the rest of the board, will do our best to make decisions that are good for all of us and the future of South T-Bar.

We are a unique community, and our challenges are many.

The POA is currently a defendant in two different lawsuits that have been filed against us. We do have attorney representation in both cases, as the issues are too complex and the time involved too extensive for POA and/or board members to manage as volunteers. The board will keep you informed as much as possible. Please try to be patient with information that can NOT be given due to "attorney client privilege" and "confidentiality" issues -- these are not attempts to hide anything. We are following our attorneys' advice, and it doesn't make sense to engage them to represent us, and then not heed their counsel. A request that I would make of each of you today is to (if you didn't when you bought your parcel) make time to read the Declaration and Bylaws -- they are and will continue to be the subject of great debate and momentous decisions in the near future. I will give you more specific information on the Coon lawsuit, in response to their recent email and website posting, near the end of this update.

In addition to these lawsuits, we have some other time sensitive issues -- renewal of the grazing lease and the BLM easement among them -- and we have serious financial issues to be resolved.

In addition to addressing all of these operational issues, the board's goals also include:

1. Restoring the POA to solvency and successfully managing debt load AND maintaining services to owners;
2. Finding ways to inform -- and involve -- more owners in the management of the ranch property. Finding new ways to use our website to engage in dialogue on important issues. Getting more participation on committees -- we need diversity of opinions and of background and of knowledge, and we need people with resources and people with TIME. Our efforts can only be enhanced by broadening the bases of both expertise and engagement. You don't have to be an expert in anything in particular (if you are, we'll try to take advantage of it), but sometimes just offering time -- to research, to type, to edit, to make some calls -- is what we really need. Committee chairs are listed on the POA website under "leadership" and can be reached by emailing through the website link.
3. Restoring a sense of neighborliness -- not necessarily, as one POA member put it, "holding hands and singing Kumbaya," -- but at least re-establishing a level of common courtesy and a shared concern for the ranch as a whole.

All of us on the board will do our best for you and for the ranch, and welcome your help in any way you are able to offer it.

2010 Budget Meeting

Betty Sue Cornella will be sending out the draft budget within the week, and the meeting to ratify the budget will take place on Saturday morning, January 16th. Details will be included with the budget packet. All members are welcome to participate either in person, via conference call, or via proxy. Payments of assessments are usually due on January 1st each year but, due to the later date of the budget meeting, this year payments will be due on January 30th.

Coon v. South T-Bar

On November 17th, a status conference regarding the case was held in court. At that time, both the judge and the POA's attorney expressed concern over what is being referred to as the "joinder issue," which is the question as to whether all of the members of the POA should be included in the lawsuit, or not. The court recommended that, rather than the court making a ruling on the joinder issue, we should try to mediate to resolution. Between November 17th and December 2nd, a mediator was agreed upon and a mediation date of February 11th was established.

On December 3rd, the Coon's attorney wrote to our attorney saying "Please advise which Board Member(s) will be in attendance at the mediation and confirm that they will have full settlement authority on behalf of the association." It has been the POA's position since the very beginning of this lawsuit that the POA Board does NOT have the authority to make a decision or amend the Declaration to become a limited expense community, and that the members of the POA must vote to amend the Declaration and ratify any changes. Therefore, our attorney responded that Board member(s) would be present at the mediation and would mediate in good faith, but that "Given our legal position that some of the relief the Coons seek requires either joinder of all owners, an amendment to the covenants and/or a vote of all owners, we cannot agree to have persons there as demanded by Mr. Schutz with 'full settlement authority on behalf of the association.'" The Board certainly doesn't agree with the Coons' position that the Board refused to mediate – the Board simply stated that we would try to mediate to an agreement, but would not commit to anything that required a membership vote.

As of today, December 19, 2009, I still fully intend to participate in the mediation on February 11th with as many other board members as are able to attend, and hope that the Coons and their attorney(s) will also be there.

Peterson, et al v. South T-Bar

On August 25th I participated in a full day of mediation with several of the plaintiffs in this case. Since that time, plaintiffs' counsel has filed for several extensions of time to submit their responses, with their deadlines now set for February and March.

Until the next update, enjoy joyous holidays among family and friends. With my best wishes...

Kim Wolfe

PS – For those of you who rely on the newsletter to remind you of the gate code, the current (through June) gate code is **3 7 8 2**. Please keep this number confidential. Thanks.