

SPRING 2010

SOUTH T-BAR RANCH NEWSLETTER

**2010
Annual
Meeting**

**Saturday
June 26**



GATE

CODES

Thru June
30, 2010

3782

July 1, 2010
through
June 30,
2011

2403

President's Comments

"April showers bring...April blizzards!" Wait a minute... that's not how the rhyme goes, but that seems to be how our Colorado spring has gone so far! A long, cold winter and a sloppy start to spring have made me mindful of the challenges that our full-time residents at the ranch have faced this year. I'm thankful that people and property have remained safe, and thankful too for the stewardship that these folks show towards the ranch. Without their calls to let us know when the roads are hazardous, or the gate is broken, or that there may be trespassers to shoo or wildlife to view, those of us who are only able to visit occasionally might have a far different experience when we arrived (or tried to!) I've become aware that many times these neighbors volunteer to resolve issues on their own (just "git 'er done," as one would say...), and I'm grateful for that as well.

As we approach our annual meeting date on June 26th, I'd like to call upon all of us to be good neighbors and come together with appreciation and respect for each other and for the incredible beauty of the ranch. With political divisiveness rampant in our country, nearby states talking about raising armed militia, financial crisis, crime, tragedy ... well, you get the idea if you watch the news ... I'd love to think that we could always find a place of refuge and peace at South T-Bar. Hope to see you soon.

Kim Wolfe
President



UPDATES...Updates...updates...

South T-Bar, Fremont, Elk View and Hall Gulch Parcels:

I'm currently working on the renewal of the Grazing Lease Contract between South T-Bar Property Owners Association and Buddy and Diane Taylor.



Rene H. Suarez
Board Member

Legal Update

Just a brief update to let you know that both lawsuits the POA has been involved in recently are still pending resolution.

- In the matter of the *Coon v. the POA*, the Fremont County District Court judge ruled on Friday, April 9th that both parties must proceed to mediation, and the June 14th trial date was vacated pending the outcome of the mediation effort.
- In the matter of *Peterson, et al v. the POA*, we are still awaiting responses from the plaintiffs to our most recent mediation effort.

NO TRESPASSING



Since this is the year to renew our Grazing lease, we thought this would be a good time to send a reminder to Property Owners that the "Cows" are the only ones that can legally trespass on private property in our ranch. Without a property owner's permission, you should not feel free to drive your car, ATV or ride your horse on anyone's private property and/or driveway within the ranch. Whether you're hunting,

horseback riding, riding ATV's, or just hiking, please be aware of where you are. If you invite guests to the ranch, be sure they understand where your property ends, and that they'll be trespassing if they go onto anyone else's private land.

Note from a full-time resident: There were numerous Census employees on the ranch. Many residents received duplicate forms.

Apparently, they drove up (or tried) each driveway. If you see tracks in your driveway, it could be from the Census employees. There were also some people on horseback that were on the ranch about two months ago. When stopped and asked where they came from, they stated from Texas Creek.



What Is A “Common Interest Community? ”



Every spring the board tries to provide a little bit of information for all the members about what is involved in running a property owners' association. The following text was excerpted from the Web site of the Hindman Sanchez law firm, and addresses a subject that is central to one of the lawsuits the POA is now facing.

The Colorado Common Interest Ownership Act (“CCIOA”) governs the formation, management and operation of most Colorado associations and common interest communities (“CIC’s”). CCIOA does *not* apply, in any respect, to the voluntary associations in communities that do not fall within the definition of a CIC. This distinction makes it important for associations and boards to understand whether or not their community is a “common interest community” as defined by CCIOA or Colorado case law.

CCIOA defines a CIC as including “[R]eal estate described in a declaration with respect to which a person, by virtue of such person’s ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance, or improvement of other real estate described in a declaration.” Unfortunately, this definition often leaves boards, owners, and others confused. Does the community need to have common elements? What if the owners have formed an association and have voluntarily agreed to pay a certain sum of money to fund activities? What if the declaration (which is the recorded notice of the community’s covenants, conditions, and restrictions (“CC&Rs”)) doesn’t provide for mandatory assessments?

A more user-friendly way to approach this definition is to think in terms of mandatory v. voluntary. A community is a common interest community if it has a declaration and one of the following applies:

- The declaration provides for the payment of mandatory assessments by virtue of owning property described in the declaration; or
- The declaration creates a mandatory membership in an association by virtue of owning property described in the declaration AND the bylaws of the association mandate payment of mandatory assessments; or
- An implied obligation to pay assessments exists because of the ownership of common elements and the association’s obligation to maintain these common elements.

So, regardless of whether an association has common areas or common elements, if the payment of assessments is mandatory, CCIOA applies. If owners voluntarily pay assessments, the community does not fall within the definition of a CIC and CCIOA does not apply.

However, even if a community is not bound by CCIOA’s requirements, the community or the board of directors of a voluntary association may wish to consider following many provisions of CCIOA. All Colorado covenant controlled communities, regardless of whether or not the community is a CIC as defined by CCIOA and Colorado case law, can benefit from disclosing important association documents to owners and adopting policies and procedures that educate owners on how their association is governed, managed, and operated.

Regardless of whether an association has common areas or common elements, if the payment of assessments is mandatory, CCIOA applies.



WEATHER WORDS

We have been having pretty typical Colorado mountain weather this winter – snow and cold!! Some days are sunny and can get warm and dry in south facing areas, but most north facing areas don't stand a chance. Some days it stays cold all day, even in the sun, and of course dips down to VERY cold at night. Because of the warm and then cold, it

seems we've had to deal with more ice this winter than usual. The month of March has brought us several very deep, heavy, wet snow storms and when the days are warm, melting is rampant and mud is abundant! As always though, the snowy days can be quite beautiful when covered with Mother Nature's blanket of white.

I'm not sure about the other residents up here, but I'm sure ready for spring. It seems like a long winter since it started snowing so early last fall. Makes me want to be a "snow bird!"

Hope you're all staying warm!

Anelladee Spencer

"TRASHY" NEWS

Our plan to save a little money on trash seems to be working well, and we thank everyone for your cooperation. We have had two dumpsters open for January-March and will be opening another on April 1.

We have left a small aluminum ladder inside the dump facility in case a dumpster is full and you have to "stomp it down" to get your trash inside. There is also a snow shovel available and would appreciate it if you happen to be the first one to visit the dump facility after a snow storm if you would push the snow away from the front of the dumpsters. Ralph and I try to do that, but we're not always there at the right time. Again, thank you for helping.

Ralph made some temporary fixes to the gate recently and plans to rebuild the gate in the spring. If anyone has any wood that they could donate for this project, it would be very much appreciated. A member has already donated some, but more is needed. Call us at 719-275-1508.

Anelladee Spencer

WILDLIFE CORNER



Mountain lion tracks on South T-Bar Trail by Jim and Gail Greenwood's cabin.



FIRE REPORT

Pack tests were completed on March 19th. All firefighters passed with flying colors.

Ted Groome and Gary Lack have provided maintenance on the South T-Bar Ranch and Cabin Creek

engines. Both are in excellent shape and ready for the fire season.

There have been no fires reported in the last three months. However, due to the unusually heavy, wet spring snow, the

potential for rapid growth is present. Growth plus summer thunder storms are the elements required for an active fire season.

Please be fire wise and fire safe.



ROAD CONDITIONS

The roads at South T-Bar have certainly taken a beating in March with an over abundance of moisture due to very wet snows. The late spring snow storms, along with warm days preceding and following the snowfall, have made several areas of the roads extremely muddy. As the roads have begun to dry out, the board has instructed Dan to address these areas as well as other ranch roads by pulling the ditches and grading. Gravel and rip rap will also be brought in to fix these areas that have been damaged by the winter weather. Several roads in the Tallahassee area also received damage due to the extremely wet month.



MEMBER LOANS

As I write, April 1 has come and gone. I owe an apology to those of you who loaned money to the POA two years ago, and who have been expecting to hear about, or receive, the repayment that was due on that date. I am guilty of having been overly optimistic about the possibility of receiving funds from the LLC to repay this debt, and waiting too long before communicating with you about alternatives, and I do apologize.

Unfortunately, we have not received any payments from the LLC to date, and with no other sources of income, the POA does not have the money to repay the member loans at this time. The board is asking you to consider one of the following alternatives:

- 1) Agree to another 12 month extension of the loan term at the 6% interest rate in the original promissory note; or
- 2) Agree to waive repayment of your loan amount (principal plus accrued interest through 3/31/2010) and have it applied to future STB assessments, the balance to be drawn down at the rate of \$200 per year beginning with the 2011 assessment.

I recognize that neither scenario is ideal for either you as individual members, or the POA. The negative aspects from the POA perspective are that Option #1 continues to increase the amount of interest that the POA must pay, and Option #2 reduces our cash flow in future years. Other options, however (such as borrowing money from another source to repay POA members), are even less palatable.

Attached to this newsletter is a form that reflects each of the options above. The board would appreciate it if you would select one of these options and return the form to Betty Sue Cornella at the POA post office box (South T-Bar Ranch POA, P.O. Box 1431, Cañon City, CO 81215-1431). If you have questions about either option, or feel strongly that neither of these options is acceptable to you, please feel free to contact me at president@southtbar.com.

As always, the board welcomes your suggestions as to how to improve our financial situation in the short term. We are appreciative of your patience and willingness to work together as a community to get us through this financial difficulty, thus giving STB Minerals LLC time to pursue the best deal possible on the sale of the mineral asset.

Kim Wolfe

South T-Bar Ranch Board of Directors
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