

SOUTH T-BAR RANCH Newsletter

www.southtbar.com

A Publication of the South T-Bar Ranch Property Owners Association

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PRESIDENT'S CORNER

I am sorry to report that Sam Knopp has resigned from the POA Board of Directors. I've had the pleasure of serving with Sam on the transition committee (which moved governance of the POA from the developer to the property owners), and the initial POA Board of Directors, and am sorry that his circumstances caused him to resign. I wish Sam and Candi well and look forward to seeing them around South T-Bar Ranch.

In an earlier President's Corner, I talked about managing expectations. That's my message again this time, but in a different context.

Many of you live in the Rocky Mountains, and you are familiar with the harsh winter weather here. Even with the resources of the State of Colorado and its many municipalities, there are times when main thoroughfares and even Interstate highways are not passable.

Now we look at South T-Bar Ranch, where we are at a very high elevation where we get lots of snow and plenty of wind to blow it into massive drifts, and where we have 26 miles of roads maintained by a private contractor. We are very fortunate to have a dedicated and committed contractor, but there is only so much that he can do, and that the POA can pay for.

Given all of this, it is my opinion that some POA members have unreasonable expectations about the level of snow removal service that is provided at

South T-Bar Ranch. Despite spending the bulk of the annual POA budget on the roads, and the "24/7" dedication of our contractor, and the creative effort to build natural snow fences to reduce drifting, it is not possible for all of the roads at South T-Bar to be clear of snow, or even passable, throughout the winter.

The Board puts the snow removal priority on (a) the South T-Bar roads used most and (b) roads needed by year-round residents of the Ranch. I stand fully behind those priorities.

Those POA members who do not use their properties in the winter, or whose properties are along less used roads, or who use their houses seasonally (like Gail and myself), or who otherwise are not using their South T-Bar houses regularly should not expect the same priority when it comes to snow removal. It is the Board's policy that such members, if they would like to access their properties, should notify the Board with at least 2 days notice. The Board will then make reasonable efforts to make those members' properties accessible. Reasonable, in my opinion, does not mean that snow removal on heavily used roads and roads used daily by commuting South T-Bar residents will be sacrificed, nor does it mean that the Board will spend thousands of extra dollars on snow removal if that is what would be required.

As we brace ourselves for increased costs for road maintenance and trash removal (because of higher fuel costs), the Board is seeking ways to make these services more efficient and cost effective. Board member Mark Trotta and road contractor Dan Ainsworth, for example, deserve our thanks for reducing the cost of removing snow drifts with their innovative natural snow fences at South T-Bar Ranch. If a majority of POA members want a

higher level of snow removal service, then it will come at a higher price, and that price will have to be passed along to us all in the form of higher annual assessments.

!

Jim Greenwood

GATE CODES

January through March 2008---4226

April through June 2008---5092

July through September---8407

RANCH ROUNDUP

Hangtags - Remember the hangtags for your car when you visit South T-Bar. It makes it easier for residents and law enforcement to identify owners versus trespassers.

Front Gate – Report gate problems to Curtis Eulert 719-275-1765. Make sure the gate is closed after you enter or exit.

The POA Board – There are many things to be done for STB. Please help by volunteering your time, skills, and energy. Distance is not a disqualifier.

Suspicious activity - call the Fremont County Sheriff's Department at 719-276-5555. To report a fire, call the Tallahassee VFD at 719-275-3058.

2008 Annual Meeting

The 2008 Annual Meeting of the South T-Bar Ranch POA will be held on Saturday, June 28, 2008. Details of the meeting will be announced at a later date, but please mark this date on your calendar and start making plans to attend

Discussions with Attorneys

In the past, the POA's attorneys have encouraged POA members to contact them when they had questions about the POA's legal situation with regards to the minerals on the ranch. While this is still the case, the attorneys wish to clarify that they can only respond to questions about the POA's situation as an entity, and not to questions that are specific to a given parcel.

If you have legal questions that would be of general interest to the POA, they should be directed to the Board where they can be answered or forwarded to the POA's attorneys for an answer. If you have questions about your own personal situation (for example, how much should you ask for surface access to your parcel, who owns the minerals under your parcel, how to title your LLC interest, securities issues with the sale of a parcel, etc.), please direct them to your own attorney or CPA, as the POA's attorneys cannot address this type of question.

Please remember that the POA's attorneys represent the POA as an entity, and do not represent any POA member individually. Especially as we get closer to the formation of the LLC, it is important for each POA member to get legal advice from his or her own attorney.

Mile Markers

Fremont County has just completed the installation of mile markers on all county roads. This enables people to more accurately identify their location on those lonely back roads. This information can be critical for agencies that are responding to emergencies in the area. This may seem like a small step towards civilization, but the next time you give someone directions to the ranch, you can say that the entrance to South T-Bar is at mile marker 0 on County Road 21.

Why Do We Have a Grazing Lease?

Every summer there are lots of cows on the ranch. Their calves may be cute and they produce lots of excellent fertilizer, but they can also be stubborn about sharing the road, they compete with wildlife for food, and occasionally they knock things over. However, most of us don't mind having them visit every summer.

The reason for this is simple: it saves us a heck of a lot of money in taxes! Specifically, if you have a vacant parcel and you don't have a Grazing Lease, then your property is taxed at the "Vacant Land" rate. However, if you do have a Grazing Lease, it is taxed at the much lower "Agricultural" rate. Once you have a house on your property, the house is taxed at a "Residential" rate, but the rest of your property can still be classified as either Vacant Land or Agricultural depending on whether or not a Grazing Lease is in place.

Here's how the Grazing Lease affects your tax bill:

- If you have a 35 acre parcel that is just vacant land (no improvements), without a Grazing Lease, you would pay approximately \$1,031 to Fremont County in property taxes for 2008. With a Grazing Lease, your tax bill would come out to about \$10.
- If you have a 35 acre parcel with a house on it, the Grazing Lease can still save you money, but the difference is not as dramatic. If the value of the house is \$250,000, then without a Grazing Lease the county taxes would be approximately \$1,293 per year and with a Grazing Lease they would be about \$1,020, or about \$270 less.

Especially if you have no improvements on your property, that's a big difference in your tax bill for allowing a few fuzzy friends to hang out on your parcel every summer!

What if, even with all the tax (and fertilizer) advantages, you still don't want the cows on your property? Simply put up a fence to keep our bovine guests out of the areas where they are not welcome. Once the Tax Assessor has figured out what property you don't want to be included in the Grazing Lease, the affected portions of your property will be taxed at the appropriate Vacant Land or Residential rate. The general rule of thumb is that you can fence off up to 10% of your "grazable" land and still qualify for the Agricultural

rate on the rest of your property, but the Tax Assessor must make the final call on this.

If you have any questions about the tax rates on your property, call the Fremont County Tax Assessor at 719-276-7310 or go to www.fremontco.com/assessor/.

The South T-Bar Ranch POA can negotiate a Grazing Lease on behalf of South T-Bar property owners. But what about the Elk View, Hall Gulch, and Fremont Parcel owners? If you own property in one of these developments and you want to be included in South T-Bar's Grazing Lease, then once every three years you need to execute an "Exhibit A", which is an addendum that allows your property to be included in the South T-Bar Ranch Grazing Lease. If you want to be included in the Grazing Lease, but you did not sign an "Exhibit A" in 2007 when the Grazing Lease was renewed, please contact Gary Lack at 719-269-8904 to request an "Exhibit A" for your property.

Pat Trotta & Ann Eulert



Photo by Lynn Fish "Who you callin' a weasel?"

Annual Owner Education

The POA is required by state law to provide some kind of owner education once a year. The following is part of this effort.

Have you ever wondered where to find the POA's budget for the current fiscal year? Or where to find the latest copy of the Bylaws? Or how to go about asking the POA for approval for a house you want to build? Or (my personal favorite) where you can find the minutes from recent Board meetings so you can see what your Board has been up to lately?

The South T-Bar Ranch Property Owners Association, Inc. qualifies both as a non-profit corporation and as a Property Owners Association. As such, the POA is required to act with a certain degree of transparency *and to provide you, the Owners, with information about POA operations*. So, where can all this information be found? I'm glad you asked!

All this and much more is available on the POA's web site at www.southtbar.com in the **Documents** section. Whether you want to check out the POA's Declaration of Protective Covenants, the latest Income Statement, or the policy for how our Reserve Fund is invested, you can find it here! Unlike a mailing, this information cannot be misplaced and nobody has to worry about passing it on to a new owner when a parcel is sold.

However, rights come with responsibilities. As an Owner, you have the right to this information, but you also have a responsibility to read and understand it and to make informed decisions about issues related to the POA. For example, we have a policy regarding how our Annual (Owner) Meeting will be conducted. It's your responsibility to review this policy and ask questions to make sure you understand it so you will know what to expect at future Annual Meetings.

PROXY VOTING

QUESTION: Why are proxies allowed at POA member meetings?

ANSWER: Colorado law [CRS 38-33.3-310(2)(a)] requires that proxies be allowed at POA meetings.

This supersedes any wording that may be in the POA's governing documents.

QUESTION: Could people who cannot attend a meeting in person just use mail in ballots?

ANSWER: For legal purposes, conducting votes via a mail-in ballot constitutes taking action outside of a meeting. You cannot conduct a meeting and allow people to vote at the meeting and simultaneously allow mail-in ballots. Votes must be taken at a meeting OR by using the mail-in ballot statute whereby all members mail in their votes.

QUESTION: Why can't the POA conduct all votes by mail-in ballot?

ANSWER: There are some situations where mail-in ballots are appropriate and others where they are not. Mail-in ballots can be used for issues that are well defined, straightforward, and can be explained clearly in writing. Issues that are complex or controversial need to be addressed at a meeting where they can be presented and discussed and where questions can be answered and ideas can be exchanged.

In addition, the legal requirements for holding an Owner meeting are different than the requirements for conducting a vote with a mail-in ballot. These two sets of requirements are stringent enough that it would be very inefficient, time consuming, and expensive to hold a meeting to discuss an issue and then vote on that issue by mail-in ballot. The POA is required to hold Owner meetings at least annually [CRS 38-33.3-308]. It does not make sense to hold an Owner meeting and then deny the POA the opportunity to conduct any business or vote on any issues that come up at that meeting.

QUESTION: If proxies must be allowed, then can "directed proxies" be used where the Owner specifies how his or her vote is to be cast?

ANSWER: There are two basic kinds of proxies – directed proxies and discretionary proxies:

* With a discretionary proxy, a member selects someone he or she trusts to cast their vote in the member's best interests. In this case, the member and his or her proxy work out among themselves how the Owner's vote should be cast and the Board is not involved except for validating a proxy before a ballot is issued.

* With a directed proxy, the member can specify how his or her vote should be cast within a

very limited set of circumstances. Directed proxies are problematic for several reasons:

1. If a motion is made from the floor at a meeting, the directed proxy contains no direction for how the vote should be cast on that issue.
2. If there are substantial amendments to a motion before it comes to a vote, the directed proxy would be invalid because the nature of the motion has changed.
3. In an election, if candidates are nominated from the floor at a meeting, they cannot be considered in the directed proxy.
4. If new information comes to light at the meeting that would have changed the member's directions to the proxy holder, there is no mechanism for the member to revise their directions.
5. Colorado law requires that "secret ballots" be used for certain votes within POA [38-33.3-310(b)(i)]. Secret ballots must contain no identifying information, so it is impossible to verify that a given vote was cast as directed. Since there is no mechanism for oversight, there is no advantage to using directed proxies over discretionary proxies – they both require that the member select someone they trust to act as their proxy and in neither case is there any mechanism by which the vote can be verified.

QUESTION: If I cannot attend a member meeting in person, how can I be sure that my vote is cast in accordance with my wishes?

ANSWER: It is important to assign your proxy to someone you trust to vote your best interests. Giving your proxy to someone gives them the right to act as your "agent" at the meeting and to cast a vote on your behalf on any item that comes up for a vote at the meeting.

QUESTION: Where can I get more information about the legal requirements for voting and proxies?

ANSWER: The POA's attorneys have provided a detailed explanation of this issue, which is available via e-mail from Ann Eulert on request.

WEATHER ON THE RANCH

Snow clouds are rolling over Waugh Mountain as I'm writing this article. We have a good chance of

some light snow showers this afternoon and evening. February has been a month of snow in relatively minimum amounts. March is usually the heaviest snow period and it is suppose to come in like a lion with cold and snow predicted the first week of the month.

I was out and about on the ranch last week checking the roads for snow drifts. When I was on the upper ranch near the Revack's, I looked out towards the Sangre DeCristo Mountains and it was a sight to behold. The clouds were flowing across the peaks in long trails formed by the blowing winds. This created an awesome picture that only can be made by Mother Nature. As I came down South Tallahassee Trail I came around a curve and there was Pikes Peak. Again, I was amazed by the beauty of what we have to see in our little neck of the woods. I could not help but think to myself how lucky we are to have a piece of the ranch where such beauty is around every turn of the road. I continued down the road to the meadow and I watched the snow blowing across the valley. The snow moved in such a way that I was reminded of waves on an ocean.

The views are certainly spectacular this time of the year. I hope you can visit the ranch in the coming months so you, too, can enjoy the splendor of winter.

Gary Lack



WEB SITE NEWS

The "generic" e-mail addresses (president, secretary, treasurer, covenants, webmaster) are changing from southbarranch.com to southbar.com (the same as the web site domain). Please update your address book as appropriate. Both address will continue to work for a short period of time.

Curtis Eulert

FIRE REPORT

Guess what? There are no fires to report. I suspect it has something to do with the one to two feet of snow scattered across the ranch.

We have had a lot of sunny days to allow for outdoor activities. With the sun, comes the melting of the snow. Hence, we have had our fair share of constant mud. However, as you look down at the ground you can see the moisture soaking in and are promptly reminded that this will produce some spectacular growth in the spring. We have such a splendid array of colors when the wildflowers bloom, and it is something special to look forward to when winter starts winding down.

All the fire fighters on the ranch are out walking and getting ready for the annual pack test. The pack test is a three-mile walk carrying a forty-five pound pack in a maximum of forty-five minutes. Once it's successfully completed, we are ready for whatever comes our way throughout the coming summer fire season.

The fire trucks/equipment on and near the ranch are in excellent shape. Thanks to Ted Groom who conscientiously maintains our fire engines religiously.

This is a quiet time. So, until the next newsletter, enjoy the beauty of winter.

Gary Lack

Gate Codes

January through March 2008----4226

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CLASSIFIED ADS

YES!

This Space is Available!

If you know of someone who wants to advertise their services to South T-Bar, or if you're thinking about selling your property, consider an ad right here! No charge to property owners!

Other Advertiser's Fees:

1 Qtr. (1 newsletter) \$15

4 Qtrs. (4 newsletters) \$50

Contact: Marcee Perelman, stbnewsletter@yahoo.com,
303-979-6868

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Tony Revack

General Contractor

1631 South T-Bar Trail

Cañon City, CO 81212

719.269.9978

AspenWindsRanch@mesanetworks.n

et

****Numerous References Available****

Need Some Work Done?

If you have projects that need to be done on the ranch or in the surrounding area such as painting, staining, cleaning or any kind of outside clean-up or landscaping, give me a call. I'm a full time resident at the ranch and excellent at all kinds of odd jobs. I also have experience in animal care, both domestic and livestock. If you need help in any of the above areas, call me. - References available upon request.

Lynn Fish
719-269-8111

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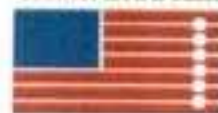
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We are offering South T-Bar Ranch owners interested in selling their property, a special reduced marketing fee. Due to the current circumstances at the ranch, we can offer a 3 % marketing fee. Call 719-784-9356
pateaglesprings@land-properties

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