

# CREEKSIDE SOUTH ESTATES METROPOLITAN DISTRICT

141 Union Boulevard, Suite 150  
Lakewood, Colorado 80228-1898  
Tel: 303-987-0835 • 800-741-3254  
Fax: 303-987-2032

Join Zoom Meeting

<https://us02web.zoom.us/j/7601691090?pwd=R3B3cjMwdG5XeHlVNENwNU5MdDRDZz09>

**Meeting ID:** 760 169 1090

**Passcode:** 488323

**Call In Number:** 1 (669) 900-6833

## NOTICE OF REGULAR MEETING AND AGENDA

<u>Board of Directors:</u>	<u>Office:</u>	<u>Term/Expiration:</u>
David Deines	President	2025/May 2025
Della Thompson	Treasurer	2023/May 2023
Matthew Moeller	Secretary	2025/May 2025
Al Mohar	Assistant Secretary	2023/May 2023
<b>VACANT</b>		2025/May 2025

Peggy Ripko

Recording Secretary

DATE: November 3, 2022

TIME: 6:00 P.M.

LOCATION: THIS DISTRICT BOARD MEETING WILL BE HELD BY TELECONFERENCE WITHOUT ANY INDIVIDUALS (NEITHER DISTRICT REPRESENTATIVES NOR THE GENERAL PUBLIC) ATTENDING IN PERSON. IF YOU WOULD LIKE TO ATTEND THIS MEETING, PLEASE SEE THE ZOOM INFORMATION ABOVE.

### I. ADMINISTRATIVE MATTERS

- A. Present Disclosures of Potential Conflicts of Interest and confirm quorum.

- B. Approve Agenda and confirm location of meeting and posting of notices.

- C. Discuss business to be conducted in 2023 and location (**virtual and/or physical**) or meetings. Consider regular meeting dates for 2023 (suggested dates are March 2, 2023, July 6, 2023 and November 2, 2023 at 6:00 p.m. via Zoom Meeting). Review and consider approval of Resolution No. 2022-11-01 Designating the Location of Regular Meetings of the BOD (enclosure).

- D. Discuss §32-1-809, C.R.S., Transparency Notice reporting requirements and mode of eligible elector notification (2023 SDA Website) (enclosure).
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- E. Review and approve Third Addendum to the Independent Contract Agreement with SDMS for 2023 rates (enclosure).
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- F. Discuss vacant Board positions.
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II. CONSENT AGENDA (These items are considered to be routine and will be approved by one motion. There will be no separate discussion of these items unless requested; in which event, the item will be removed from the Consent Agenda and considered in the Regular Agenda.)

- Approval of Minutes from the July 7, 2022 Regular Meeting and September 27, 2022 Special Meeting (enclosures).
  - Ratify / approve the payment of claims for the period ending \_\_\_\_\_, 2022 in the amount of \$\_\_\_\_\_ (to be distributed).
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III. WATER SYSTEM AND OPERATIONS MATTERS

- A. Discuss well maintenance, repair, and quality.
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1. Update on well repairs and expenses (to be distributed).
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IV. PUBLIC COMMENT

- A. \_\_\_\_\_
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V. FINANCIAL MATTERS

- A. Review and accept the unaudited financial statements and cash position statement through the period ending \_\_\_\_\_, 2022 (to be distributed).
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- B. Consider appointment of District Accountant to prepare the Application for Exemption from Audit for 2022.
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- C. Conduct Public Hearing to consider Amendment to 2022 Budget (if necessary) and consider adoption of Resolution to Amend the 2022 Budget and Appropriate Expenditures.  

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- D. Conduct Public Hearing on the proposed 2023 Budget and consider adoption of Resolution to Adopt the 2023 Budget and Appropriate Sums of Money and Set Mill Levies for General Fund \_\_\_\_\_, Debt Service Fund \_\_\_\_\_, and Other Fund(s) \_\_\_\_\_ for a total mill levy of \_\_\_\_\_ (enclosures – preliminary AV, draft 2023 Budget, and Resolution).  

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- E. Consider authorizing the District Accountant to prepare and sign the DLG-70 Mill Levy Certification form for certification to the Board of County Commissioners and other interested parties.  

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- F. Discuss fixing and/or increasing fees, rates, tolls, penalties or charges for water and/or sanitary sewer (enclosure).  

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## VI. LEGAL MATTERS

- A. Discuss May 2, 2023 Regular Director Election and consider adoption of Resolution No. 2022-11-\_\_\_\_ Calling a Regular Election for Directors on May 2, 2023, appointing the Designated Election Official (“DEO”), and authorizing the DEO to perform all tasks required for the conduct of mail ballot election (enclosure). Self-Nomination forms are due by February 24, 2023. Discuss the need for ballot issues and/or questions.  

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- B. Consider for Adoption 2023 Annual Administrative Resolution (enclosure).  

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## VII. COVENANT ENFORCEMENT MATTERS

- A. Update regarding Community Management in the community.
  - 1. Community Management Report (enclosure).  

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- B. Update regarding new rules and regulations for the District (to be distributed).  

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- C. Discuss landscaping enforcement in the community.
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VIII. OTHER MATTERS

- A. 

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- IX. ADJOURNMENT: **THERE ARE NO MORE REGULAR MEETINGS SCHEDULED FOR 2022.**

Additional Enclosure:

- Notice of rate increase from Special District Management Services, Inc.
- Notice of rate increase from Altitude Community Law.

**RESOLUTION  
OF THE BOARD OF DIRECTORS OF  
CREEKSIDE SOUTH ESTATES METROPOLITAN DISTRICT  
  
DESIGNATING THE LOCATION OF REGULAR MEETINGS  
OF THE BOARD OF DIRECTORS**

WHEREAS, Creekside South Estates Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, the Board of Directors of the District (“**Board**”) previously adopted Resolution No. 2020-07-01 Declaring Emergency Procedures and Authorizing Teleconferencing for Regular and Special Meetings (the “**Emergency Resolution**”); and

WHEREAS, pursuant to the Emergency Resolution, any actions, including, but not limited to the adoption of the Emergency Resolution, taken at a regular or special meeting held by teleconference platform shall be ratified at the first regular or special in-person Board meeting that takes place after adoption of the Emergency Resolution; and

WHEREAS, pursuant to § 32-1-903(1), C.R.S., the Board shall meet regularly at a time and in a location to be designated by the Board; and

WHEREAS, the Colorado Legislature enacted House Bill 21-1278 amending § 32-1-903, C.R.S., to clarify what qualifies as a meeting location for purposes of special district board meetings; and

WHEREAS, pursuant to § 32-1-903(5)(a), C.R.S., “location” means the physical, telephonic, electronic, or other virtual place, or combination of such means where a meeting can be attended; and

WHEREAS, § 32-1-903(4), C.R.S., provides that the method of conducting any meeting held prior to the effective date of this section, as amended, by telephonic, electronic, or other virtual means is validated, ratified, confirmed, and may not be challenged; and

WHEREAS, the Board previously repealed the Emergency Resolution and wishes to memorialize such actions; and

WHEREAS, the Board desires to designate the location for regular meetings of the Board.

NOW, THEREFORE, the Board hereby RESOLVES as follows:

1.     **Ratification of Prior Actions.** The Board hereby finds and determines that, pursuant to § 32-1-903(4), C.R.S., actions taken by the Board before July 7, 2021, are automatically validated, ratified and confirmed and cannot be challenged.

2.     **Designation of Regular Meeting Location.** As of the date hereof, all regular meetings of the Board will be held at the following location(s):

By telephonic, electronic, or other virtual means, and notice of all meetings of the Board shall include the method or procedure, including the conference number or link, by which members of the public can attend the meeting.

3. **Notice of Meetings Location.** All notices of meetings shall designate whether such meeting will be held by electronic means, at a physical location, or both, and notices of electronic meetings shall include the method or procedure, including the conference number or link, by which members of the public can attend the meeting.

4. **Effect of Resolution.** The above location shall remain in effect until contrary action is taken by the Board, which action must comply with §32-1-903(1), C.R.S., or §§ 32-1-903(1)(a) - 32-1-903(1)(b), C.R.S.

*[Remainder of page intentionally left blank.]*

ADOPTED this 3<sup>rd</sup> day of November 2022.

CREEKSIDE SOUTH ESTATES  
METROPOLITAN DISTRICT

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Officer of the District

ATTEST:

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APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys at Law

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General Counsel to the District

*Signature Page to Resolution Designating the Location of Regular Meetings*

**Creekside South Estates Metropolitan District, Adams County, Colorado**  
**Disclosure Notice Pursuant to §32-1-809, C.R.S.**

**REQUESTED INFORMATION**

**RESPONSE**

Address and telephone number of the principal business office	c/o WHITE BEAR ANKELE TANAKA & WALDRON Attorneys at Law 2154 E. Commons Ave., Suite 2000 Centennial, CO 80122 303-858-1800	
Name and business telephone number of the manager or other principal contact person for the District/board member contact information	Heather L. Hartung, Esq. WHITE BEAR ANKELE TANAKA & WALDRON 2154 E. Commons Ave., Suite 2000 Centennial, CO 80122 Phone: 303-858-1800 Email: hhartung@wbapc.com	
Board members and re-election status of those members whose office will be on the ballot at the next regular election on May 2, 2023  *on ballot at the next regular election	David Deines, President	(term expires 2025)
	Della Thompson, Treasurer	(term expires 2023)*
	Matthew Moeller, Secretary	(term expires 2025)
	VACANT	(term expires 2023)*
	VACANT	(term expires 2023)*
Regular meeting schedule and the place where notice of board meetings is posted pursuant to §24-6-402(2)(c), C.R.S.	Regular meetings are scheduled for the first Thursday of March, July, and November 2023 at time of regular meetings via teleconference. Notices of board meetings are posted at [District's official webpage address] or when online posting is not available at Southwest Corner of East 159th Place and Lima Street.	
Current mill levy (2022), for collection in 2023	80.000 mills - (general fund) 00.000 mills - (debt service fund) 00.000 mills - (capital projects fund)	
Total ad valorem tax revenue received during the last year (2022)	\$ _____ (unaudited)	
Date of the next regular special district election of board members	May 2, 2023	
Procedure and timing to submit a self-nomination form for election to the Board(s) pursuant to §1-13.5-303, C.R.S. : Pursuant to §1-13.5-303, C.R.S. any person interested in being a candidate for the Board must submit a self-nomination and acceptance form signed by the candidate and by a registered elector of the state as a witness to the candidate. On the date of signing the self-nomination form, the person desiring to serve on the Board must be an eligible elector of the District. The form or letter must be filed no earlier than January 1 and no later than the sixty-seventh (67 <sup>th</sup> ) day before the date of the next regular special district election. The form is filed with the Designated Election Official, or if none has been designated, the presiding officer or the secretary of the District at the address above. This form may be obtained by contacting the District's general counsel at (303) 858-1800. In place of the form, the candidate may submit a letter signed by the candidate and a registered elector of the state as witness to the signature of the candidate. Both the form and letter must state the following information: (1) name of the special district; (2) director office sought; (3) term of office sought; (4) date of the election; (5) full name of the candidate as it is to appear on the ballot; and (6) whether the candidate is a member of an executive board of a unit owners’ association, as defined in §38-33.3-103, C.R.S., located within the boundaries of the District. A self-nomination form meeting the statutory requirements must be filed prior to 5:00 p.m. on the sixty-seventh (67th) day before the election.		
Address of any website on which the special district’s election results will be posted	<a href="https://cdola.colorado.gov/local-government">https://cdola.colorado.gov/local-government</a> <a href="https://creeksidesouthestatesmd.colorado.gov/">https://creeksidesouthestatesmd.colorado.gov/</a>	



<b>Information on the procedure to apply for permanent absentee voter status as described in §1-13.5-1003, C.R.S.</b>	A permanent absentee voter status request form may be obtained by contacting the District's general counsel at (303) 858-1800.
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THIRD ADDENDUM  
TO  
INDEPENDENT CONTRACTOR AGREEMENT  
(District Management Services)

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This THIRD ADDENDUM TO INDEPENDENT CONTRACTOR AGREEMENT (the “Second Addendum”) is entered into on the 3<sup>rd</sup> day of November, 2022, to become effective as of January 1, 2023, by and between CREEKSIDE SOUTH ESTATES METROPOLITAN DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado (the “District”), and SPECIAL DISTRICT MANAGEMENT SERVICE, INC., a Colorado corporation (the “Company”), collectively referred to herein as the “Parties.”

RECITALS:

WHEREAS, the Parties entered into an *Independent Contractor Agreement*, which agreement was amended in the *First Addendum to Independent Contractor Agreement* on November 7, 2019 and in that *Second Addendum to Independent Contractor Agreement* on November 4, 2021 (collectively, the “Agreement”); and

WHEREAS, the Agreement provides Hourly Rates in the Compensation Schedule for the Services provided under the Agreement; and

WHEREAS, the Parties desire to revise the Hourly Rates in the Compensation Schedule to reflect a change in the Company’s rates; and

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties covenant and agree as follows:

TERMS AND CONDITIONS:

1. REPLACEMENT OF COMPENSATION SCHEDULE. The Compensation Schedule set forth in Exhibit A of the Agreement shall be replaced in its entirety with Exhibit A, attached hereto and incorporated by this reference. The Parties hereby agree that the Compensation Schedule set forth in Exhibit A, attached hereto, shall become effective as of January 1, 2023.
2. PRIOR PROVISIONS EFFECTIVE. Except as specifically amended hereby, all the terms and provisions of the Agreement shall remain in full force and effect.
3. COUNTERPART EXECUTION. This Third Addendum may be executed in several counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have caused this Third Addendum to be duly executed and delivered by their respective officers thereunto duly authorized as of the date first above written.

DISTRICT:

CREEKSIDE SOUTH ESTATES  
METROPOLITAN DISTRICT, a quasi-municipal  
corporation and political subdivision of the State of  
Colorado

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Officer of the District

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys at Law

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General Counsel to the District

COMPANY:  
SPECIAL DISTRICT MANAGEMENT  
SERVICES, INC., a Colorado corporation

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Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

**EXHIBIT A**  
COMPENSATION SCHEDULE

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE CREEKSIDE SOUTH ESTATES METROPOLITAN DISTRICT (THE “DISTRICT”) HELD JULY 7, 2022

A regular meeting of the Board of Directors of the Creekside South Estates Metropolitan District (referred to hereafter as the “Board”) was convened on Thursday, July 7, 2022, at 6:00 p.m. This District Board meeting was held via Zoom. The meeting was open to the public via conference Zoom.

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**Directors In Attendance Were:**

Della Thompson  
David Deines  
Matthew Moeller

**Also, In Attendance Were:**

Peggy Ripko; Special District Management Services, Inc.

Diane Wheeler; Simmons & Wheeler, P.C

Brad Simons; MMI Water Engineers LLC

Pete Rediess and Al Mohar; Homeowners

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**DISCLOSURE OF  
POTENTIAL  
CONFLICTS OF  
INTEREST**

**Disclosures of Potential Conflicts of Interest:** Ms. Ripko advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Ripko reported that disclosures for those directors with potential or existing conflicts of interest were filed with the Secretary of State’s Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Ms. Ripko also noted that a quorum was present and inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the meeting. No disclosures were noted.

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**ADMINISTRATIVE  
MATTERS**

**Agenda:** Ms. Ripko distributed for the Board’s review and approval a proposed Agenda for the District's regular meeting.

## RECORD OF PROCEEDINGS

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Following discussion, upon motion duly made by Director Thompson, seconded by Director Deines and, upon vote unanimously carried, the Agenda was approved, as presented.

**Results of May 3, 2022 Regular Election:** Ms. Ripko discussed with the Board the results of the May 3, 2022 Regular Election for Directors (“Election”). It was noted that the Election was cancelled, as permitted by statute and that Director Deines and Director Moeller were each deemed elected to a three-year term ending in 2025.

**Appointment of Officers:** The Board entered into discussion regarding the appointment of officers.

Following discussion, upon motion duly made by Director Thompson, seconded by Director Deines and, upon vote, unanimously carried, the following slate of officers was appointed:

President	David Deines
Treasurer	Della Thompson
Secretary	Matthew Moeller
Assistant Secretary	Al Mohar
Recording Secretary	Peggy Ripko

**2022 SDA Conference:** Ms. Ripko discussed the SDA Conference with the Board, and noted the information concerning the details of the conference will be emailed to them once the information is available.

**Board Vacancies:** The Board entered into discussion regarding the current Board Vacancies.

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### **CONSENT AGENDA**

**Consent Agenda:** The Board considered the following actions:

- Approval of Minutes from the November 4, 2021 Special Meeting.
- Ratify / approve the payment of claims for the period ending June 30, 2022 in the amount of \$71,863.64.
- Consider Adoption of Resolution No. 2022-07-01; Designating 24-Hour Posting Location.
- Accept 2021 Annual Report on the Service Plan.
- Ratify Division Orders with Great Western.

## RECORD OF PROCEEDINGS

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Following review, upon motion duly made by Director Deines, seconded by Director Moeller and, upon vote, unanimously carried, the Board approved the Consent Agenda.

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### **WATER SYSTEM AND OPERATIONS MATTERS**

**Well Reports:** The Board discussed the well reports and scoping well 3.

Following review, upon motion duly made by Director Deines, seconded by Director Moeller and, upon vote, unanimously carried, the Board authorized researching other options regarding grants and joining other water Districts to see what the options are.

**Well #3:** Mr. Simons discussed with the Board the recent request from owner's counsel.

**Well Maintenance:** Mr. Simons discussed with the Board the well maintenance, repair and quality.

**Well Repairs:** Mr. Simons updated the Board on the well repairs and expenses.

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### **PUBLIC COMMENT**

**Public Comment:** There was no public comment.

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### **FINANCIAL MATTERS**

**Unaudited Financial Statements:** Ms. Wheeler reviewed with the Board the unaudited financial statements and cash position statement through the period ending March 31, 2022.

Following discussion, upon motion duly made by Director Deines, seconded by Director Thompson and, upon vote, unanimously carried, the Board accepted the unaudited financial statements and cash position statement through the period ending March 31, 2022.

**2021 Application for Exemption from Audit:** The Board reviewed the 2021 Application for Exemption from Audit.

Following review and discussion, upon motion duly made by Director Thompson, seconded by Director Deines and, upon vote, unanimously carried, the Board ratified approval of the execution and filing of the Application for Exemption from Audit for 2021.

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## RECORD OF PROCEEDINGS

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### **LEGAL MATTERS**

**Resolution No. 2022-07-02; Regarding Residential Use of Lots:** The Board reviewed Resolution No. 2022-07-02; Regarding Residential Use of Lots.

Following discussion, upon motion duly made by Director Thompspon, seconded by Director Deines and, upon vote, unanimously carried, the Board adopted Resolution No. 2022-07-02; Regarding Residential Use of Lots. A copy of the Resolution is attached hereto and incorporated herein by this reference.

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### **WATER SYSTEM AND OPERATIONS MATTERS**

**Wells Reports:** There were no reports at this time.

**Well Maintenance, Repair, and Quality:**

*Well Repairs and Expenses:* There was no update at this time.

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### **COVENANT ENFORCEMENT MATTERS**

**Community Management in the Community:**

*Community Management Report:* Ms. Ripko reviewed with the Board the Community Management Report.

**New Rules and Regulations for the District:** Ms. Ripko reviewed with the Board the new Rules and Regulations for the District.

Following discussion, upon motion duly made by Director Thompspon, seconded by Director Deines and, upon vote, unanimously carried, the Board authorized committee members to work with Ms. Ripko to draft the Rules and Regulations.

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### **OTHER BUSINESS**

**2022 Legislative Memorandum:** The Board reviewed the 2022 Legislative Memorandum. There were no questions.

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### **ADJOURNMENT**

There being no further business to come before the Board at this time, the meeting was adjourned.

Respectfully submitted,

By \_\_\_\_\_  
Secretary for the Meeting



## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE CREEKSIDE SOUTH ESTATES METROPOLITAN DISTRICT (THE “DISTRICT”) HELD SEPTEMBER 27, 2022

A Special Meeting of the Board of Directors of the Creekside South Estates Metropolitan District (referred to hereafter as the “Board”) was convened on Tuesday, September 27, 2022, at 3:00 p.m. This District Board meeting was held via Zoom. The meeting was open to the public.

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**Directors In Attendance Were:**

Della Thompson  
David Deines  
Matthew Moeller

Following discussion, upon motion duly made by Director Deines, seconded by Director Thompson and, upon vote, unanimously carried, the absence of Director Mohar was excused.

**Also, In Attendance Were:**

Peggy Ripko; Special District Management Services, Inc.

Chris May; Department of Local Affairs (“DOLA”)

#### **DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST**

**Disclosures of Potential Conflicts of Interest:** Ms. Ripko advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Ripko reported that no disclosures were noted.

#### **ADMINISTRATIVE MATTERS**

**Agenda:** Ms. Ripko distributed for the Board’s review and approval a proposed Agenda for the District's regular meeting.

Following discussion, upon motion duly made by Director Deines, seconded by Director Thompson and, upon vote unanimously carried, the Agenda was approved, as presented.

## RECORD OF PROCEEDINGS

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### **WATER SYSTEM AND OPERATIONS MATTERS**

**Presentation by DOLA:** Mr. May with DOLA made a presentation to the Board regarding potential funding opportunities for water improvements.

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### **ADJOURNMENT**

There being no further business to come before the Board at this time, the meeting was adjourned.

Respectfully submitted,

By \_\_\_\_\_  
Secretary for the Meeting

Ken Musso  
ASSESSOR

AUG 25 2022



Assessor's Office  
4430 South Adams County Parkway  
2nd Floor, Suite C2100  
Brighton, CO 80601-8201  
PHONE 720.523.6038  
FAX 720.523.6037  
[www.adcogov.org](http://www.adcogov.org)

August 25, 2022

CREEKSIDE SOUTH ESTATES METRO DIST  
SPECIAL DISTRICT MANAGEMENT SERVICES INC  
Attn: LISA A JOHNSON  
141 UNION BLVD STE 150  
LAKEWOOD CO 80228-1898

To LISA A JOHNSON:

Enclosed is the 2022 preliminary valuation. This valuation along with all other statutory requirements is on the enclosed form. A final certification of value will be sent out on or before December 10, 2022.

This value is subject to change by the County Board of Equalization, Board of Assessment Appeals and the State Board of Equalization as provided by law.

Sincerely,

Ken Musso  
Adams County Assessor  
KM/rmb

# CERTIFICATION OF VALUATION BY ADAMS COUNTY ASSESSOR

Name of Jurisdiction: **464 - CREEKSIDE SOUTH ESTATES METRO DIST**

IN ADAMS COUNTY ON 8/25/2022

New Entity: No

## USE FOR STATUTORY PROPERTY TAX REVENUE LIMIT CALCULATIONS (5.5% LIMIT) ONLY

IN ACCORDANCE WITH 39-5-121(2)(a) AND 39-5-128(1), C.R.S. AND NO LATER THAN AUGUST 25, THE ASSESSOR CERTIFIES THE TOTAL VALUATION FOR ASSESSMENT FOR THE TAXABLE YEAR 2022 IN ADAMS COUNTY, COLORADO

1. PREVIOUS YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:	\$2,133,460
2. CURRENT YEAR'S GROSS TOTAL TAXABLE ASSESSED VALUATION: *	\$2,098,520
3. LESS TIF DISTRICT INCREMENT, IF ANY:	\$0
4. CURRENT YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:	\$2,098,520
5. NEW CONSTRUCTION: **	\$0
6. INCREASED PRODUCTION OF PRODUCING MINES: #	\$0
7. ANNEXATIONS/INCLUSIONS:	\$0
8. PREVIOUSLY EXEMPT FEDERAL PROPERTY: #	\$0
9. NEW PRIMARY OIL OR GAS PRODUCTION FROM ANY PRODUCING OIL AND GAS LEASEHOLD ## OR LAND (29-1-301(1)(b) C.R.S.):	\$0
10. TAXES COLLECTED LAST YEAR ON OMITTED PROPERTY AS OF AUG. 1 (29-1-301(1))(a) C.R.S.):	\$0.00
11. TAXES ABATED AND REFUNDED AS OF AUG. 1 (29-1-301(1)(a) C.R.S.) and (39-10-114(1)(a)(I)(B) C.R.S.):	\$0.00

\* This value reflects personal property exemptions IF enacted by the jurisdiction as authorized by Art. X, Sec.20(8)(b), Colo.

\*\* New construction is defined as: Taxable real property structures and the personal property connected with the structure.

# Jurisdiction must submit respective certifications (Forms DLG 52 AND 52A) to the Division of Local Government in order for the values to be treated as growth in the limit calculation.

## Jurisdiction must apply (Forms DLG 52B) to the Division of Local Government before the value can be treated as growth in the limit calculation.

## USE FOR 'TABOR' LOCAL GROWTH CALCULATIONS ONLY

IN ACCORDANCE WITH THE PROVISION OF ARTICLE X, SECTION 20, COLO CONST, AND 39-5-121(2)(b), C.R.S. THE ASSESSOR CERTIFIES THE TOTAL ACTUAL VALUATION FOR THE TAXABLE YEAR 2022 IN ADAMS COUNTY, COLORADO ON AUGUST 25, 2022

1. CURRENT YEAR'S TOTAL ACTUAL VALUE OF ALL REAL PROPERTY: @	\$29,070,752
ADDITIONS TO TAXABLE REAL PROPERTY:	
2. CONSTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS: !	\$0
3. ANNEXATIONS/INCLUSIONS:	\$0
4. INCREASED MINING PRODUCTION: %	\$0
5. PREVIOUSLY EXEMPT PROPERTY:	\$0
6. OIL OR GAS PRODUCTION FROM A NEW WELL:	\$0
7. TAXABLE REAL PROPERTY OMITTED FROM THE PREVIOUS YEAR'S TAX WARRANT:	\$0

(If land and/or a structure is picked up as omitted property for multiple years, only the most current year's actual value can be reported as omitted property.)

### DELETIONS FROM TAXABLE REAL PROPERTY:

8. DESTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS:	\$0
9. DISCONNECTIONS/EXCLUSION:	\$0
10. PREVIOUSLY TAXABLE PROPERTY:	\$0

@ This includes the actual value of all taxable real property plus the actual value of religious, private schools, and charitable real property.

! Construction is defined as newly constructed taxable real property structures.

% Includes production from new mines and increases in production of existing producing mines.

IN ACCORDANCE WITH 39-5-128(1), C.R.S. AND NO LATER THAN AUGUST 25, THE ASSESSOR CERTIFIES TO SCHOOL DISTRICTS: 1. TOTAL ACTUAL VALUE OF ALL TAXABLE PROPERTY:----->

\$0

NOTE: All levies must be Certified to the Board of County Commissioners NO LATER THAN DECEMBER 15, 2022

IN ACCORDANCE WITH 39-5-128(1.5) C.R.S. THE ASSESSOR PROVIDES:

HB21-1312 ASSESSED VALUE OF EXEMPT BUSINESS PERSONAL PROPERTY (ESTIMATED): \*\*

\*\* The tax revenue lost due to this exempted value will be reimbursed to the tax entity by the County Treasurer in accordance with 39-3-119 f(3). C.R.S.

Data Date: 8/23/2022

**Creekside South Estates Metro District**  
**Proposed Budget**  
**General Fund**  
**For the Years ended December 31, 2023**

	Actual 2021	Adopted Budget 2022	Actual 6/30/2022	Estimated 2022	Proposed Budget 2023
Beginning fund balance	\$ 33,261	\$ 96,204	\$ 143,584	\$ 143,584	195,144
Revenues:					
Property taxes	176,068	170,677	170,677	170,677	167,882
Specific ownership taxes	13,674	11,606	5,220	11,000	11,416
Other income	437	-	200	200	-
Great Western Royalty	50,535	-	50,871	50,871	-
Interest income	239	1,000	214	500	1,000
Total revenues	240,953	183,283	227,182	233,248	180,298
Total funds available	274,214	279,487	370,766	376,832	375,442
Expenditures:					
Accounting	7,968	7,500	2,792	7,500	7,500
Election expenses	-	15,000	-	-	15,000
Engineering	957	4,500	644	4,000	4,500
Insurance	4,509	5,000	4,321	4,321	5,000
Legal - general	8,359	17,500	10,482	17,500	20,000
Legal - capital projects	-	4,500	-	-	4,500
Web access (5)	-	2,000	-	-	2,000
Management	21,373	11,000	9,912	11,000	11,550
Covenant control and enforcement	-	10,000	-	10,000	10,500
Gate repair (4)	-	-	-	-	-
Miscellaneous	958	1,000	2,797	3,000	1,000
Trash removal (2)	9,870	12,705	6,219	12,705	13,340
Utilities	12,153	13,000	4,722	13,000	13,000
Water operator contract	27,756	28,350	15,508	28,350	30,618
Water testing and treatment	17,017	25,000	10,548	25,000	25,000
Well maintenance	17,066	42,750	9,669	42,750	42,750
County Treasurer fees	2,644	2,562	2,561	2,562	2,520
Contingency	-	5,000	-	-	10,000
Well maintenance reserve (1)	-	66,049	-	-	150,401
Emergency reserve (3%)	-	6,071	-	-	6,263
Total expenditures	130,630	279,487	80,175	181,688	375,442
Ending fund balance	\$ 143,584	\$ -	\$ 290,591	\$ 195,144	-
Assessed valuation		\$ 2,133,460			2,098,520
Mill Levy		80.000			80

(1) Well Maintenance Reserve is the expected balance at the end of 2022 assuming no funds are used during 2022

(2) Trash is based upon the current monthly payment

(3) Royalty money from Great Western

the gate, the check was never released to them as they never performed the work. In 2021 the work was completed by Martin Custom Construction for same amount as DH Pace.

(5) Website design and maintenance will be handled by SDMS's office

**RESOLUTION**  
**ADOPTING BUDGET, APPROPRIATING FUNDS AND CERTIFYING MILL LEVIES**  
**FOR THE CALENDAR YEAR 2023**

---

The Board of Directors of Creekside South Estates Metropolitan District (the “**Board**”), Adams County, Colorado (the “**District**”), held a regular meeting, via teleconference on Thursday, November 3, 2022, at the hour of 6:00 p.m.

Prior to the meeting, each of the directors was notified of the date, time and place of the budget meeting and the purpose for which it was called and a notice of the meeting was posted or published in accordance with §29-1-106, C.R.S.

*[Remainder of Page Intentionally Left Blank]*

## NOTICE AS TO PROPOSED 2023 BUDGET

WHEREAS, the Board has designated its accountant to prepare and submit a proposed budget to the Board in accordance with Colorado law; and

WHEREAS, the proposed budget has been submitted to the Board for its review and consideration; and

WHEREAS, upon due and proper notice, provided in accordance with Colorado law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held and interested electors were given the opportunity to register their protest to the proposed budget prior to the adoption of the budget by the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

Section 1. Adoption of Budget. The budget attached hereto and incorporated herein is approved and adopted as the budget of the District for fiscal year 2023. In the event of recertification of values by the County Assessor's Office after the date of adoption hereof, staff is hereby directed to modify and/or adjust the budget and certification to reflect the recertification without the need for additional Board authorization. Any such modification to the budget or certification as contemplated by this Section 1 shall be deemed ratified by the Board.

Section 2. Levy for General Operating Expenses. For the purpose of meeting all general operating expenses of the District during the 2023 budget year, there is hereby levied a tax of 80.000 mills upon each dollar of the total valuation of assessment of all taxable property within the District.

Section 3. Levy for Debt Service Obligations. For the purposes of meeting all debt service obligations of the District during the 2023 budget year, there is hereby levied a tax of 0.000 mills upon each dollar of the total valuation of assessment of all taxable property within the District.

Section 4. Levy for Contractual Obligation Expenses. For the purposes of meeting all contractual obligations of the District during the 2023 budget year, there is hereby levied a tax of 0.000 mills upon each dollar of the total valuation of assessment of all taxable property within the District.



Section 5. Levy for Capital Project Expenses. For the purposes of meeting all capital project obligations of the District during the 2023 budget year, there is hereby levied a tax of 0.000 mills upon each dollar of the total valuation of assessment of all taxable property within the District.

Section 6. Mill Levy Adjustment. When developing the attached budget, consideration was given to any changes in the method of calculating assessed valuation, including any changes to the assessment ratios, or any constitutionally mandated tax credit, cut or abatement, as authorized in the District's service plan. The Board hereby determines in good faith (such determination to be binding and final), that to the extent possible, the adjustments to the mill levies made to account for changes in Colorado law described in the prior sentence, and the actual tax revenues generated by the mill levies, are neither diminished nor enhanced as a result of those changes.

Section 7. Certification to County Commissioners. The Board directs its legal counsel, manager, accountant, or other designee to certify to the Board of County Commissioners of Adams County, Colorado the mill levies for the District as set forth herein. Such certification shall be in compliance with the requirements of Colorado law.

Section 8. Appropriations. The amounts set forth as expenditures in the budget attached hereto are hereby appropriated.

Section 9. Filing of Budget and Budget Message. The Board hereby directs its legal counsel, manager, or other designee to file a certified copy of the adopted budget resolution, the budget and budget message with the Division of Local Government by January 30 of the ensuing year.

Section 10. Budget Certification. The budget shall be certified by a member of the District, or a person appointed by the District, and made a part of the public records of the District.

*[Remainder of Page Intentionally Left Blank]*

ADOPTED THIS 3<sup>RD</sup> DAY OF NOVEMBER 2022.

**DISTRICT:**

**CREEKSIDE SOUTH ESTATES  
METROPOLITAN DISTRICT**, a quasi-  
municipal corporation and political subdivision of  
the State of Colorado

By: \_\_\_\_\_  
Officer of the District

Attest:

By: \_\_\_\_\_

**APPROVED AS TO FORM:**

WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys at Law

\_\_\_\_\_  
General Counsel to the District

STATE OF COLORADO  
COUNTY OF ADAMS  
CREEKSIDE SOUTH ESTATES METROPOLITAN DISTRICT

I hereby certify that the foregoing resolution constitutes a true and correct copy of the record of proceedings of the Board adopted by a majority of the Board at a District meeting held at via teleconference on Thursday, November 3, 2022, as recorded in the official record of the proceedings of the District.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 3rd day of November 2022.

\_\_\_\_\_

**EXHIBIT A**  
**BUDGET DOCUMENT**  
**BUDGET MESSAGE**

NOTICE OF INTENT TO FIX OR INCREASE FEES, RATES, TOLLS, PENALTIES OR  
CHARGES FOR WATER AND/OR SANITARY SEWER SERVICE

NOTICE IS HEREBY GIVEN that, pursuant to § 32-1-1001(2)(a), C.R.S., the Board of Directors for the Creekside South Estates Metropolitan District (the “**District**”) will consider fixing and/or increasing fees, rates, tolls, penalties or charges for water and/or sanitary sewer service at a public meeting to be held on **November 3, 2022 at 6:00 P.M.** via teleconference at <https://us02web.zoom.us/j/7601691090?pwd=R3B3cjMwdG5XeHlVNENwNU5MdDRDZz09> ; Meeting ID: 760 169 1090 ; Passcode: 488323 or by joining by teleconference at 1-669-900-6833 and entering the Passcode 488323. Any interested member of the public may attend the public meeting.

BY ORDER OF THE BOARD OF DIRECTORS:  
CREEKSIDE SOUTH ESTATES METOPOLITAN DISTRICT

**RESOLUTION OF BOARD OF DIRECTORS  
CALLING ELECTION**

**CREEKSID METROPOLITAN DISTRICT**

§§ 32-1-804, 1-1-111(2), 1-13.5-1103(1), and 1-13.5-513(1), C.R.S.

At a meeting of the Board of Directors (the “**Board**”) of the Creekside South Estates Metropolitan District (the “**District**”), it was moved to adopt the following Resolution:

WHEREAS, the District was organized as a special district pursuant to §§ 32-1-101, *et seq.*, C.R.S. (the “**Special District Act**”); and

WHEREAS, the District is located entirely within Adams County, Colorado (the “**County**”); and

WHEREAS, pursuant to § 32-1-804, C.R.S., the Board governs the conduct of regular and special elections for the District; and

WHEREAS, the Board anticipates holding a regular election on May 2, 2023, for the purpose of electing directors, and desires to take all actions necessary and proper for the conduct thereof (the “**Election**”); and

WHEREAS, the Election shall be conducted pursuant to the Special District Act, the Colorado Local Government Election Code and the Uniform Election Code of 1992, to the extent not in conflict with the Colorado Local Government Election Code, including any amendments thereto, and shall also comply with Article X, § 20 of the Colorado Constitution (“**TABOR**”), as necessary; and

WHEREAS, pursuant to § 1-1-111(2), C.R.S., the Board is authorized to designate an election official (the “**Designated Election Official**”) to exercise authority of the Board in conducting the Election; and

WHEREAS, pursuant to § 1-13.5-513(1), C.R.S., the Board can authorize the Designated Election Official to cancel the Election upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The Board hereby calls the Election for the purpose of electing directors and presenting certain ballot issues and/or questions to the electorate. The Election shall be conducted as an independent mail ballot election in accordance with §§ 1-13.5-1101, *et seq.*, C.R.S.

2. The Board names Ashley B. Frisbie as the Designated Election Official for the Election. The Designated Election Official shall act as the primary contact with the County and shall be primarily responsible for ensuring the proper conduct of the Election.

3. Without limiting the foregoing, the following specific determinations also are made:
  - a. The Board hereby directs general counsel to the District to approve the final form of the ballot to be submitted to the eligible electors of the District and authorizes the Designated Election Official to certify those questions and take any required action therewith.
  - b. The Board hereby determines that: in addition to emailing to each registered elector at the email address provided by the county, or if no email is provided, by mailing to the household of each registered elector, notice of the call for nominations will be provided by posting on the District's website.
  - c. The Board hereby directs general counsel to the District to oversee the general conduct of the Election and authorizes the Designated Election Official to take all action necessary for the proper conduct thereof and to exercise the authority of the Board in conducting the Election, including, but not limited to, causing the call for nominations; appointment, training and setting compensation of election judges and a board of canvassers, as necessary; all required notices of election, including notices required pursuant to TABOR; printing of ballots; supervision of the counting of ballots and certification of election results; and all other appropriate actions.
4. The District shall be responsible for the payment of any and all costs associated with the conduct of the Election, including its cancellation, if permitted.
5. The Board hereby ratifies any and all actions taken to date by general counsel and the Designated Election Official in connection with the Election.
6. The Board hereby authorizes and directs the Designated Election Official to cancel the Election and to declare the candidates elected if, at the close of business on the sixty-third day before the Election, or at any time thereafter, there are not more candidates for director than offices to be filled, including candidates filing affidavits of intent to be write-in candidates, and so long as the only ballot questions are for the election of candidates. The Board further authorizes and directs the Designated Election Official to publish and post notice of the cancellation as necessary and file such notice and cancellation resolutions with the County Clerk and Recorder and with the Division of Local Government, as required. The Designated Election Official shall also notify the candidates that the Election was canceled and that they were elected by acclamation.
7. This Resolution shall remain in full force and effect until repealed or superseded by subsequent official action of the Board.

***[Remainder of Page Intentionally Left Blank]***

ADOPTED THIS 3<sup>RD</sup> DAY OF NOVEMBER 2022.

CREEKSIDE ESTATES SOUTH  
METROPOLITAN DISTRICT

---

Officer of the District

ATTEST:

---

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys at Law

---

General Counsel to the District

*Signature Page to Resolution Calling Election*

**CREEKSIDE SOUTH ESTATES METROPOLITAN DISTRICT  
ANNUAL ADMINISTRATIVE RESOLUTION  
(2023)**

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WHEREAS, Creekside South Estates Metropolitan District (the “**District**”), was organized as a special district pursuant to an Order and Decree of the District Court in and for the County of Adams, Colorado (the “**County**”); and

WHEREAS, the Board of Directors (the “**Board**”) of the each District has a duty to perform certain obligations in order to assure the efficient operation of the District and hereby directs its consultants to take the following actions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. The Board directs the District Manager to cause an accurate map of the District’s boundaries to be prepared in accordance with the standards specified by the Division of Local Government (“**Division**”) and to be filed in accordance with §32-1-306, C.R.S.

2. The Board directs the District Manager to notify the Board of County Commissioners, the County Assessor, the County Treasurer, the County Clerk and Recorder, the governing body of any municipality in which the District is located, and the Division of the name of the chairman of the Board, the contact person, telephone number, and business address of the District, as required by §32-1-104(2), C.R.S.

3. The Board directs the District Manager to prepare and file with the Division, within thirty (30) days of a written request from the Division, an informational listing of all contracts in effect with other political subdivisions, in accordance with §29-1-205, C.R.S.

4. The Board directs the District’s accountant to cause the preparation of and to file with the Department of Local Affairs the annual public securities report for nonrated public securities issued by the District within sixty (60) days of the close of the fiscal year, as required by §§11-58-101, et seq., C.R.S.

5. The Board directs the District’s accountant to: (a) obtain proposals for auditors to be presented to the Board; (b) cause an audit of the annual financial statements of the District to be prepared and submitted to the Board on or before June 30; and (c) cause the audit to be filed with the State Auditor by July 31, or by the filing deadline permitted under any extension thereof, all in accordance with §§29-1-603(1) and 29-1-606, C.R.S. Alternatively, if warranted by §29-1-604, C.R.S., the Board directs the District’s accountant to apply for and obtain an audit exemption from the State Auditor on or before March 31, in accordance with §29-1-604, C.R.S.

6. The Board directs the District Manager, if the District has authorized but unissued general obligation debt as of the end of the fiscal year, to cause to be submitted to the Board of County Commissioners or the governing body of the municipality that adopted a resolution of approval of the District the District’s audit report or a copy of its application for exemption from audit in accordance with §29-1-606(7), C.R.S.



7. The Board directs the District's accountant to submit a proposed budget to the Board by October 15 and prepare the final budget and budget message, including any amendments thereto, if necessary. The Board directs the District Manager to schedule a public hearing on the proposed budget and/or amendments and post or publish notices thereof and directs legal counsel to file the budget, budget resolution, and budget message with the Division on or before January 30, all in accordance with §§29-1-101, et seq., C.R.S.

8. The Board directs the District's accountant to monitor all expenditures and, if necessary, to notify the District's legal counsel, Manager, and the Board when expenditures are expected to exceed appropriated amounts. The Board directs legal counsel to prepare all budget amendment resolutions and directs District Manager to schedule a public hearing on a proposed budget amendment and post or publish notices thereof and file the amended budget with the Division on or before the date of making such expenditure or contracting for such expenditure, all in accordance with §§29-1-101, et seq., C.R.S.

9. The Board directs legal counsel to cause the preparation of the Unclaimed Property Act report and submission of the same to the State Treasurer by November 1 if there is property presumed abandoned and subject to custody as unclaimed property, in accordance with §38-13-110, C.R.S.

10. The Board directs the District's accountant to prepare the mill levy certification form and directs the District Manager to file the mill levy certification form with the Board of County Commissioners on or before December 15, in accordance with §39-5-128, C.R.S.

11. The Board directs that all legal notices shall be published in accordance with §32-1-103(15), C.R.S.

12. The Board determines that its directors shall not receive compensation for their services as directors subject to the limitations set forth in §§32-1-902(3)(a)(I) & (II), C.R.S.

13. The District hereby acknowledges, in accordance with §32-1-902, C.R.S., the following officers for the District:

Chairman/President:	David Deines
Treasurer:	Della Thompson
Secretary:	Matthew Moeller
Recording Secretary:	District Manager

14. The Board hereby determines that each member of the Board shall, for any potential or actual conflicts of interest, complete conflicts of interest disclosures and directs legal counsel to file the conflicts of interest disclosures with the Board and with the Colorado Secretary of State at least seventy-two (72) hours prior to every regular and special meeting of the Board, in accordance with §32-1-902(3)(b) and §18-8-308, C.R.S. Written disclosures provided by Board members required to be filed with the governing body in accordance with §18-8-308, C.R.S. shall be deemed filed with the Board when filed with the Secretary of State. Additionally, at the beginning of each year, each Board member shall submit information to legal counsel regarding

any actual or potential conflicts of interest and, throughout the year, each Board member shall provide legal counsel with any revisions, additions, corrections, or deletions to said conflicts of interest disclosures.

15. The Board confirms its obligations under §24-10-110(1), C.R.S., with regards to the defense and indemnification of its public employees, which, by definition, includes elected and appointed officers.

16. The Board hereby appoints the District Manager as the official custodian for the maintenance, care, and keeping of all public records of the District, in accordance with §§24-72-202, et seq., C.R.S. The Board hereby directs its legal counsel, accountant, manager, and all other consultants to adhere to the Colorado Special District Records Retention Schedule as adopted by the District.

17. The Board directs the District's Manager to post notice of all regular and special meetings in accordance with §32-1-903(2) and §24-6-402(2)(c), C.R.S. The Board hereby designates <https://creeksidesouthstatesmd.colorado.gov/> as the District's website for the posting of its regular and special meeting notices. The Board also hereby designates, unless otherwise designated by the Board, southwest corner of E. 159th Place and Lima Street as the location the District will post notices of meetings in the event of exigent or emergency circumstances which prevent the District from posting notice of the meeting on the District's website. The Board directs the District Manager to provide the website address set forth above to the Department of Local Affairs for inclusion in the inventory maintained pursuant to §24-32-116, C.R.S.

18. The Board determines to hold regular meetings on March 2, 2023, July 6, 2023 and November 2, 2023 by telephone, electronic, or other means not including physical presence. All notices of meetings shall designate whether such meeting will be held by electronic means, at a physical location, or both, and shall designate how members of the public may attend such meeting, including the conference number or link by which members of the public can attend the meeting electronically, if applicable.

19. In the event of an emergency, the Board may conduct a meeting outside of the limitations prescribed in §24-6-402(2)(c), C.R.S., provided that any actions taken at such emergency meeting are ratified at the next regular meeting of the Board or at a special meeting conducted after proper notice has been given to the public.

20. For the convenience of the electors of the District, and pursuant to its authority set forth in §1-13.5-1101, C.R.S., the Board hereby deems that all regular and special elections of the District shall be conducted as independent mail ballot elections in accordance with §§1-13.5-1101, et seq., C.R.S., unless otherwise deemed necessary and expressed in a separate election resolution adopted by the Board.

21. Pursuant to the authority set forth in §1-1-111, C.R.S., the Board hereby appoints Ashley B. Frisbie, as the Designated Election Official (the "DEO") of the District for any elections called by the Board, or called on behalf of the Board by the DEO, and hereby authorizes and directs the DEO to take all actions necessary for the proper conduct of the election, including, if applicable, cancellation of the election in accordance with §1-13.5-513, C.R.S.

22. In accordance with §1-11-103(3), C.R.S., the Board hereby directs the DEO to certify to the Division the results of any elections held by the District and, pursuant to §32-1-1101.5(1), C.R.S., to certify results of any ballot issue election to incur general obligation indebtedness to the Board of County Commissioners or the governing body of the municipality that adopted a resolution of approval of the district and file a copy of such certification with the Division of Securities.

23. The Board directs legal counsel to cause a notice of authorization of or notice to incur general obligation debt to be recorded with the County Clerk and Recorder within thirty (30) days of authorizing or incurring any indebtedness, in accordance with §32-1-1604, C.R.S.

24. Pursuant to the authority set forth in §24-12-103, C.R.S., the Board hereby designates, in addition to any officer of the District, [assigned paralegal] of the law firm of White Bear Ankele Tanaka & Waldron, Attorneys at Law, as a person with the power to administer all oaths or affirmations of office and other oaths or affirmations required to be taken by any person upon any lawful occasion.

25. The Board directs the District Manager to cause the preparation of and filing with the Board of County Commissioners or the governing body of the municipality that adopted a resolution of approval of the District, if requested, the application for quinquennial finding of reasonable diligence in accordance with §§32-1-1101.5(1.5) and (2), C.R.S.

26. The Board directs the District Manager to cause the preparation of and the filing with the Board of County Commissioners or the governing body of any municipality in which the District is located, the Division, the State Auditor, the County Clerk and Recorder, and any interested parties entitled to notice pursuant to §32-1-204(1), C.R.S., an annual report in accordance with §32-1-207(3)(c), C.R.S.

27. The Board directs the District Manager to obtain proposals and/or renewals for insurance, as applicable, to insure the District against all or any part of the District's liability, in accordance with §§24-10-115, et seq., C.R.S. The Board directs the District's accountant to pay the annual SDA membership dues, agency fees, and insurance premiums, as applicable, in a timely manner. The Board appoints the District Manager as its proxy for the SDA Annual meeting for voting and quorum purposes.

28. The Board hereby opts to exclude elected or appointed officials as employees within the meaning of §8-40-202(1)(a)(I)(A), C.R.S., and hereby directs the District Manager to file a statement with the Division of Workers' Compensation in the Department of Labor and Employment not less than forty-five (45) days before the start of the policy year for which the option is to be exercised, in accordance with §8-40-202(1)(a)(I)(B), C.R.S.

29. The Board hereby directs the District's Manager to prepare the disclosure notice required by §32-1-809, C.R.S., and to disseminate the information to the electors of the District accordingly. Further, the Board hereby designates the following website as the District's official website for the purposes thereof: <https://creeksidesouthestatesmd.colorado.gov/>

30. The Board hereby directs the District Manager to prepare and record with the County Clerk and Recorder updates to the disclosure statement notice and map required by §32-1-104.8, C.R.S., if additional property is included within the District's boundaries.

31. In accordance with §38-35-109.5(2), C.R.S, the District hereby designates the President of the Board as the official who shall record any instrument conveying title of real property to the District within thirty (30) days of any such conveyance.

32. The Board hereby affirms the adoption of the corporate seal in substantially the form appearing on the signature page of this resolution in accordance with §32-1-902, C.R.S., regardless of whether initially produced electronically or manually. The requirement of any District resolution, proceeding or other document to "affix" the District seal thereto, including for the purpose of satisfying any applicable State law, shall be satisfied by manual impression or print, facsimile reproduction or electronic reproduction, or inclusion of the image of such seal. Without limiting the foregoing, any electronic production or reproduction of the image of the seal shall constitute an electronic record of information, as defined in the Uniform Electronic Transactions Act, and the Board hereby authorizes its use in accordance with the authority provided by §24-71.3-118, C.R.S.

33. The Board directs the District's accountant to prepare and submit the documentation required by any continuing disclosure obligation signed in conjunction with the issuance of debt by the District.

34. The Board directs legal counsel to monitor and inform the Board of any legislative changes that may occur throughout the year.

***[Remainder of Page Intentionally Left Blank, Signature Page Follows]***

ADOPTED THIS 3<sup>RD</sup> DAY OF NOVEMBER 2022.

(SEAL)

**DISTRICTS :**

**CREEKSIDE SOUTH ESTATES  
METROPOLITAN DISTRICT**, a quasi-  
municipal corporation and political subdivision of  
the State of Colorado

By: \_\_\_\_\_  
Officer of the District

Attest:

By: \_\_\_\_\_

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys at Law

\_\_\_\_\_  
General Counsel to the District

**CERTIFICATION OF RESOLUTION**

I hereby certify that the foregoing constitutes a true and correct copy of the resolution of the Board adopted at a meeting held on November 3, 2022, via teleconference.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 3<sup>rd</sup> day of November 2022.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

## Violations Summary

Creekside South Estates Metropolitan District  
 Period: 1/1/2022 through 10/28/2022

Date: 10/28/2022  
 Time: 4:59 pm  
 Page: 1

Violation Type / Item	Escalation	Item Count	# Letters	# Violations
<b>Animals</b>				
<b>Closed</b>				
Dogs: Disallowed/Too Many	Level Courtesy Notice	2		
Dogs: Disallowed/Too Many	Level First Notice	1		
<b>Total Items / Letters Closed</b>		<b>3</b>	<b>3</b>	
<b>Total Animals</b>		<b>3</b>	<b>3</b>	<b>3</b>
<b>Fencing</b>				
<b>Closed</b>				
Fencing: Does Not Conform to Guidelines	Level Courtesy Notice	3		
Fencing: Does Not Conform to Guidelines	Level Second Notice	1		
Fencing: Missing Section	Level Courtesy Notice	1		
Fencing: Missing Section	Level Second Notice	1		
Fencing: Needs Repair	Level Courtesy Notice	6		
Fencing: Needs Repair	Level First Notice	1		
Fencing: Needs Repair	Level Second Notice	1		
Fencing: Needs Repair	Level Third Notice	1		
<b>Total Items / Letters Closed</b>		<b>15</b>	<b>26</b>	
<b>Open</b>				
Fencing: Does Not Conform to Guidelines	Level Courtesy Notice	1		
Fencing: Does Not Conform to Guidelines	Level Second Notice	1		
Fencing: Needs Repair	Level Courtesy Notice	1		
Fencing: Needs Repair	Level Second Notice	1		
Fencing: needs stain	Level Courtesy Notice	1		
<b>Total Items / Letters Open</b>		<b>5</b>	<b>7</b>	
<b>Total Fencing</b>		<b>20</b>	<b>33</b>	<b>18</b>
<b>Holiday Decorations</b>				
<b>Closed</b>				
Holiday Lights: Left Up	Level Courtesy Notice	6		

Violation Type / Item	Escalation	Item Count	# Letters	# Violations
<b>Holiday Decorations</b>				
<b>Total Items / Letters Closed</b>		<b>6</b>	<b>10</b>	
<b>Total Holiday Decorations</b>		<b>6</b>	<b>10</b>	<b>6</b>
<b>Landscaping</b>				
<b>Closed</b>				
<b>Landscaping: Dead Shrub(s)</b>	Level Courtesy Notice	1		
<b>Landscaping: Fabric showing</b>	Level Courtesy Notice	1		
<b>Landscaping: Not installed</b>	Level Courtesy Notice	1		
<b>Total Items / Letters Closed</b>		<b>3</b>	<b>4</b>	
<b>Open</b>				
<b>Landscaping: Dead Shrub(s)</b>	Level First Notice	1		
<b>Total Items / Letters Open</b>		<b>1</b>	<b>3</b>	
<b>Total Landscaping</b>		<b>4</b>	<b>7</b>	<b>4</b>
<b>Lawn</b>				
<b>Closed</b>				
<b>Lawn: Dead Spots</b>	Level Courtesy Notice	1		
<b>Lawn: Health of Grass</b>	Level Courtesy Notice	1		
<b>Lawn: Hole in lawn</b>	Level Second Notice	1		
<b>Lawn: Needs Mowed</b>	Level Courtesy Notice	12		
<b>Lawn: Needs Mowed</b>	Level First Notice	4		
<b>Lawn: Needs Mowed</b>	Level Second Notice	1		
<b>Lawn: Needs Mowed</b>	Level Third Notice	1		
<b>Total Items / Letters Closed</b>		<b>21</b>	<b>38</b>	
<b>Open</b>				
<b>Lawn: Dead</b>	Level Courtesy Notice	2		
<b>Lawn: Dead</b>	Level Second Notice	1		
<b>Lawn: Health of Grass</b>	Level Courtesy Notice	1		
<b>Lawn: Health of Grass</b>	Level Second Notice	2		

**Violations Summary**  
 Creekside South Estates Metropolitan District  
 Period: 1/1/2022 through 10/28/2022

**Date:** 10/28/2022  
**Time:** 4:59 pm  
**Page:** 3

Violation Type / Item	Escalation	Item Count	# Letters	# Violations
<b>Lawn</b>				
<b>Open</b>				
Lawn: Needs Mowed	Level First Notice	1		
Lawn: Needs Mowed	Level Second Notice	2		
<b>Total Items / Letters Open</b>		<b>9</b>	<b>24</b>	
<b>Total Lawn</b>		<b>30</b>	<b>62</b>	<b>30</b>
<b>Maintenance</b>				
<b>Open</b>				
House: Siding Needs Repair	Level Courtesy Notice	1		
Roof	Level Courtesy Notice	1		
<b>Total Items / Letters Open</b>		<b>2</b>	<b>2</b>	
<b>Total Maintenance</b>		<b>2</b>	<b>2</b>	<b>2</b>
<b>Misc</b>				
<b>Closed</b>				
Nuisance	Level Courtesy Notice	22		
Nuisance	Level First Notice	4		
Nuisance	Level Second Notice	1		
Nuisance	Level Third Notice	3		
Objects Stored at House/On Side	Level Courtesy Notice	4		
Trash/Debris at Residence	Level Courtesy Notice	5		
Trash/Debris at Residence	Level First Notice	3		
Trash/Debris at Residence	Level Third Notice	2		
Unapproved Improvement	Level Courtesy Notice	7		
Unapproved Improvement	Level First Notice	1		
<b>Total Items / Letters Closed</b>		<b>52</b>	<b>92</b>	
<b>Open</b>				
Nuisance	Level Courtesy Notice	1		
Nuisance	Level First Notice	1		



## Violations Summary

Creekside South Estates Metropolitan District  
 Period: 1/1/2022 through 10/28/2022

Date: 10/28/2022  
 Time: 4:59 pm  
 Page: 4

Violation Type / Item	Escalation	Item Count	# Letters	# Violations
<b>Misc</b>				
<b>Open</b>				
Nuisance	Level Third Notice	1		
Trash/Debris at Residence	Level Courtesy Notice	2		
Trash/Debris at Residence	Level Second Notice	2		
Unapproved Improvement	Level First Notice	1		
<b>Total Items / Letters Open</b>		<b>8</b>	<b>19</b>	
<b>Total Misc</b>		<b>60</b>	<b>111</b>	<b>55</b>
<b>Painting</b>				
<b>Closed</b>				
Painting: House Needs Painting	Level Courtesy Notice	1		
Painting: House Needs Painting	Level First Notice	1		
Painting: Miscellaneous Painting - Trim/Crossmembers	Level Courtesy Notice	1		
Painting: Miscellaneous Painting - Trim/Crossmembers	Level Third Notice	1		
<b>Total Items / Letters Closed</b>		<b>4</b>	<b>8</b>	
<b>Open</b>				
Painting: Miscellaneous Painting - Trim/Crossmembers	Level Second Notice	1		
Painting: Miscellaneous Painting - Trim/Crossmembers	Level Attorney Notice	1		
<b>Total Items / Letters Open</b>		<b>2</b>	<b>10</b>	
<b>Total Painting</b>		<b>6</b>	<b>18</b>	<b>6</b>
<b>Parking, etc.</b>				
<b>Closed</b>				
Camper/Trailer/Recreational/Heavy Equipment Vehicle at Residence	Level Courtesy Notice	23		
Camper/Trailer/Recreational/Heavy Equipment Vehicle at Residence	Level First Notice	4		
Camper/Trailer/Recreational/Heavy Equipment Vehicle at Residence	Level Second Notice	2		

## Violations Summary

Creekside South Estates Metropolitan District  
 Period: 1/1/2022 through 10/28/2022

Date: 10/28/2022  
 Time: 4:59 pm  
 Page: 5

Violation Type / Item	Escalation	Item Count	# Letters	# Violations
<b>Parking, etc.</b>				
<b>Closed</b>				
Camper/Trailer/Recreational/Heavy Equipment Vehicle at Residence	Level Third Notice	4		
Camper/Trailer/Recreational/Heavy Equipment Vehicle at Residence	Level Attorney Notice	1		
Parking Where Not Permitted	Level Courtesy Notice	1		
Parking Where Not Permitted	Level Second Notice	1		
Unapproved Dumpster in Driveway	Level Courtesy Notice	2		
Unapproved Dumpster in Driveway	Level First Notice	1		
<b>Total Items / Letters Closed</b>		<b>39</b>	<b>91</b>	
<b>Open</b>				
Camper/Trailer/Recreational/Heavy Equipment Vehicle at Residence	Level Courtesy Notice	4		
Camper/Trailer/Recreational/Heavy Equipment Vehicle at Residence	Level First Notice	2		
Camper/Trailer/Recreational/Heavy Equipment Vehicle at Residence	Level Second Notice	3		
Camper/Trailer/Recreational/Heavy Equipment Vehicle at Residence	Level Third Notice	1		
Camper/Trailer/Recreational/Heavy Equipment Vehicle at Residence	Level Attorney Notice	2		
Parking Where Not Permitted	Level First Notice	1		
<b>Total Items / Letters Open</b>		<b>13</b>	<b>30</b>	
<b>Total Parking, etc.</b>		<b>52</b>	<b>121</b>	<b>51</b>
<b>Signs</b>				
<b>Closed</b>				
Unapproved Signs: In Yard/On House	Level Courtesy Notice	1		
<b>Total Items / Letters Closed</b>		<b>1</b>	<b>1</b>	
<b>Total Signs</b>		<b>1</b>	<b>1</b>	<b>1</b>
<b>Trash Cans</b>				
<b>Closed</b>				
Trash Cans: Out After Collection Time	Level Courtesy Notice	9		

Violation Type / Item	Escalation	Item Count	# Letters	# Violations
<b>Trash Cans</b>				
<b>Closed</b>				
Trash Cans: Visible	Level Courtesy Notice	23		
Trash Cans: Visible	Level First Notice	5		
Trash Cans: Visible	Level Second Notice	1		
Trash Cans: Visible	Level Third Notice	2		
<b>Total Items / Letters Closed</b>		<b>40</b>	<b>73</b>	
<b>Open</b>				
Trash Cans: Visible	Level Attorney Notice	1		
<b>Total Items / Letters Open</b>		<b>1</b>	<b>6</b>	
<b>Total Trash Cans</b>		<b>41</b>	<b>79</b>	<b>41</b>
<b>Trees</b>				
<b>Closed</b>				
Tree: Dead	Level Courtesy Notice	2		
Tree: Dead	Level First Notice	2		
<b>Total Items / Letters Closed</b>		<b>4</b>	<b>6</b>	
<b>Open</b>				
Tree: Dead	Level Courtesy Notice	3		
Tree: Dead	Level First Notice	1		
Tree: Dead	Level Second Notice	1		
<b>Total Items / Letters Open</b>		<b>5</b>	<b>8</b>	
<b>Total Trees</b>		<b>9</b>	<b>14</b>	<b>9</b>
<b>Weeds</b>				
<b>Closed</b>				
Weeds in Lawn	Level Courtesy Notice	4		
Weeds in Lawn	Level First Notice	1		
Weeds: Driveway	Level Courtesy Notice	12		
Weeds: Driveway	Level First Notice	1		
Weeds: Rock/mulch beds	Level Courtesy Notice	20		

**Violations Summary**  
 Creekside South Estates Metropolitan District  
 Period: 1/1/2022 through 10/28/2022

**Date:** 10/28/2022  
**Time:** 4:59 pm  
**Page:** 7

Violation Type / Item	Escalation	Item Count	# Letters	# Violations
<b>Weeds</b>				
	<b>Closed</b>			
<b>Weeds: Rock/mulch beds</b>	Level First Notice	6		
<b>Weeds: Tree ring</b>	Level First Notice	1		
<b>Total Items / Letters Closed</b>		<b>45</b>	<b>55</b>	
	<b>Open</b>			
<b>Weeds: Driveway</b>	Level First Notice	1		
<b>Total Items / Letters Open</b>		<b>1</b>	<b>2</b>	
<b>Total Weeds</b>		<b>46</b>	<b>57</b>	<b>45</b>
<b>Total for Creekside South Estates Metropolitan District</b>		<b>280</b>	<b>518</b>	<b>271</b>



141 Union Boulevard, Suite 150  
Lakewood, CO 80228-1898  
303-987-0835 • Fax: 303-987-2032

## MEMORANDUM

TO: Board of Directors

FROM: Christel Gemski  
Executive Vice-President

DATE: September 2, 2022

RE: Notice of 2023 Rate Increase

A rectangular box containing a handwritten signature in blue ink that reads "Christel Gemski".

In accordance with the Management Agreement ("Agreement") between the District and Special District Management Services, Inc. ("SDMS"), at the time of the annual renewal of the Agreement, the hourly rate described in Article III for management and all services shall increase by the CPI (8.5%) per hour.

We hope you will understand that it is necessary to increase our rates due to increasing gas and operating costs along with new laws and rules implemented by our legislature.



## 2023 NOTICE OF LEGAL SERVICES AND FEE SUMMARY

The following is a summary of fees and charges for legal services being offered by Altitude Community Law for 2023. For more details, contact your Primary Attorney or email us today at [hoalaw@altitude.law](mailto:hoalaw@altitude.law).

**No signature is required at this time, as this is a notice only.**

**Existing clients will be billed at our new 2023 rates effective with their January billing. Clients remain on their current billing structure (retainer/non-retainer, etc.) until we are notified otherwise.**

Our retainer programs reduce your association's legal expenditures and simplify the budgeting process by establishing a fixed monthly fee. This fee purchases the essential legal services your association requires, making us available to you as needed. We offer three retainer packages to better fit your needs.

### RETAINER SERVICES AND BENEFITS

For a monthly fee of \$230, retainer clients receive the following legal services and benefits without further charges:

Phone Calls. We will engage in unlimited telephone consultations with a designated board member or association manager regarding legal and other questions and status of ongoing work we are performing for you, exclusive of litigation, foreclosure, covenant enforcement, and document amendments. Written consultations/communications such as emails, written correspondence, and calls with multiple board members at the same time will be billed at our reduced hourly rates, as will our time to review governing documents, correspondence, etc., if necessary to answer a question.

Reduced Hourly Rates. For legal services billed hourly beyond what is included in the retainer, we will provide those services at \$20 per hour less than our non-retainer rates for attorneys and \$10 per hour less than our non-retainer rates for paralegals. No rate change for legal assistants.

In-Office Consultation. We will meet with a designated board member and/or the association's manager in our office for 30 minutes on any new matter. If the meeting extends beyond the 30 minutes, you will be billed at our reduced hourly rates.

Attendance at Board Meeting. At your request, we will attend one board meeting per twelve-month period for up to one hour. While our attendance at said board meeting is provided at no charge to retainer clients, we will bill you at our reduced hourly rates for our travel time to and from the attorney's primary office location if in-person attendance is requested instead of virtually. As a retainer client, we will prioritize attending the board meeting of your choosing. If our attendance exceeds one hour, you will be billed at our reduced hourly rates.

Audit Response Letter. We will prepare a letter to your financial auditor in connection with your annual audit indicating pending or threatened litigation. We will also review

your annual financial audit upon completion.

Periodic Report. We will prepare and file your periodic report with the Secretary of State if you have designated us as your registered agent.

DORA Renewal. We will prepare and file your renewal report with DORA if requested.

#### RETAINER PLUS SERVICES AND BENEFITS

For a monthly fee of \$300, we will provide the following legal services and benefits without further charges:

In addition to the services provided to Retainer clients, Retainer Plus clients will receive the following additional services:

Email Consultations. We will engage in 30 (thirty) minutes of email consultations every month with a designated board member and the association's manager regarding legal and other questions and the status of ongoing work that we are performing on your behalf, exclusive of litigation, foreclosure, covenant enforcement, and document amendment matters. Additional written consultations and communications will be billed at our reduced hourly rates. If it is necessary to review governing documents, correspondence, etc. to answer a question, you will be billed at our reduced hourly rates.

SB100 Policy Update. We will provide one free SB100 Policy update for your association.

Credit Card Payments. For Retainer Plus clients, we will accept homeowner payments via credit card.

#### PREMIUM RETAINER SERVICES AND BENEFITS

For a monthly fee of \$550, we will provide the following legal services and benefits without further charges:

In addition to the services provided to Retainer and Retainer Plus clients, Premium Retainer clients will receive the following additional services:

Email Exchanges. We will communicate with your designated board member and the association's manager via email up to 60 (sixty) additional minutes every month which includes minor research.

Attendance at One Additional Board Meeting per Year. At your request, we will attend a total of two board meetings per twelve-month period for up to one hour each. While our attendance at said board meetings is provided at no charge to retainer clients, we will bill you at our reduced hourly rates for our travel time to and from the attorney's primary office location if in-person attendance is requested instead of virtually. If our attendance exceeds one hour, you will be billed at our reduced hourly rates.

Other needed revisions to Policies required by new legislation reduced by \$100.

#### RETAINER SERVICES GENERALLY

Clients on retainer will remain on their chosen level of retainer until we are notified otherwise in writing.

#### FIXED FEE SERVICES

Altitude Community Law offers fixed fee services. The association will pay Altitude Community Law (the Firm) for performance of the services as outlined in a proposal for services, plus costs. The association understands that it is not entering into an hourly fee agreement for that specified service, except as otherwise set forth. This means the Firm will devote such time to the matter as is necessary, but the Firm's fee will not be increased or decreased based upon the number of hours spent.

#### NON-RETAINER SERVICES AND BILLING TERMS

If you desire representation on a non-retainer basis, you will be billed hourly for all work performed unless a fixed fee (such as collection matters or amendment of documents) has been agreed to in advance. Our hourly rates for 2023 non-retainer clients are \$115 - \$155 for legal assistants/paralegals, \$330 - \$350 for attorneys. Non-retainer clients are billed hourly for all phone calls.

### TERMINATION OF REPRESENTATION

You may terminate our representation at any time by notifying us in writing and we may resign from representation by notifying you in writing. In either case, you understand that court or administrative rules may require us to obtain a judicial or administrative order to permit our withdrawal. We agree that upon receipt of your termination notice, we will take such action as is necessary to withdraw from representing you, including requesting any necessary judicial or administrative order for withdrawal. However, whether you terminate our representation, we cease performing further work and/or withdraw from representing you, as allowed under the Colorado Rules of Professional Conduct or for your failure to comply with the terms of this Agreement, you understand and agree that you continue to be responsible to us for the payment of all fees and expenses due and owing and incurred in withdrawing from representing you, including any fees and expenses we incur to obtain, and/or during the time we are seeking to obtain, any necessary judicial or administrative order to approve our withdrawal.

If you so request, we will send to you your files in an electronic format as soon as a particular matter is concluded. If you do not request your files, the firm will keep the files for a minimum of ten (10) years, after which it may retain, destroy or otherwise dispose of them.

### PRIVACY POLICY

Attorneys, like other professionals who provide certain financial services, are now required by federal and state laws to inform their clients of their policies regarding privacy of client information. Attorneys have been and continue to be bound by professional standards of confidentiality that are even more stringent than those required by this new law. Thus, we have always protected the privacy of your confidential information.

In the course of providing legal services, we sometimes receive significant nonpublic personal information from our clients. As a client of Altitude Community Law, you should know that all such information we receive from you is held in confidence. We do not disclose such information to anyone outside the firm except when required or authorized by applicable law or the applicable rules of professional conduct governing lawyers, or when authorized by you in writing.

We retain records relating to professional services that we provide so that we are better able to assist you with your professional needs and, in some cases, to comply with professional guidelines. In order to guard your nonpublic personal information, we maintain, physical, electronic and procedural safeguards that comply with our professional standards.

If you have any questions or would like more information about our privacy policies and practices, please let us know.

### GENERAL TERMS FOR ALL CLIENTS

We represent the association as a corporate entity. We will take our direction for work as instructed by the manager or the board. We do not represent any individual board members or homeowners.

Clients are required to reimburse us for cost advances and other out-of-pocket expenses. Reimbursement is made at actual cost for outside charges such as court recording fees, filing fees, service of process charges, computerized legal research, expert witness fees, title searches, deposition reporting and transcription fees, outside photocopying, etc. Typically, we do not charge for internal photocopies, faxes, postage and long-distance telephone calls unless these charges are extraordinary. We provide monthly statements for services and expenses incurred. Unless other arrangements are made and agreed upon in writing, all charges are due and payable upon your receipt of the statement. A finance charge of 12% per annum may be imposed upon any amount not paid within 30 days of becoming due. Fees may be modified upon 30 days prior written notice. If it becomes necessary to file suit to recover unpaid attorney fees, the prevailing party shall be entitled to receive its attorney fees.

In the event we have not been provided with, or our files do not contain, all of the recorded documents of the association, we retain the right to obtain any such recorded documents to supplement our file without association approval and at the association's cost. The association's cost will include, but not be limited



to, hourly charges for procuring the documents and copying costs. In order to provide you with the most efficient and effective service we will, at all times, unless otherwise directed, work through your manager if appropriate.

Please see Exhibit A to Legal Services and Fee Summary Agreement for 2023 Legal Collection Services.

Should you have any questions, please do not hesitate to call any of our attorneys. We are happy to answer any of your questions or meet with you at no charge to discuss our services and fees in greater detail.

## **EXHIBIT A TO LEGAL SERVICES AND FEE SUMMARY AGREEMENT FOR 2023 LEGAL COLLECTION SERVICES**

### **Fee Structure**

This is a flat fee agreement for collection services. The Association will pay Altitude Community Law (the Firm) for performance of the services described below, plus costs. The Association understands that it is not entering into an hourly fee agreement for collection services, except as otherwise set forth below. This means the Firm will devote such time to the representation as is necessary, but the Firm's fee will not be increased or decreased based upon the number of hours spent.

The Association has the right to terminate the representation at any time and for any reason, and the Firm may terminate the representation in accordance with Rule 1.16 of the Colorado Rules of Professional Conduct. In the event that the Association terminates the representation without wrongful conduct by the Firm that would cause the Firm to forfeit any fee, or the Firm justifiably withdraws in accordance with Rule 1.16 from representing the Association, the Association shall pay, and the Firm shall be entitled to, the fee or part of the fee earned by the Firm as described in paragraph 1 above, up to the time of termination. If the representation is terminated between the completion of increments (if any), the Association shall pay a fee based on our standard hourly rate set forth in our standard fee agreement. However, such fees shall not exceed the amount that would have been earned had the representation continued until the completion of the increment, and in any event all fees shall be reasonable. Once the work is performed, the Fee will be deemed earned and is due upon receipt of an invoice.

### **Case Intake, Review and Assessment - No charge**

We do not charge you to review new collection cases and make recommendations. However, if we receive open collection files from another attorney, there will be a \$25 set-up and review fee per file. This fee will be waived if you are a retainer client.

At the rates set here in, upon receiving a new turnover, we will perform the following work for due diligence and to put the Association in the best possible collection position: Assessment Lien Package (if a lien has not already been recorded), Demand Letter, Public Trustee Search, and Bankruptcy Search. Next steps after this work depends on the homeowner's response, balance due, history, information acquired, and other factors.

### **Demand Letter - \$155**

Preparation of a demand letter includes reviewing the ledger or equivalent record to ascertain the amounts owed including interest, late charges, fines and charge backs, if relevant, and review prior notice given to owner to meet statutory requirements; drafting and mailing the demand letter to the homeowner; follow-up, including telephone calls with the management company and homeowner, negotiation of an acceptable payment plan; follow up letter (as needed) to confirm payment arrangements. All correspondence other than the initial demand and payment plan letter is \$50 per letter (e.g., follow up demand letter, breach of payment plan letter).

### **Super Lien Demand Letter - \$110**

Preparation of a demand letter post foreclosure includes reviewing ledger to ascertain amounts owed; verifying party to whom demand should be sent; drafting and mailing demand letter: or if request is received from a lender for the super lien amount, drafting a response. All discussions with the owner or

lender after the letter are billed hourly.

#### Assessment Lien Package - \$110

This charge includes preparing both the lien and the lien release. It also includes verification of ownership with either the assessor's office or title company.

#### Lawsuit: - \$455 plus costs

This charge includes preparing the summons and complaint, filing these papers with the court, appearing at the return date and obtaining default judgment. It also includes all negotiations and telephone conferences with the owners prior to an answer being filed with the court.

#### Lawsuit: Trial - Hourly rates apply

All preparation for trial and appearances in court are billed on an hourly basis. If the association prevails at trial, it can recover its attorney fees and costs from the delinquent owner.

#### Interrogatories - \$130

We prepare and file a motion with the court to request the court to order an owner to answer a series of questions from us about the owner's assets. We will use the answer to help satisfy any judgment obtained by the association. We will also arrange for service of the order on the client and monitor and evaluate answers received from the owner.

#### Contempt Citation - \$155

If an owner fails to answer the interrogatories as ordered by the court, we will prepare and file all the necessary paperwork to require the owner to appear before the judge to explain why the questions were not answered. Our fee also includes our appearance at court, subsequent appearance if the owner fails to appear initially and review and evaluation of the answers once received from the owner.

#### Garnishments - \$155 (each)

We will identify entities (usually banks, employers or tenants) which owe or have money of the owner and prepare documentation to be filed with the court to order the entity to release all or a portion of the money they hold for or are obligated to pay the owner to the association. We will arrange for service of the necessary documentation and will monitor for responses.

#### Payment Plans - \$125 - \$225 (each)

We will charge a fee depending upon the length of the payment plan to prepare the necessary documentation, monitor and process payments and close the file. Unless we are instructed otherwise, we may agree to payment plans of up to 24 months with any homeowner. We request that interest and late fees not be added to the ledger during payment plans, as long as the homeowner pays as agreed. Monthly payments amounts are calculated based on no additional interest or late fees being incurred during the payment plan.

#### Motions - \$150 - \$200

Occasionally, certain motions may be necessary in a case in order to get the court to issue a ruling without further legal action. These will be prepared, filed, monitored and argued before the court, if necessary.

#### Outbound Phone Calls - \$55

Once we obtain a phone number for an owner, we will make up to 3 outbound calls to an owner to secure payment. All other calls with an owner will be at no charge.

#### Payoff Calculations - \$130

It is important for your management company or treasurer to confirm all payoff amounts with us prior to issuing status letters or advising owners of balances so that all legal costs and fees can be included. We will also insure that all fees necessary to close or dismiss a file are included. Rush charges do apply.

#### Monitoring Lender Foreclosure - \$220 (one-time charge)

It is important to monitor lender foreclosure through the sale and redemption period. We obtain periodic

ownership and encumbrance reports, if needed, and routinely verify the status of the foreclosure action. We advise you of the association's rights and options throughout the process. Once a sale is completed, we advise the association of the new owner and the association's rights.

#### Monitoring Bankruptcy - \$230 Chapter 7; \$360 Chapter 13 (one-time charge)

We prepare and file a Proof of Claim, if necessary, monitoring the bankruptcy through discharge. Our services include reviewing the plan (if Chapter 13) to make sure it includes provisions for payment of pre- and post-petition assessments, and checking with the trustee and debtor's attorney to determine if property has been abandoned. If it becomes necessary to file any motion with the court, we charge fixed fees as follows:

Motion to Dismiss: \$595

Motion for Relief from Stay: \$795

Objection to Plan: \$395

All preparation for and appearances in court are charged on an hourly basis.

#### Assessment Increase Notice - \$395

We prepare notice to bankruptcy court of any increase in ongoing debt owed to the association upon receipt of notice from you, including filing proof of claim and letter to bankruptcy attorney or debtor.

#### Public Trustee/Bankruptcy Search - \$30 (each)

Verifying whether a property is in foreclosure or subject to a bankruptcy before filing a lawsuit can save the association hundreds of dollars. So, we will search both the public trustee and bankruptcy records and then advise the association if different action is necessary.

#### Receiverships (County Court) - \$450 initial, then hourly. Costs are approximately \$250

We will prepare pleadings and appear in court to obtain appointment of a receiver to collect rents where the property is abandoned or being rented by the owner. Once appointed, we supervise disbursement of the monies collected by the receiver at an hourly rate.

#### Lien/Judicial Foreclosures (District Court) - Hourly rates apply

We recommend foreclosure be considered a viable collection remedy in all problem cases. Our fee is based on complexity of circumstances and should reflect value you will receive from monetary results of the foreclosure.

#### Lien Sales - \$500

We list all liens that are potentially available for sale on our website at <https://Altitude.Law/general-topics/liens-for-sale/> at no cost. In the event a lien is sold we collect our fee from the purchaser of the lien. In order to handle quickly, within the legal time limits, we reserve the right to sell liens, without prior approval if the purchase price is equal to or more than the balance due.

#### Status Report - \$75/month (if not accessed electronically)

We provide online access to each association's collection status report. For more information please contact us. If your association chooses to have us prepare your status report, there will be a monthly fee.

#### Asset/Person Locations - \$25 - \$100

From time to time we must locate debtors and/or their assets in order to secure payment for you. We will use various databases for which there is a cost to us, to secure possible leads. This information is then reviewed and analyzed to develop the best strategy for quickly and efficiently securing payments.