

Fellow Homeowners and Neighbors,

The work done on the entrances to both the Courtyards and the Cottages is about 90% complete. There are xeriscape features in both locations to help lower our water usage. The sight lines for drivers departing the Courtyards is much improved for viewing both vehicular and pedestrian traffic.

A new control box has been put in place for lowering water usage by the irrigation system. Please be patient while the kinks get worked out.

A committee has been assembled to make recommendations regarding the updating of the covenants, as some of the language is more than 20 years old, and does not apply. This process will take months with a vote on the changes expected in January.

We have spoken with supervisors at Miramont Fitness regarding both gardening and parking issues. They have already addressed certain gardening issues across from Cottages #1-8, improving the appearance. The parking issue relates to parents picking up children at the entrance to the Cottages, normally mid-afternoon. If cars are parked by Miramont Fitness customers at the entrance to the Cottages where the signage is, please call Lindsay Randall at 672-4780. Call her at the time of the problem! Also, Miramont Fitness has had a problem with people from the Cottages speeding through their lot, an obvious safety issue. They ask that we NOT cut through their parking lot to or from Oakridge!

Note that long time residents and good neighbors, Randy and Carol Gorby, will be moving before August 1st. Randy has done much for the HOA over the years, serving both on the Board and on Committees. Please say goodbye and thank you before they depart!

Please note that Swingle will be coming in July for tree trimming.

If any homeowners may be interested in getting involved with an HOA committee, please contact Sandra Oldenburg of Poudre Property Services at 970-224-9204 ext. 107 or Bob Heer.

Please note that our HOA picnic will be July 24th, Sunday, 4-6PM, behind Courtyards #12-13! (See the information board near your mailbox for more info.)

Yours truly,

Bob Heer

WHAT IS A COMMON INTEREST COMMUNITY AND WHY DOES IT MATTER?

The Colorado Common Interest Ownership Act (a/k/a CCIOA) was adopted by the Colorado legislature in 1992, to govern common interest communities in Colorado. Communities that do not fall under the definition of a "common interest community" are not subject to CCIOA or any of its requirements or benefits. But what exactly is a "common interest community" and how do you know if your association fits into this category?

Section 103 of CCIOA defines a common interest community as "Real estate described in a declaration with respect to which a person, by virtue of such person's ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance, or improvement of other real estate described in a declaration." To summarize, a "common interest community" must entail all the following factors:

- Real estate must be described in a declaration of covenants (i.e. condominium units or lots); and
- Owner of such real estate must be required to pay fees (i.e. assessments) associated with real estate taxes, insurance premiums, maintenance, or improvement of other real estate (i.e. common areas or other property maintained by the association); and
- Such other real estate must be described in the declaration.

Based on the above, the key components of the definition of "common interest community" are the requirements that owners of homes in the community be required to pay assessments and that at least a portion of the assessments be used to maintain or improve common areas or pay for insurance or pay for real estate taxes. It is important to note that CCIOA does not limit the payment for insurance premiums to a community's property policy. Therefore, assessments that are used to pay insurance premiums for directors and officers insurance policies or fidelity policies are sufficient to satisfy this definition and create a common interest community.

Based on the above definition, it stands to reason that communities who do not have mandatory assessments do not satisfy the prong requiring owners to pay assessments by virtue of owning land in the pertinent community. Therefore, voluntary associations do not fall under the definition of "common interest communities" as defined by CCIOA and are not subject to CCIOA or any of its provisions. What does this mean? By way of example only, It means these types of communities are not required to adopt the nine good governance policies required by CCIOA. It also means these communities do not have an inherent right to adopt and enforce rules if such authority is not granted to them in their governing documents. Therefore, such communities are almost entirely dependent on the terms of their governing documents and cannot refer to CCIOA for any default powers.

Notwithstanding the above, even communities not bound by CCIOA can benefit by utilizing some portions of CCIOA and adding such provisions to their policies or governing documents. For example, most, if not all, communities (regardless of whether they are bound by CCIOA) can bridge the gap between their boards and owners by being transparent and adopting policies and procedures setting forth processes and providing notice to owner concerning how their associations are governed, managed, and operated.

Should you have any questions concerning the definition of a common interest community, please do not hesitate to contact one of our attorneys at 303.432.9999.

By: Elina B. Gilbert, Esq.

THE ABOVE ARTICLE IS FOR EDUCATIONAL PURPOSES