

Declaration of Association

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the undersigned, John D. Hance of Urbana, Ohio, is presently the owner of that real property commonly known and described as St. Anton Highlands First Addition, County of Boulder, State of Colorado; and

WHEREAS, as part of the platting of said subdivision and its approval by the appropriate regulatory authorities of the County of Boulder and State of Colorado, certain roads therein were dedicated for use by the public and were so accepted for such use, but not as to the maintenance thereof by the County of Boulder, State of Colorado; and

WHEREAS, Hance is desirous that an association be formed and established of the lot owners in said St. Anton Highlands First Addition for the purpose of performing such maintenance as such association deems necessary from time to time on said public roads not so accepted for maintenance purposes by the County of Boulder;

NOW, THEREFORE, it is hereby covenanted and reserved that each of said lot owner in said St. Anton Highlands First Addition shall, by virtue of their ownership therein, be a member of the St. Anton Highlands First Addition Association, a non-incorporated Association, for the purpose of such maintenance of said roads as said Association through its duly elected officials as hereinafter provided shall deem appropriate from time to time.

1. PURPOSE – The purpose of this Association shall be for the maintenance and improvement of those private roads in St. Anton Highlands First Addition, County of Boulder, State of Colorado, dedicated to public use but not accepted by the County of Boulder for maintenance purposes and that such maintenance and repairs shall be such as said Association shall deem appropriate from time to time in the future.
2. DURATION – The Association shall have perpetual life.
3. MEMBERS – The members of the Association shall be every beneficial owner (as distinguished from a security owner) of a lot in St. Anton Highlands First Addition and each of said members shall be entitled to vote the number of votes represented by full lot ownership in said subdivision; and in the event of partial ownership of such lot. Where two or more owners own a lot or a part thereof as joint owners, such joint owners shall designate and register with the Secretary of the Association the name of that owner entitled to cast such single vote and in the event of the failure to so register Secretary of the Association, then and in that event, the party first named on the deed of conveyance or first receiving title to said joint owned property shall be the one designated to cast such vote. Votes shall be cast in person or by proxy registered with the Secretary.
4. MEETING OF MEMBERS – A regular meeting of the members shall be held every five (5) years for the purpose of determination and electing three of its members as Board of Directors. Special meetings may be held at any time upon call by the President, of the Secretary, or by majority of the Board of Directors, or by the owners of twenty percent (20%) of the lots situate in St. Anton Highlands First Addition. Written notice of such special meetings shall be given to each member entitled to vote at such meeting by mail not less than fourteen days (14) before the date of such meeting. The regular meetings of members shall be held at 1:30 o'clock P.M. on the fourth Sunday in August commencing in 1975, and each five (5) years thereafter at lot 12 or at such other place at said Subdivision as shall be determined by the Board of Directors and notice being given as herein provided prior to such meeting. A quorum for meetings shall not be less than twenty-five percent (25%) of the total votes that could be cast at such meeting.

5. GENERAL POWERS – The Board of Directors are three members and shall conduct the affairs of the Association, including, but not limited to, the determining of what action shall be taken by the Association toward the maintenance and repair of said roads, the levy of assessments against the property owners, and any and all other matters as are in keeping with the purposes herewith over commenced. The meeting of the Board of Directors shall be held upon call by any one of said members by giving written notice of the time and place thereof to the other two members. The term of such Board of Directors shall be each five-year meeting until the next five-year meeting as hereinabove provided, at which time and place the election of the Board of Directors shall occur. The failure to hold five-year meetings as herein above provided shall extend the term of the then existing Board of Directors until such meeting has thereafter been duly held. In the event that a member of the Board of Directors shall cease to be an owner of a lot in St. Anton Highlands First Addition, or in the event he should withdraw or resign from said Board for a cause whatsoever, then such vacancy shall be filled by the remaining members of the Board of Directors to elected successor member to said Board, a special meeting of the members may be called as hereinabove provided for the purpose of filling such vacancies to the Board of Directors until the next five-year meeting hereinabove provided.
6. OFFICERS – The Officers of the Association shall be a President and a Secretary-Treasurer and shall hold office at the pleasure of the Board of Directors. Such Officers shall be members of the Board of Directors and shall be owners of one or more lots in St. Anton Highlands First Addition.
7. DUES AND ASSESSMENTS – The Board of Directors may from time to time levy assessments and/or dues upon its members on the basis of prorated ownership of lots in St. Anton Highlands First Addition and such dues and assessments shall be the obligation of the beneficial owner of said real property (member herein) and by the acceptance of a Deed to said property, such owners obligate themselves to the payment of said dues and assessments as they shall be determined by said Board of Directors. Such dues and assessments shall bear a reasonable relationship to the anticipated needs of the Association as respects the maintenance of the roads in said Subdivision. The failure of any member to pay said dues and/or assessments upon receipt of a statement of the Association therefore and if such failure should continue for thirty (30) days after the date such notices are mailed, then and in that event, the Board of Directors shall be authorized to take such legal action as they deem necessary to effect collection of such amounts due together with interest thereon at one percent (1%) per month from the date that such assessment notice is mailed to the member and together with reasonable attorney's fees for collection thereof, cost incurred and the like. Such assessments and dues shall not be deemed a lien upon the property except in the event that a judgment is received therefore in an appropriate Court of Record in the State of Colorado and is subsequently transcribed in the same manner as any other judgment could constitute a lien upon said property. **NOTE – See First Amendment to the Declaration of Association for St. Anton Highlands First Addition and Exhibit A**
8. AMENDMENTS – This Declaration may be amended from time to time by the Association at any regular or special meeting thereof and the filing of a transcript of said Minutes of said meeting setting forth such amendments and their effect up St. Anton Highlands First Addition of record in the office of the Clerk and Recorder of Boulder County, Colorado.
9. INITIAL BOARD OF DIRECTORS – Anything to the contrary notwithstanding, the following, irrespective of their ownership of lots in St. Anton Highlands First Addition, shall constitute the initial Board of Directors until the regular meeting thereof in 1975 as hereinabove provided:

John D. Hance
Ella Mae Hance
Lowell Scoggan

St. Anton Highlands First Addition

Declaration of Association

Original Document on File with at Boulder Clerk and Records Office Film 696 Reception No. 940818

Filed April 15, 1970

10. ENFORCEMENT AND APPLICABILITY – The terms and conditions as hereinabove set forth shall be deemed a part of any and all conveyances of lots in said St. Anton Highlands First Addition and shall constitute an obligation and covenant running with the land.

EXECUTED this 28th day of February, 1970.

John D. Hance