

PHONE: (970) 731-4580
FAX: (970) 731-4578
CELL: (970) 398-0045

LAW OFFICE OF
WILLIAM J. DARLING
A PROFESSIONAL CORPORATION
ADMITTED IN COLORADO AND NEW MEXICO

PO BOX 959
PAGOSA SPRINGS, CO 81147
E-MAIL: bill@wjdarling.com

September 25, 2011

Our File No.
CO75-001
Nic1108301

Lindsey Nicholson
Goldman, Robbins and Nicholson
PO Box 2270
Durango, CO 81302

Re: Colorado Timber Ridge HOA -- Jody McAlister

Dear Ms. Nicholson:

The HOA has asked me to respond to your letter dated August 26, 2011. As I understand your letter, it was not questioning the process that the HOA followed in arriving at its decision, but rather it contended that the decision that the Board of Directors reached was incorrect. I have reviewed the Board's decision and feel that it applied the law correctly and is supported by substantial evidence.

Please understand that the HOA has several competing interests in matters like these. First, it has an obligation to consider claims by its members that other members are violating the Declaration or the rules and regulations and to enforce compliance where appropriate. Second, the HOA has an interest in enforcing the rules and regulations on behalf of all of its members. Finally, the HOA has an interest in providing a fair hearing to members who are accused of violations. The HOA cannot simply give in to the demand in your letter without ignoring the interest of the complaining members and the general interest of the members to have the Declaration and the rules and regulations enforced.

In your letter you threaten to file a declaratory judgment action if the Board does not give in to your demands. As I see it, such an action would be essentially an appeal of the Board's decision to district court. Do you have any authority from either CCIOA or case law to support this position? After reading your letter, I was also wondering if you were requesting a rehearing. If you are doing so, please let me know.

Please note CRS §38-33.3-124 which encourages alternate dispute resolution and the HOA's dispute resolution policy which is attached. The Board would be glad to meet with you and your client

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along with the complaining parties in an attempt to work out a solution to this matter. The Board would also agree to mediation if your client prefers to follow that route.

In summary, the Board feels that its decision was correct, but would like to resolve this matter without litigation. Please call so that we can discuss this. Also, please let me know if you have any questions about this letter.

Sincerely,



WILLIAM J. DARLING

WJD/
cc: Bob Milford