

**President's Corner** *by Allen Alchian*

Okay, I confess. I've got a "hidden agenda."

My agenda is to keep King's Deer a single community with a single homeowner association; an association of all 531 lots with everyone contributing to the maintenance of our common properties such as the trail system, light poles, entry signs and landscaping, and the four common areas.

My agenda is apparently quite radical; at least that's what some members of the community are leading me to believe, despite that for the past four years this is how our association has been operating with virtually no objection until late last year.

**Background.** When King's Deer was developed in the 1990s it consisted of two separate communities and two separate homeowner associations: King's Deer (aka "Classic") and King's Deer Highlands. Classic was generally the southwest quarter of the development and Highlands was everything else. This worked okay during the '90s when there were many vacant properties and the developer owned much of the land. The developer ran both associations at that time, which is normal for a new community.

As we entered the current decade the developer transferred the homeowner associations to the residents. It quickly became apparent to the volunteers who served on the Boards of Directors of the two associations that there was much in common between the two communities; this included their covenants, design standards, bylaws, a trail system, etc. The "look and feel" was of a single community—yet they were having to operate separately.

Many, if not most residents didn't realize there were two associations. But to those who served on the Boards, the separation was painfully evident and frustrating. They struggled to coordinate common area maintenance (street lights, trails, etc.). When one association didn't maintain common areas or enforce covenants to the expectations of the other association, friction developed because it reflected on both associations. They kept separate records and had separate legal counsel. It was an inefficient operation with much duplication of effort.

The Boards concluded that if we look and act like one community then it made good sense to combine the two associations into a single homeowners association that could more effectively manage all of King's Deer as a single community. And thus, in 2002 the two Boards

began to work together to create a single homeowners association for all of King's Deer.

Letters were sent by the Boards to their respective residents urging support at the 2003 Annual Meeting for combining the two associations. A single set of covenants was developed for the entire community and ballots were sent to members.

At the 2003 Annual Meeting, an election was held to merge the two associations. There were enough votes to merge the associations "at the corporate level" but not enough affirmative votes to adopt a single set of covenants. So, at the meeting it was declared that the King's Deer "Classic" association would merge into the King's Deer Highlands association, creating one Board of seven directors to preside over the merged association. The covenants would not change; that is, properties in the former King's Deer Classic area would still follow their original covenants, and properties in the original King's Deer Highlands area would still follow their covenants. So it was said, and so it was done. And King's Deer has been operating as one association ever since.

**The "Problem."** Unfortunately, that's not how to combine corporations in Colorado. Nevertheless it happened and nobody complained. But, beginning in late 2006 and persisting through today, some members of the Association insist that the two Associations were "never legally merged" and unless the proper process is accomplished we should discard all that has happened since November 2003 and restore the two original homeowner associations. The Board had no option other than accept that Association resources would have to be expended on these challenges to establish the legal standing of the Association and to determine if there are any legal vulnerabilities and define the necessary solutions.

At the recommendation of the Association's legal counsel, the Board hosted a community meeting last month to listen to the membership on how to proceed. A common theme that all directors heard was, "get us legal." There were some who said they wanted the association to remain as one, and some wanted to divide the association back to the original two associations.

"Get us legal" doesn't necessarily mean we must throw away the past four years, return to two associations, and start the process over. Other options are available, and this is what the Board is carefully reviewing with counsel.

An open letter from the Association's legal counsel as to his conclusions of the situation has been sent to all members, and is available for download from the web site.

**How to Proceed.** I expect the Board will move forward by working with Counsel to identify and fix the shortcomings of our governing documents: Articles of Incorporation, the Bylaws, and the Covenants. Those corrections will probably require a vote of the members to approve the changes. Through these changes, which will be mostly administrative in nature, we will "get us legal."

Support from the membership by participating in any vote will be crucial. I urge you to support the Board's efforts to "get us legal" so King's Deer can move into the future as one strong community, focused once again entirely on maintaining the exceptional quality of life that was the hallmark of King's Deer.

That's my "hidden agenda," as radical as that may seem.

### **New Treasurer Appointment**

With the sudden vacancy created in the treasurer's position on the Board of Directors in September, the Board appointed Penny Dyer to that officer position.

Penny, who was already a member of the Board of Directors, demonstrated outstanding skills and commitment to the Association in her role as director in charge of common area maintenance which she assumed in May. In that capacity she took on a program that had no continuity from her predecessor and nothing in place to provide common area maintenance through the summer. She had to quickly figure out all the requirements and create contracts so the work, which was already behind schedule, would be performed right away. This she completely accomplished without assistance from the other board members.

Her proven management abilities in the role of common area maintenance, plus her strong business management background made her a perfect fit for the role of treasurer, which the Board endorsed unanimously when she agreed to take on that demanding position as well. And, indeed, the Board has finally received a reliable set of financial reports for the first time this year! By the time you read this, the September 2007 financials will be posted on the Association's web site ([www.kingsdeer.org](http://www.kingsdeer.org)) for review. In the web site menu, select Board of Directors, then Financials.

### **Common Area Maintenance Program**

*by Penny Dyer (Common Areas Director)*

Did the King's Deer common areas appear to be maintained to a lower standard this year?

Some members of the association believe that was the case and they haven't hesitated to let the Board know their thoughts on this. And we appreciate all the feedback. In this article I offer some insight into the maintenance responsibilities of the homeowner's association, and the challenges we faced this year.

Your homeowners association is responsible for maintaining the common areas of King's Deer. Specifically, that includes the trail system, the pond located near the east end of Caspian Drive, all street lights and road name signs in King's Deer, the recreation field adjacent to Roller Coaster Road between Kershaw Court and Royal Troon Drive, and the three natural drainage areas which total about 45 acres. (Please note that we have no responsibility for road maintenance, nor for snow plowing; that is all done by El Paso County Department of Transportation.)

Trail maintenance was the first area in which we received complaints this year. In fact, complaints were coming in late last year. The heavy rains from last year left the trail system badly eroded and the erosion was not fixed before the winter snows hit. The winter storms caused further havoc. The plan was to get started on fixing the trail system in April. Unfortunately, that's not what happened.

Last year the association bought a field tractor with accessories, and hired a part time employee to accomplish all of the mowing and field work. It worked well in 2006 but as we entered the start of the maintenance season in April of this year, the employee resigned leaving us unexpectedly with a tractor and no operator. Add to that the resignation of all members of the Board in late March, which took the maintenance expertise and information from the new directors, and the common area maintenance program fell on its face.

It was May before we were able to get some maintenance activity started again. With little or no prior knowledge of what needed to be done and how it was done, time was lost as we figured out all the requirements and details of the maintenance program. We re-established maintenance priorities, and awarded new contracts. By the end of May when maintenance was resumed, we were very far behind the power curve.

Further aggravating the situation, the maintenance budget for 2007 was prepared on the assumption that the maintenance program would follow last year's model,

with maintenance being accomplished at the same level as last year with the same person operating the tractor. Obviously that wasn't how things turned out. It was a good deal for the Association while it lasted through 2006, but the projection turned out to be too optimistic for 2007.

The increased professional fees encountered through the winter months of 2006 and into the spring of 2007 also impacted our ability to respond to the maintenance demands. The Board has been forced to prioritize the maintenance activities; we are unable to accomplish as much as we would have liked. As a consequence, trail erosion wasn't repaired as quickly as we wanted, the pond maintenance was delayed, spraying trails with herbicide was delayed, mowing common areas was less frequent, and repairs to street lights has been less responsive.

While all this probably comes across as "excuses" to some readers, the simple fact is that the Board is having to make tough choices on Association expenditures because of the very limited available funds. Annual dues are \$300 and they cannot be raised—the covenants prevent dues from ever being higher than \$300 a year. Therefore, the situation is unlikely to improve in the future.

Perhaps more volunteer efforts by the members of the Association would help. And here I'd like to thank King's Deer member Ed Vanderhorst for his contributions to helping improve the entry to the Archers entry at highway 105 this spring. Others in the community have also taken similar voluntary actions to improve the appearance of King's Deer, and if I had names I would acknowledge them as well. At the very least, the Board says "thank you" to whomever you are; your contributions to helping us maintain King's Deer is noticed and appreciated.

At the annual meeting in November I will briefly address some of the maintenance concerns going forward and the things we as homeowners should begin to consider. Maintenance has a true impact on home values and the overall well being of a subdivision. We should not neglect this area. I have become familiar with all that is involved in our common areas and must say my desire to improve it and maintain it has grown to a passionate high. We truly have some beautiful landscape! Let's maintain it and enjoy it to the fullest.

### **Budget Committee**

The recently created Budget Committee, under the leadership of King's Deer resident, Bob Sievert, has been a valuable contributor to the Association over the past five months.

They, and Bob in particular, have spent many hours reviewing financial records, identifying and correcting

discrepancies and producing both a proposed 2008 budget for the Board of Directors, and helping to reveal how the 2007 expenditures have deviated from the 2007 budget. With this information, the Board has been able to ensure that essential expenditures of the Association, that differed from the approved 2007 budget, were satisfied while keeping total expenditures within the overall 2007 income. As a result of Bob and his Budget Committee's efforts we expect the Association will be able to make a significant contribution to the Reserve Funds this year despite encountering escalating legal fees.

The Board extends a sincere "Thank You!" to Bob and his committee for their many hours of work.

### **Water Conservation Committee**

*by Tony Winslow (Water Conservation Committee Chairperson)*

The Water Conservation Committee would like to send our greetings to all of our fellow King's Deer homeowners. Our members are Diane Boggs, Dick Robertson, Jan Sievert and Tony Winslow (Chairman).

Our mission is to help our neighbors with water saving tips; and the collection and reporting of water usage data to the state. As you have seen in the HOA covenants, the reporting of our annual water consumption is required by law and it is something the State of Colorado takes very seriously! We will be working with all of you so that we can get the most accurate and timely readings possible.

We've had some pretty nice weather up here (I think we deserve it after the winter storms) and it's gotten a lot warmer in the last few weeks. I'm sure that you've had your sprinkler systems up and running for some time now. If you're like me, you had to fix a few problems when the system first fires up. If you're really like me, then you're still fixing them. Leaks in the system can waste enormous amounts of water.

Something that is real easy to check and definitely worthwhile, is to look at that little circular wheel in the middle of your water meter. When you expect that no water is being used in your house, take a look and make sure that wheel isn't moving. If it is moving – you have a leak. And then the fun begins.

This past summer I experienced problems with grit getting stuck in the sprinkler valves. This prevented the valves from sealing when the zone turns off – the leak was slow—but not that slow! By monitoring the meter, I could see the leak was one third of a gallon per minute, or 20 gallons per hour. If I left it unfixed that would have been 60,000 gallons over the summer, or nearly half of my annual water allowance—Ouch! I think you get the point. Hopefully, the new water filter I have on order will fix this problem.

Although our KD water has no dollar cost—it is not free. Our water supply is, after all, a finite resource. The water courts have granted our allocation to ensure our water supply remains viable for at least 300 years. The committee would like to assure all King’s Deer property owners that all KD wells are supplying water as designed and no wells have run dry.

This is also a good time to remind everybody that this is the month to submit our water meter reading to the Association. A notice was mailed to every member who has a well on their property; the notice includes information on how to read your meter. If you didn’t receive your notice, please contact the Association office immediately by phone: (719) 488-2840, or by email: [admin@kingsdeer.org](mailto:admin@kingsdeer.org) to request another copy.

The meter reading is due not later than the October 31 and can be sent in by email, US mail, or through the King’s Deer web site. If you would like one of the committee members to read your meter for you, just contact the Association office for assistance and we’ll be happy to drop by at a time convenient to you.

## **Neighborhood Watch**

*by Janet Van Kampen (Neighborhood Watch Chairperson)*

Neighbors, this past summer I received word that that one of our residents lost a “grove of newly planted Aspen trees” to nighttime thieves, stakes and all! This may sound strange, but it really isn’t. This is a fine example of how we in King’s Deer should not become complacent about leaving things outside when we are away. By no means should we have to “lock-up” our landscape, but it does demonstrate that there are folks wandering through our area who need to be monitored. And it also reminds us that when we leave our tools and equipment on the back porch overnight, we might be playing right into the “hands” of these creeps. Please remember to keep watch for anything suspicious, especially if you know that one of your neighbors is out of town.

A few things to remember before taking a vacation: If you are going to be out of town put your newspaper and mail on hold. If you are unable to do so, ask a neighbor, friend or relative to stop by and gather your mail and newspapers. A driveway full of newspapers is an open invitation to thieves. They assume you are away, so they plan their return during the nighttime hours.

Keep a light or two on inside your home, preferably one on a timer. Additionally, make sure your outside security lights are in order and if you do not have security lights, please invest in some! And neighbors, if you notice newspapers piling up in someone’s driveway, pick them up and take them to the front door of the home. If the

homeowners are there and just haven’t bothered to pick them up, well at least you were doing a good neighborly deed!

I need your help! I have current lists of homeowners on each “block” in King’s Deer, but I have incorrect email addresses of many existing Block Captains and names of Block Captains who no longer live in King’s Deer! If you are interested in becoming a Block Captain or remaining a Block Captain (I know, what’s with the program?), please notify me either by phone 559-0090 or by email [JanetVK2002@hotmail.com](mailto:JanetVK2002@hotmail.com). I cannot get this program back in shape without your help—there is just too much missing information!

## **Annual Water Meter Readings**

It’s that time of year again when you receive a notice from the Association reminding you to submit your water meter reading. This annual ritual is required by the Colorado Water Court in return for having the privilege of drawing water from your residential well.

Although we don’t have to pay for the water we pump from our wells, we are restricted by the State of Colorado in the amount of water that we may draw from a well in a year’s time. Every October, King’s Deer property owners are therefore required to read and report their water meter reading to the Association. That reading is used to compute the amount of water drawn from each well and sent to the Colorado Division of Water Resources.

Help the HOA comply with its legal obligation to provide a complete and timely report to the State. If you haven’t already sent in your water meter reading, please do so now! Those failing to report this information in a timely manner will be identified to the appropriate State agency, which has the authority to cap an individual homeowner’s well.

## **Volunteers Needed for the November Annual Meeting**

The Annual Membership Meeting of King’s Deer will be Tuesday, November 13. This is a meeting where the Board of Directors provides an annual report to the membership of Association activities, and where the membership vote for new Board directors.

Conducting an Annual Meeting is not a casual exercise. It requires many people accomplishing specific duties to make the meeting succeed. In the past we have been fortunate to have volunteers from the community step forward to do the job.

Once again we are asking for volunteers to do the various duties for this year’s Annual Meeting. We need

volunteers to register people who attend the meeting, and to count ballots.

Volunteers should be available from 6:00 PM to 11 PM on the night of the meeting, plus attend about two hours of training a week prior to the meeting. If you would like to assist in this year's Annual Meeting, please contact Pat Wasson at the King's Deer office as soon as possible (patriciaw@kingsdeer.org or 488-2840) but not later than Wednesday, October 31.

Paid advertisement



## Snow Plowing

Have you got your snow removal plan ready? This is a reminder to King's Deer residents that snow removal on the streets in King's Deer is a responsibility of the El Paso County Department of Transportation. And while they do a respectable job of clearing the streets, it might not be fast enough to suit your particular requirements. If you need to be able to get out faster than the county will clear your road, or if you have finally grown tired of driving your snow plow after the storms of last winter, consider contracting for snow removal.

Many local contractors will provide snow-plowing services. If you are looking for someone who provides this service, typically business that do mowing or landscaping will do snow plowing in the winter months. They usually set up a seasonal contract with their clients. If you wait until you're snowed in before contacting one of these businesses, you will find yourself at the bottom of their priority list and they probably will get to you a day or two after the snow has hit.

Plan ahead. If you think you will want snow plowing this winter (which can start in October and run through April) you should be entering into a contract now.

## Authority and Legality of the Board of Directors and the Association

by Dan Rivers ( Vice President)

Some members are circulating emails and letters claiming the Board is now acting without legal authority, or acting "illegally." Some make claims that the Association's insurance is invalid. Others have interfered with our access to Association bank accounts.

These actions are disruptive to the community as a whole and to the conduct of business of the Association in particular. The Board is having to divert attention and resources (i.e. money) away from constructive objectives to deal with the consequences of the actions by these people. And the publicity generated by the claims of illegality certainly doesn't help the public image of King's Deer as a whole.

The Board is acting in a legal capacity and with legal authority. This has been confirmed by the Association's attorney. None of the board members would be volunteering to serve on the Board if they had any doubt as to its legal status.

Some King's Deer residents have become confused by reading claims about the Association's insurance being either inadequate or non-existent. First, the Association's insurance is complete and secure; we have all the coverage we have desired to purchase. The insurance carrier is quite aware of some discontent in King's Deer and the nature of the controversy, just as they are familiar with each of the other homeowner associations that they insure. Within the last month the Board president met with the agent and we have been assured that our coverage is complete and secure. The corporate office of our carrier is also aware of the situation and they remain comfortable with providing the insurance coverage we purchased.

To put some of the circulating misinformation to rest, the Board had the Association's attorney, Jack Scheurman, write a letter to all King's Deer property owners, explaining the situation of the past merger and how problems created by that action might be resolved. (That letter is posted on the home page of our website, [www.kingsdeer.org](http://www.kingsdeer.org).) The Board plans to develop a course of action in the next two to three months to resolve those problems so that, with approval of the membership, the problems will be eliminated and we will be a stronger association that can focus all of the efforts of its volunteers on improving our community. I hope you appreciate the substantial benefit that a single association provides to everyone and that you are not one of those who is determined to divide King's Deer back to the two disjointed associations that it was in 2003.



P.O. Box 3143  
Monument, CO 80132

# WELCOME HOME TO:

## Tri-Lakes United Methodist Church

20256 Hunting Downs Way  
Monument, CO 80132

Sunday Worship:

8:30 & 11:00a.m., 5:00p.m.

Church School: 9:45a.m.

**(719) 488.1365**

[www.tlumc.org](http://www.tlumc.org)



### King's Deer HOA Reminders

**Business Office Location, address and phones:**

**Phone:** (719) 488-2840; **Fax:** (719) 488-2949

**Office location:** 1691 Woodmoor Drive  
Monument, CO 80132

**Mailing address:** P.O. Box 3143  
Monument, CO 80132

**Email address:** [admin@kingsdeer.org](mailto:admin@kingsdeer.org)

**Web Site:** <http://www.kingsdeer.org>

**KD Annual Meeting:** November 13, 2007, 7 PM  
Tri-Lakes United Methodist Church  
20256 Hunting Downs Way, Monument, CO

**KD Office closure dates:**

October 22, November 22-23  
December 24 through January 1, 2008  
All School District 38 snow days.

**Reminder** Snow plowing King's Deer streets is a county responsibility. If you can't wait for the county to clear your street after a heavy snow, make alternate arrangements to extract yourself from the area.