

President's Corner *by Allen Alchian*

Members of King's Deer Homeowners Association, thank you for the overwhelming support to amend the Bylaws and Articles of Incorporation. Although the result of the vote has little direct affect on the membership and our daily business, we can put behind us the doubts and questions that lingered over the past year and a half related to the 2003 merger of two homeowners associations. Dan Rivers' article in the next column gives specific information about the vote results.

I also want to thank the six volunteers—Ed Vanderhorst, Nancee and Dennis Delhousay, Al Walter, Cindy Fenton, John Witsken—who gave an evening of their time to count the votes. They received the unopened envelopes, counted the votes, verified and documented the results, then boxed and sealed the ballot box. Nobody other than these six individuals have had access to the individual ballots.

Last month the Board of Directors reluctantly accepted the resignation of Marshall Boss. Marshall has written an open letter to the membership to explain his decision. It is published in this newsletter. Marshall has served as the director to oversee the covenant enforcement process—a most challenging role. Covenant enforcement was relatively ineffective when he joined the Board. He had to start from scratch, creating the program by developing procedures that ensure due process and objectivity in enforcement. He helped get the Covenant Enforcement Oversight Committee started; this group of community volunteers helps ensure covenant enforcement is administered fairly, accurately, and timely. Marshall led the effort to define a parking enforcement policy, and was instrumental in creation of the signage policy adopted by the Board early this year. Marshall brought an invaluable “tempering” element to a sometimes volatile Board. We're sorry to see him depart the Board prematurely, but all board members, current and past, understand the significant demands serving on the Board of Directors places on the individuals. For all directors I offer Marshall a very sincere, “Thank you!”

With the resignation of Marshall, the Board turned to Tony Winslow to fill the vacancy. Tony has been serving the HOA over the past year as a member of the Water Conservation Committee, collecting annual water meter readings and preparing the report to the state's Department of Natural Resources. He had previously expressed interest in becoming a Board member, so he was quickly appointed to the new vacancy before he could change his mind. Tony has assumed the role of Secretary, which becomes a very demanding position as we come into the period of the Annual Meeting.

Speaking of Annual Meeting, the draft minutes of the 2007 Annual Membership Meeting is now posted on the web site for review. (Click “Board of Directors” then “Board Minutes” and scroll down.) The membership will be asked to approve those minutes at the next Annual Membership Meeting, Nov. 6, 2008.

The \$3000 reward offered for information on individuals who vandalized five King's Deer streetlights did not produce useful leads. The good news is that the insurance company is covering almost all of the expense. Mike Abplanalp's article, *Common Area Maintenance*, gives an update on those repairs.

Did you see the television cameras and crew in King's Deer last month? King's Deer resident Amy Harder allowed her King's Deer home to be featured on the TV program, *Trading Spaces*. It was filmed the week of June 25 over three days. Unfortunately she cannot report anything to us until after the episode airs which she anticipates will be sometime this fall. Hopefully we can then get from her, “the rest of the story.” For now she reports, “It was fun!”

Governing Documents Changes Adopted

by Dan Rivers, Vice President

During May and June this year the Members voted on three proposed changes to amend the Association Bylaws and Articles of Incorporation. In all 261 votes were cast, with 101 more than the required quorum of 160. Passage of any amendment required 67% x 261 = 175 “yes” votes.

All three proposals passed and will be effective August 1, 2008. Due to some abstentions, the votes don't all total 261.

Ballot Question 1. This amendment fixes inconsistencies between the Bylaws and the Articles arising out of the merger of the Classic and Highlands homeowners associations in November, 2003. Yes: 243. No: 14.

Ballot Question 2. This amendment terminates the right of the Declarant (i.e. the developers of King's Deer) to control the membership of the Board. Yes: 251. No: 8.

Ballot Question 3. This amendment changes our name to the King's Deer Homeowners Association, dropping the confusing “Highlands” part of the name. Yes: 249. No: 10.

Approval of the three ballot questions removes any lingering concerns regarding the inconsistencies in the Governing Documents, which posed a potential problem should the HOA become involved in future litigation.

No doubt, some of our Members may have felt that these questions were rather arcane and uninteresting. However, they were put to a vote pursuant to the clear message that you all sent to the Board last September to “get us legal.” Their successful passage is the culmination of countless hours of deliberations and a great deal of drafting work on the part of all the members of the Board, as well as legal work by our attorney, Mr. Jack Scheuerman. The Board would like to express its appreciation to all the Members who participated in the community meetings held to discuss the issue and who provided helpful inputs that have now made it possible for us to close the book on this issue.

Financial Update *by Penny Dyer, Assistant Treasurer*

Halfway through the year the financials are looking respectable. Income is on track with the budget. Expenses are currently less than budgeted but this is primarily because our common area maintenance expenses are lagging about a month behind. As those bills come in we'll see a quick increase on the maintenance expenses. Our professional fee expenses (legal) are also lower than budgeted but we have obligations that have not been billed so when those invoices are received the professional fees will increase. Utilities and admin expenses are closely tracking the budget. Funds for the reserve account have already been put aside to ensure we build the reserve account as the Board intended. Overall, the financials are in good shape. The

monthly financial reports are available on the King's Deer website; select "Board of Directors" then "Board Financials."

The Board is now starting the 2009 budget process and the 2009 budget will probably be completed in September. It is a safe bet that the 2009 annual assessment will be the same as 2008: \$300 per property.

Security by Janet Van Kampen, Neighborhood Watch

Recently, there have been inquiries to the Association regarding hiring security, increasing patrols, etc. in King's Deer. Unfortunately, due to increasing gas costs and reduction in revenue, the El Paso County Sheriff's Department is reducing patrols to cut costs and will focus more on responding to calls.

Just an FYI: At one time, King's Deer had a security firm doing patrols in the area. The firm did a couple of patrols at random times two or three times a month, primarily at night. This was costing the HOA, approximately \$7,000 per year. With our annual assessment capped at \$300 (and being unable to increase that assessment), that is money that has to come from other services such as maintaining our infrastructure (trails, common areas, etc). Nothing ever came of using the service and eventually the Board decided to drop it and put the money toward maintenance.

King's Deer is not a real high crime area, and more often than not the "crimes" we experience are not those that will be discouraged by random patrol. Typically we have thefts from garages left open, doors left unlocked, cars left outside (unlocked) or just plain vandalism. All of these can be easily reduced at no cost to the community by the homeowners using some common-sense security measures and by supporting a Neighborhood Watch program.

For questions or information on how to secure your home, etc. or to volunteer as a Neighborhood Watch Block Captain, please contact Janet Van Kampen at 559-0090 or JanetVK2002@hotmail.com.

"Choice is a Good Thing" by Mario Cafiero

Monuments make for a beautifully distinctive trademark of the King's Deer community – unfortunately, when they are built at the road's edge, on sandy soils and near drainage ditches they don't always make for very good mailboxes.

As you may know, property owners in King's Deer Classic section are strictly limited to a "monument-type" mailbox. While some of these structures look beautiful, others, unfortunately, have begun to lean, topple, and deteriorate under the strain of road damage and settling. What once seemed like a good idea, has turned out to be an expensive maintenance dilemma for many Classic home-owners and has resulted in an untidy "first impression" for those driving the classic streets of King's Deer.

As a Classic homeowner concerned with maintaining the long-term value of homes in this community, I have introduced an alternative to the monument-type mailbox – namely, the already-approved antique metal free-standing mailbox of the Highlands section. So, when the time comes to repair or replace your monument mailbox, you would have the **choice** of keeping with the monument style, or converting to the Highlands-type mailbox.

The proposed change does NOT force either one... but gives you a choice between the two! It does not mandate conversion to the free-standing mailbox, but lets **you** decide which style

works best for the conditions on your property. *That is a good thing!*

This proposed covenant change applies only to Classic property owners – so, only those owners should have received a mailing which gives you the chance to agree to this change.

But—this is important—in order for this change to pass, **we need at least 99 signed agreements** (that's a lot!) – so please do your part and fax or mail your signed agreement today. If the HOA does not receive 99 signed agreements, and the snow plow tears into your monument mailbox, you will have no choice but to rebuild the monument. Wouldn't you like to have the option? To borrow a popular phrase, **"It's the biggest no-brainer in the history of Earth!"**

And finally, if you're thinking, **"Hey, my monument mailbox is nice and sturdy... why should I care?"**... well, when other monuments in the neighborhood are falling, so is YOUR property value!

If you did not receive, or have misplaced your agreement, please call 719-231-0604 and I'll hand deliver a form to your home. Thank you, neighbor!

Service On The Board Of Directors

by Richard B. Robertson, Director

In April 2007 all seven Directors of the King's Deer Board of Directors were replaced. Six resigned late in March and the last in April. In November 2007, three of the appointed Directors were elected to serve two year terms. This November the terms of four Directors will expire. Some may seek the nomination for a two year term, but at least one Director will not. Therefore, an opportunity exists for those of you who might be interested in helping guide the direction of King's Deer to serve on the Board.

A Nominating Committee was appointed for this purpose and it has the responsibility to nominate at least four people to serve two year terms on the Board of Directors. Nominees will be selected in early October and these names will be on the Official Ballot. In addition there will be an opportunity to nominate individuals from the floor at the Annual Meeting. The election will take place at the Annual Meeting this November. The members of the Nominating Committee are Richard Robertson, Chairman; Ed Vanderhorst and Tom Haddan. You may contact any of these individuals to express your interest.

I think I shall never see a poem as lovely as a tree.

by Rich Paul, ACC chair

When the poet Joyce Kilmer penned his famous poem *Trees* in 1913 (And yes, Alfred Joyce Kilmer was a man), he was writing about trees in general and in an abstract way, landscaping. Now before you chuckle and dismiss this notion altogether, consider this.

In retrospect, reminiscing over the titles of a few of his other works such as *Houses, Roofs* and *Gates And Doors*, an argument might be made that Joyce Kilmer was a "closet" ACC person at heart, although I'm sure he never knew it. For that matter, I am no poet, but we both have an interest in trees and I, more generally, an interest in landscaping.

And with that in mind, to aid King's Deer homeowners in keeping their trees (and other landscape) alive, I am happy to report that the new *Landscape Guide* has been completed and, for your convenience, is now available for review and download

on the King's Deer website or a copy can be obtained at the HOA office.

So as the last verse of Joyce Kilmer's famous poem laments...

"Poems were made for fools like me. But only God can create a tree..." still holds true today, but it may take some effort on the part of a King's Deer homeowner to ensure that it stays healthy and continues to thrive.

Design Standards-

The current *Design Standards* are being updated and are nearing completion as of this writing. The amendments passed earlier this year have been incorporated and there has been an additional two applications added, bringing the total number of applications for projects to four.

In the past, your choice of forms was limited to the New Construction application and the Miscellaneous application. Basically, if you were not building a new home project, you were submitting a miscellaneous project. This approach, while workable, resulted in some occasional poor management of various projects and prompted a review, which as resulted the creation of the Landscape and Fence application and the Ancillary Building application.

In short, you will have a choice of the following project categories when submitting a project for approval:

- New House construction projects-
- Ancillary Building projects-
- Landscape and Fence projects-
- Miscellaneous projects-

For the most part, the project categories and related applications have been completed or are in the final stages of completion and will be posted as they are finalized. Along with the various applications there will be packages, which will discuss which application to use, and the information required with that application when submitting your various projects.

By The Numbers-

Currently there are 46 active projects being monitored by the ACC in King's Deer. Year to date:

- 14 Landscape application projects have been submitted and approved.
- 6 Construction projects have been submitted and approved.
- 7 playground equipment projects have been submitted and approved.

Please keep in mind that before installing any playground equipment, including play sets and trampolines, the Association must approve it as per your covenants and *Design Standards*.

As always, the ACC looks forward to visiting with you and aiding you in acquiring approval for you projects and assisting you where we can in the successful completion of all your projects.

Your help is Needed-

Do you find yourself exhausted from a hard days work at the office or around the house?

Do you find it difficult to juggle your schedule to attend all the kids' activities they are involved in? Do you find it almost impossible meet all your social, community and family commitments as well as completing those projects around the house you've been putting off and still find some time for yourself?

Well cheer up! Here is an opportunity to add another time-consuming activity to your already busy schedule! The ACC needs volunteers to serve on the committee!

Now you may be asking yourself "what's in it for me" besides the most obvious of which is serving on the premier committee in King's Deer and being the envy of all your friends!

Well how about the following....

If you are interested in ensuring your property values and those of your neighbors do not wane; if you would like to have a hand in deciding what will or will not be built and seen in this community; if the idea that your decisions make a direct impact on the future of this community and how it will be perceived in the coming years while working with others who have the same passion, then becoming an ACC member is right up your alley.

To help make a difference in our community please use the "Contact Us" link on the King's Deer website www.kingsdeer.org or contact the HOA office at 488-2840 for more information.

Have a safe and enjoyable summer and we hope a few of you will take it to heart and consider volunteering to become a member of the ACC committee.

Paid advertisement

MOWING SERVICE

Having trouble keeping that lot mowed? I can help. I'm a stones throw from King's Deer and have a John Deere tractor with an 8 foot mower. (Can do the job in less time!)

Reasonable rates.

Call Ray at 719-331-1950 or 303-663-1844.

Common Area Maintenance

by Mike Abplanalp, Director Common Areas

Hello King's Deer homeowners. Hopefully you've been able to get out this summer and enjoy this warm, dry weather. The common areas are coming right along this year.

Curb Appeal has done a great job for us keeping the weeds off the trails, bugs out of our trees, weeds out of the playground and fertilizer on our turf areas.

Al Goodman has been busy mowing our common areas and working to replace our damaged street lights. We had a small mix up with our supplier, so the taller street light poles had to be re-ordered and should be in by the end of July. Once they arrive, Al will be out to get them installed, which should be in August.

The algaecide put in the pond has done a great job of keeping it nice and clean, however we do have another type of weed that's growing. I've held off on applying a herbicide for now. The little white flowers looked kind of nice. Now they're gone I'll get it taken care of so it doesn't get over grown.

I'm in the process of gathering bids to paint the playground equipment, the three bridges along Archers and King's Deer Point and to touch up the top of the wall along 105. That work should be completed in the next two weeks as well.

In an effort to help us with some dry spots at our entrances along county line, one of our contractors adjusted the sprinkler timers and kind of messed things up. I've spent several hours over the past week adjusting the timers so we get proper water to the turf areas along County Line. The grass should improve steadily over the next few weeks.

Two projects I'd like to work on before the end of summer is:

1. Replace the county issues stop sign poles Roller Coaster/Royal Troon and Roller Coaster and Kershaw with our King's Deer style poles.

2. Improve the walking trail leading from the parking lot to the playground area.

We still have plenty of time this year to get it done, I just need to be sure we have money available to do it. Both items are in heavy traffic areas and will improve our community.

As always, if you have any questions on our common areas, just drop me an email: mike.abplanalp@hp.com

Have a nice second half of summer!!

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Goodman & Sons
Tractor Services—Free Estimates

Insured BBB Member

Mowing (Acreage/Lawn Care); Landscaping (All Forms); Snow Removal; Hauling; Fencing; Excavation (Loader, Backhoe, Grading); Auto, Truck, Garden, Farm Equipment Repair, Home Improvement (Decks, Interior, Exterior Repairs, Remodeling)

Call 488-8105 or cell 440-1105 for a free estimate

King's Deer Garage Sale Weekend

Garage Sale Round 2! Once again it's time for another King's Deer Community Garage Sale—Saturday and Sunday, August 16 and 17. Dig out those valuables you over-priced for the May garage sale and get rid of them *now!*

Like before, King's Deer HOA will handle the publicity for you. There will be ads in *The Gazette*, the *Tri-Lakes Tribune*, and *Our Community News*. All you have to do is lug all those heirlooms into the garage, put a sign or some balloons out front, and the stampede begins! Also, like our last Garage Sale, we will have a page on our web site devoted to the Garage Sale where we will post a downloadable King's Deer map showing every participating garage. To include your address on the map, send an email to admin@kingsdeer.org, not later than Friday, August 8, and give us your address and phone number. Phone numbers will not be published; they are only so we can contact you if there are any questions. You may also include a short description (25 words or less) of the many treasures you have to offer.

Don't miss this last opportunity in 2008 for having a garage sale in King's Deer.

Water meter readings coming up soon

by Tony Winslow, Secretary

Some of you may know me for my work on the Water Conservation Committee, which currently consists of Richard Robertson (also a member of the board) and me. Therefore I'd like to take this opportunity to remind our owners that we are coming near to that time of year (October) when we are required to read our water meters and submit those readings to the HOA.

We will be sending out a letter to all property owners at the end of September requesting that water meter readings be submitted and the deadline for submission is October 31st. You may submit readings by mail, fax or through the website (kingsdeer.org). If you don't have a user name and password for

the website and would like one, please send an email to admin@kingsdeer.org, or contact the HOA office. Owners are required to report this information as specified in the covenants and the HOA has a legal obligation set by the Water Augmentation Plans that we collect this data and report it to the state.

As we are now entering the hottest part of the year, this is a good time to be monitoring water usage so that you can comply with the annual usage limits. Please remember these limits are set by the state and the Water Courts, not by the HOA. If you don't know your reading from October 2007, you are welcome to get that information from our office.

As a reminder the usage limitations set out in the two Water Decrees are as below. If you are unsure which limit applies to you then please contact the HOA office.

1994 Water Decree (covers all properties in "Highlands" and a few in "Classic")	136,532 gallons which is 0.419 acre feet
1993 Water Decree (covers most properties in "Classic")	123,823 gallons which is 0.38 acre feet

As a final note from me and the Water Conservation Committee, if you are interested in helping us perform our duties we will gladly accept. Please contact the HOA office or any member of the board if you interested.

Wishing you a great summer,

Tony Winslow, Secretary of the Board of Directors

Vehicle Parking Policy and Sign Policy

In June, the Board of Directors adopted a policy regarding vehicle parking in King's Deer. It covers the parking of multiple cars, commercially marked vehicles, and unlicensed vehicles. The Board also inserted a provision for waivers, recognizing unique circumstances exist.

Just in time for the election year, the Board also adopted a policy on signage in King's Deer. The policy clarifies the use of political signs, when they can be displayed and how. It also covers less exciting signs such as builder signs and For Sale signs.

Members can download both of these policies from the web site by clicking on "Rules, Covenant and Standards" and scroll down to the *Standards and Policies* section. Or, contact the King's Deer business office to request a copy.

Looking Ahead For King's Deer

by Richard B. Robertson, Director

The owners of lots and homes in King's Deer recently approved changes to the By Laws and Articles of Incorporation. This is the final action relating to questions regarding the legality of whether our community is a single HOA. The Board of Directors will see that realtors are informed of this fact. King's Deer exists as a single HOA, but with two separate covenants, which are quite similar. Of course there are always malcontents, but the legitimacy of any legal challenge is considered extremely doubtful – and costly for those seeking to challenge our standing.

The greatest challenge facing our community over time is that the requirements to change the covenants require a "higher standard" than changing the By Laws and the Articles of Incorporation. The number of lot and home owners voting on the recent changes to the By Laws and the Articles of Incorporation would not have been sufficient to change the

covenants in any way. The greatest problem for King's Deer in the future is one of apathy. When owners will not return their vote on issues presented by mail, when given a self addressed stamped envelope and several months in which to accomplish this and when the issues were not really controversial, we are in trouble when significant changes are needed in the future. We need your help and your ideas as to how we can solve this issue.

Director Resignation

Neighbors,

I resigned from the King's Deer Board at the June 17th board meeting. I resigned in order to focus my energy on my family, work, and hobbies. In short, I re-examined my priorities and serving as a King's Deer HOA Director didn't make the short list.

When I volunteered to serve on the Board in April of 2007, my primary interest was in helping the community navigate the challenges related to the merger and governing documents. We did that. It may not have been as fast or as pretty as a few of us would have liked, but we did it, and the King's Deer community pulled through.

The community and the Board have also resurrected the functions that should consume an HOA's energy, such as water, maintenance, budgets, ACC, and covenants. Your HOA needs members willing and able to devote the needed time and energy. I am proud of the results that the Board has delivered and I am proud to have been a Director. King's Deer has an outstanding group of Directors.

So, thanks to the community and the Board for the opportunity to serve. I'll be around to offer advice as needed. I wish Tony the best in his new role on the Board.

*Regards,
Marshall Boss*

Mowing In King's Deer *by Richard B. Robertson, Director*

The State of Colorado and El Paso County have statues or ordinances regarding the control of noxious weeds and weeds and brush in general. The purpose behind these government oversights are health and safety issues. As you know, this area of Colorado struggles with a lack of sufficient water and this year is drier than usual. One concern is the risk of fire and this relates to both types of growth. At this time the control of non noxious weeds is only required by El Paso County and in residential developments it is limited to lots less than 2.5 acres. The lots in King's Deer are each supposed to be at least 2.5 acres, so the control and enforcement powers by the King's Deer Board of Directors is based upon the covenants. We do this primarily to decrease the danger of fire in our community, but also to retain the beauty of this development.

Recently, the Board of Directors was notified by the declarants that they were exercising their rights as declarants to not comply with the requirements of the covenants concerning the mowing of their lots. This probably impacts around seventy lots in King's Deer, most of which are in the north part of the Highlands portion of King's Deer. The Board was not given any reason for this decision and the President of the Board has contacted the declarants asking them to reconsider this issue. It is disappointing that the individuals who developed this great community have decided on this course of action, as it creates a fire hazard, may have impacts on health and definitely detracts from the beauty of the development.

As one member of the Board of Directors I believe in the equitable treatment of homeowners and try to make decisions in a fair and reasonable manner for the good of the community. For this reason, while I will seek to have all homeowners mow their lots as required by the covenants, I will exercise restraint regarding the levy of fines because of this action by the declarants. The Board does have discretion in punitive action authorized in the covenants.



Snow Fences *by Patricia Wasson, Executive Director*

Why are we talking about snow fences in the middle of summer?! Because it won't be long before snow will once again be falling here in King's Deer. So it is time to recall the rules for snow fences in King's Deer.

Snow fences are allowed if approved in advance by the Architectural Control Committee. Approved snow fences are only allowed from October through the following May 15.

Snow fences are restricted to the type made of natural wood slats—no plastic material is allowed. The specific requirements are identified in the Design Standards, in a section titled "Snow Fences." The Design Standards may be downloaded as a pdf file from the King's Deer web site (the Rules, Covenants and Standards page), or call the HOA office (488-2840) for information.

Hint: Now is a good time to be contracting for snow removal from your driveway for the winter if you don't enjoy the satisfaction that comes from digging through snow drifts across your driveway in a -10 degree wind chill.

Snow removal from public roads in King's Deer is accomplished by El Paso County, not the homeowners association. Snow plowing is done on a priority basis as set by El Paso County Department of Transportation. Some roads in King's Deer get cleared before others because they are part of the District 38 school bus route. Cul-de-sacs typically are among the last roads to be cleared if they haven't been cleared by residents or natural melt.

If you can't afford to be trapped in your house for a couple of days while you dream of warm summer days, watch the weather reports closely and plan accordingly.



P.O. Box 3143
Monument, CO 80132

King's Deer Kronicles is an official publication of the King's Deer Board of Directors

King's Deer Email Notification

Are you signed up to receive King's Deer email notices? We send these emails to King's Deer members infrequently but when there are issues or incidents of importance in the community.

In early July three dogs running loose in King's Deer attacked a King's Deer resident, causing injury. We sent an email that afternoon to 106 members to alert of the incident and to solicit help in finding the dogs.

If you're not receiving these emails, consider becoming part of the King's Deer community by signing up today. To sign up, go to our web site and log in though the "Owner Log In" link. If you don't have a user name and password, send an email to admin@kingsdeer.org to request one; please include your King's Deer property address in the request because this service is only available to King's Deer property owners.

King's Deer HOA Reminders

Business address, office Location, and phones:

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

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

Email address: admin@kingsdeer.org

Office location: 1691 Woodmoor Dr. Suite 13
Monument, CO 80132

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

Snow Fence Installation: October 1

KD Semi-annual Garage Sale: August 16-17

KD Water Meter Readings: October 2008

KD Annual Meeting: Thursday November 6, 2008

KD office closure dates:

September 1, Oct 22, Nov 27-28, Dec 22, 2008 -
Jan 1, 2009; All School District 38 snow days.