

President's Corner *by Allen Alchian*

From the perspective of a member of the Board of Directors, I'm certainly glad we've got 2007 behind us. The year brought considerable controversy and change to the Association. But overall, I see the events as having produced positive results for the membership. Many members became involved with the business of the HOA and the actions of the Board are now watched more closely than had previously been the case.

The question of the "legality" of the Association, which was the focus of much Board and member attention in 2007, has pretty well been resolved. In this newsletter, Dan Rivers discusses the remaining actions needed to put this topic to rest.

We also learned in 2007 that due to an administrative oversight when creating King's Deer, the developer did not obtain enough well authorizations from the state to provide one well for every King's Deer property. The developer is working that discrepancy hard and the latest status on that initiative is also provided in this newsletter.

Beyond the challenge to the Association's legality, we also faced in 2007 what appeared to be a major challenge to our annual budget. We sustained significant legal fees to resolve some contentious issues during the year, and we endured the unexpected quitting of our maintenance employee at the start of the maintenance season, forcing us to quickly establish maintenance contracts. Our treasurer, Penny Dyer, reports in her article included in this newsletter, that we managed to end the year with a relatively minor over-expenditure on our expenses for the year.

The covenant enforcement program is now getting some traction. A Covenant Enforcement Oversight Committee, led by director Marshall Boss is beginning to bring some oversight—as the committee name implies—into the enforcement process to ensure covenants are enforced uniformly and fairly. Marshall's article in this newsletter solicits input from the members regarding the sensitive question of vehicle parking. Please take the time to read that and submit your thoughts on how covenant enforcement on this topic should proceed.

And my favorite "hot-button" issue—water consumption—is also addressed in a separate article. The address label of this newsletter provides you with feedback on your water consumption for 2007—details are provided in the article about water consumption. Feel free to contact our business office if you have any questions about your water use.

Overall, 2008 looks to be a much more positive year for the HOA, and I thank each of those Association members who have volunteered their time to help in some capacity with making King's Deer a better place to live.

Additional Water Well Authorizations

King's Deer is closer to gaining 31 additional water well authorizations. This will ensure that owners of vacant lots will be able to obtain a water source when they decide to build on their lot in the future

Last summer the Association learned that due to an administrative oversight, the King's Deer developer obtained authorizations for too few wells in King's Deer. Ideally, there

would be one well authorization for each residential lot.

However, it turned out that there were about 24 too few well authorizations. The consequence would be that the last few properties developed in King's Deer would not have been able to drill a well for water.

When the developer—King's Deer Development—was notified of this discrepancy, they immediately set out to obtain the additional well authorizations. To ensure no other "hidden" shortages might be lingering, they applied for 31 well authorizations.

The application process is somewhat involved and has been working its way through the necessary legal steps during the past nine months.

The process includes allowing other consumers of the same water supply to review the application so they may cite any concerns or objections. The application is then modified to accommodate those concerns where appropriate. Finally, a ruling by the state water court is sought to grant the well authorizations with whatever conditions are needed to resolve valid concerns.

The comment period was completed last fall and proposed solutions to concerns now appear to be in place. Next the process moves to the water court to obtain a final ruling.

We believe that sometime later this year the King's Deer well shortage will be a thing of the past. Watch the newsletter for future updates.

2008 Annual Assessments

Notice of the annual assessments were mailed to all King's Deer property owners in early December with a January 11, 2008 due date. About 20 percent of the assessments were not paid when due.

In late December we sent out an email reminder about the assessment due date to all who have signed up for email notices. That revealed that a remarkable number of King's Deer members didn't receive their notice in the mail, and many members inquired to the office. We thank those of you who have been patient and supportive regarding the undelivered annual assessment notices.

We've confirmed that the original notices were sent to correct addresses and therefore have no explanation for why so many were not delivered. We have therefore notified the USPS of the problem we've encountered in hopes more attention can be given to ensuring the mail is delivered properly.

If you still have not received your invoice for the 2008 annual assessment, please contact Pat to resolve any possible address problem we might have in our records.

If you would like to receive our email notices, log in to the Owner area of the King's Deer web site and change your personal settings to include these email notices. If you need a user name and password to log in, contact Pat by phone: 488-2840 or email: admin@kingsdeer.org

Snow Fences

More and more snow fences are appearing in King's Deer. And they're likely to get a workout in the next couple of months

as we enter the traditional period of the heaviest snowfall: early spring.

Please remember that snow fences in King’s Deer are temporary. They are temporary in that they may only be up during the period of October 15 through April 30, and they are temporary in that manufactured fences are allowed—with prior ACC approval—for up to five years, after which they should have been replaced by a “living snow fence”—trees and/or bushes. So, if you’ve been using your snow fence for two years or more, this year it is time to plant trees in the area of the fence so that the trees will be ready to do the job of the manufactured fence within three years when your use of the temporary, manufactured, snow fence should end.

The policy and restrictions on snow fences is available in the Design Standards Guidelines, which can be downloaded from the Association’s web site. If you have any questions, please call Pat at the HOA office (488-2840).

Neighborhood Watch – Motor Vehicle Theft and 1st Degree Criminal Trespass

by Janet Van Kampen (Neighborhood Watch Chairperson)

We live in an “upscale” area...quiet, not too much traffic. Certainly, *our* neighborhood would not fall victim to motor vehicle thefts/vehicle break-ins. Wrong! It happens everywhere, no matter where you live!

Recently, in our neighboring Woodmoor, an unattended vehicle sat warming in a driveway. When the owner of the vehicle returned, it was gone.

Motor Vehicle Thefts and 1st Degree Criminal Trespass (Car Break-Ins) are the most costly property crimes in El Paso County. Motor Vehicle Thefts and Car Break-Ins happen everywhere; parks, parking lots, schools, and yes, even your own driveway!

Thieves are after anything of value; car stereos, purses, wallets, cell phones, etc. They also look for garage door openers and house keys for possible future burglary opportunities. And, if they do not take your vehicle the first time, they could return a second time armed with knowledge from their first visit.

There are many things you can do to avoid the hassle and heartache of a Motor Vehicle Theft or a 1st Degree Criminal Trespass:

1. Never leave your keys in the vehicle.
2. Never leave your vehicle running unattended.
3. Do not hide keys in/on your vehicle.
4. Do not leave valuables in your vehicle.
5. Always lock your doors.
6. Use anti-theft devices.

If you are a victim of a Motor Vehicle Theft, contact the El Paso County Sheriff’s Office. A case report will be taken by a deputy and you will be provided with a case report number for future reference. The license plate number and VIN (vehicle identification number) and vehicle description will be entered into the Colorado and National Crime Information Computers.

If you are a victim of 1st Degree Criminal Trespass (Car Break-In), contact the El Paso County Sheriffs Office so that a case report can be taken immediately. Make a list of items stolen or damaged (include make, model and serial number if known). If checks, credit cards or driver’s license is stolen, contact your bank, credit card companies and the Department of Motor Vehicles. If your cell phone is taken, stop service immediately and have your service provider send a list of

unauthorized calls to the El Paso County Sheriff’s Office. *(Source: El Paso County Sheriff’s Office Vehicle Theft and Car Break-Ins)*

2007 Financial Report *by Penny Dyer (Treasurer)*

Last year was quite a financial roller coaster for the Board of Directors. The 2007 budget was produced before challenges surfaced from some King’s Deer members about the legal standing of the Homeowner Association. The 2007 budget was also based on having a part time employee accomplishing all King’s Deer common area maintenance as was the case in 2006; unfortunately that person quit at the start of the 2007 maintenance season leaving us with no maintenance person and no contracts for maintenance.

About that same time, all members of the board of directors resigned, and newly appointed replacements had to pick up the pieces, figure out how they go together, and get the show running again. For all practical purposes, the 2007 budget, by that time, was a piece of fiction. Legal expenses were shooting way above their budget. Maintenance costs for the year were now unknown because projections had been based on having an employee; now contracts had to be quickly drawn up and awarded by directors who had no prior experience in maintaining King’s Deer common areas.

Tracking the Association’s financial situation through all this was complicated by the fact that the new directors had no reliable financial reports during their first four months from which to assess their expenditures. With the help of some volunteers on the newly chartered Budget Committee, the financial picture was slowly and painstakingly brought into focus by late summer.

I’m pleased to report that overall, the Board managed to pretty well keep the Association’s total expenditures within the realized revenues. With a total income of nearly \$199,000, the total expenses exceeded that income by only \$2700, and that provides for the Board putting nearly \$20,000 aside for the annual contribution to the Association’s reserve fund. So, considering the amount of management and financial upheaval during 2007, the financial picture for the Association for 2007 is remarkably positive.

In summary, the Association overall financial picture changed in 2007 as follows

	Operating Fund	Reserve Fund
Jan 1, 07:	\$54,430	\$11,545
Dec 31, 07:	\$51,729	\$31,384

The 2007 financial reports are on the King’s Deer web site, available for download.

Baring another tumultuous year like 2007, we think we’ll be able to improve upon the common area maintenance and also continue to build up the financial reserves of the Association. However, legal expenses will continue to be higher than we would like to encounter in an average year because we still are working the issues raised in 2007 regarding the “legal weaknesses” of our corporate documents. Details on that initiative are covered by Dan Rivers in a separate article in this newsletter.

The 2008 annual assessment is \$300. (That payment was due on January 11, 2008, so hopefully you’ve paid it. If you haven’t, please contact Pat at our business office immediately!) This amount is unchanged from last year, and it will remain at this level “forever” because the Association covenants do not allow a higher assessment. While many members are very happy the

assessments are capped at this level, the reality is that expenses increase. As expenses increase and income remains unchanged, our ability to accomplish the required maintenance, and our ability build the Reserves fund to replace capital assets as their life-cycle ends will diminish. Services of the Association will suffer, and the image of the community will erode as maintenance and repair is deferred for lack of funding.

Eventually we as a community will have to decide if we are to keep King's Deer as the high-end community we bought into, or will we let it fall into disrepair. The only way to protect our investment in King's Deer is to accept that the expenditures must follow expenses, and remove the cap on the annual assessment. You'll hear more about this in the months and years to come.

Annual Water Consumption Report

This is good news/bad news story. The good news is that annual residential water consumption in King's Deer was reduced in 2007 compared to 2006. The bad news is that residential consumption is still too high.

In 2006, residential water use was 13.6 percent above the amount allowed by the state. In 2007, residential use was reduced to 5.6 percent over the amount allowed by the state. So, while we made progress in bringing consumption under control, there is still more work to be done because we are consuming more than we are authorized.

"I have my own well...whadaya mean I use too much water??" If that's your attitude, it's time for a reality check. In Colorado your use of a well is restricted by the Colorado Water Court. The court authorizes you to have a well and it restricts how you may use the well. The court's decree is called the *Water Augmentation Plan*.

Water drawn from King's Deer wells is restricted by the amount of water that may be drawn annually, and by how that water may be used—indoor use versus landscaping. Well owners are also required to have a functioning meter on the well and report the meter reading each year to the Association. The Association is required to compile a report of the annual consumption for each well and submit it to the state annually to verify compliance with the Water Augmentation Plan.

So, how does your water consumption fare? The answer is on the label of this newsletter. On the bottom of the label is inserted a line that gives you the maximum gallons you are authorized per year, the amount you consumed based on your 2006 and 2007 meter reading, and your consumption as a percent of the maximum allowed for your property. For example, if the bottom of the label has the following...

Auth: 123824 gal; Used: 98438 gal; 79.5%

this would mean the maximum authorized water consumption in a year for your property is 123,824 gallons and you used 98,438 gallons which is 79.5 percent of the maximum authorized. Needless to say, the percentage should not exceed 100 percent.

If the bottom of the label has printed on it, *"Problem with water report; contact HOA office."* the reading you submitted has a problem and you should contact the HOA office at 488-2840 as soon as possible so this can be resolved.

The winter months are the ideal time to get an accurate estimate of the amount of water you use in the home; read the water meter each month, on the same date, to see how much water you use in a month. Multiply that monthly use by 12 to get your typical annual in-house water usage. Any consumption

for the year above what you calculated for in-house use will typically be water used for irrigation in the summer. Watering that lawn or those plants can have a very significant impact on the total consumption for the year.

If your annual consumption exceeds 100 percent of the authorized amount, and you would like some help to determine the cause and possible solutions, please contact Pat at the HOA office (488-2840) and an Association volunteer will be assigned to help you.

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 businesses 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.

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Mailboxes - Proposed Classic Covenant Change

by Dan Rivers, Vice President

Classic and Highlands have different styles of mailboxes. The Classic covenants call for monument-style mailboxes. In Highlands, however, the covenants give the Board the authority to require a standard mailbox, which has now been the policy for many years. Recently, a new Classic homeowner requested that he be allowed to install a Highlands standard mailbox. The Board, having heard good arguments both pro and con, agreed to grant the homeowner a temporary waiver for a period of time

sufficient to allow him to seek a change to the Classic covenants. The Board will neither back nor oppose this effort. Rather, we ask that the owners carefully consider the proposed change and promptly return their executed mailed ballot after receiving it and the arguments in favor of the change.

Garage Sale Dates

This year two full weekends—May 17-18 and August 16-17—have been designated for the annual King’s Deer garage sale events. Start planning now for selling those “valuables” you’ve been collecting.

The homeowners association will advertise the community-wide event in both The Gazette and in the Tri-Lakes Tribune in the week prior to the each event. Signs will be posted at the entrances to King’s Deer in the days leading up to the weekend sale. All you have to do is attach balloons and a sign to your mailbox on the day of the garage sale to draw the buyers, and the sale will begin!

Changes to our Governing Documents

By Dan Rivers, Vice President

During 2007 questions were raised about the validity of the November 2003 merger creating a single HOA from the two preexisting ones, which covered the Classic and Highlands areas. At the November 2007 Annual Meeting the Board noted that our counsel, Jack Scheuerman, had determined that the merger was indeed valid, but that some corrections should be made to our governing documents to properly recognize the merger; the specific corrections were yet to be determined.

In January, Jack completed his review of all King’s Deer corporate documents and he confirmed that the changes are minimal. In the Bylaws, we should insert a reference to the King’s Deer Subdivision covenants. In the Articles of Incorporation a similar reference should be included to the King’s Deer Subdivision covenants. That’s it.

Now the Board is preparing the necessary amendment documents to incorporate those references into the two documents. Information on the details of the amendment and the process for approving the amendment will be forthcoming to all King’s Deer residents by mail in the weeks ahead. We hope to have this matter put to rest in the next few months.

Vehicle Parking *by Marshall Boss*

Vehicle parking has become an emotional issue among members of the Kings Deer community. The covenants are clear regarding vehicle parking. However, concerns have been raised that the covenants might be too restrictive and not meet the needs of the majority of the members. Therefore, we are asking for input from the community regarding how the HOA board should pursue parking of vehicles outside of garages.

Both the Classic and Highlands covenants (available on our web site at <http://www.kingsdeer.org/rules.php>) address parking fairly specifically in paragraph 23. The two covenants differ somewhat, but the message in the covenants is that vehicles are to be stored or parked in a garage or in an area completely screened from the street or other lots. The details vary but both covenants say that “The intent of this covenant is to prevent clutter and enhance natural appearance.”

With the exception of RVs and boats, the HOA in the past has not vigorously enforced the parking rules in the covenants. The HOA does have a policy on RV usage and parking which is available on the web site listed above. My intent is to obtain

input from the community to establish a policy for parking of other vehicles and communicate that policy to the community.

The HOA could simply interpret the covenants in the harshest light and pursue covenant violations against any resident who parks a car or truck outside. However, some leniency in enforcement or a system of permits may be appropriate in order to accommodate the needs of our residents. For example:

- College kids come home for the summer and over flow the garage capacity.
- Many of us like our high school kids to have cars so we do not have to run them around. High school drivers stay for just a couple years and garages may not be big enough to accommodate their cars.
- Garage capacity may not accommodate overnight or weekend guests.

Therefore, we would like your input regarding policies to cover such things as:

- Should we allow our family and friends to leave their cars parked outside when they visit overnight? During holidays at least?
- Should boats be treated the same as RVs?
- Should pickup trucks be treated differently than cars? How about commercial vehicles?
- Should we allow a limited number of vehicles to be parked outside on a regular basis? Perhaps one vehicle in good condition parked close to the house?

In the past, the HOA board has been criticized for not being transparent or not being responsive to the needs of the community. This is an opportunity for each member to provide input to the establishment of a vehicle parking policy that will impact each household. We will listen to you and establish a parking policy that meets the needs of the community. Please send your comments to admin@kingsdeer.org.

Covenant Enforcement Oversight Status

by Marshall Boss

At the annual meeting in November, the board received significant feedback that the community would like regular updates concerning the status of covenant violations. We will not share specific names and addresses in the newsletter, but we will communicate the issues that the HOA is working. Winter is a fairly quiet time for covenant activity, but below are the issues that are being addressed.

We are working with owners on five covenant violations consisting of:

- A raw wood privacy structure on a deck that violates the design standards. The owner and the ACC are working to resolve an approach to addressing the appearance of the structure.
- There are some snow fences that have not been approved by the ACC. Remember that temporary snow fences are permissible only with approval of the ACC and the intent of the approval is that the snow fence will be used only until landscaping can be installed to provide a natural snow fence.
- One homeowner has been reported as having unfinished landscaping and tape marking the boundary line. We have not yet addressed this issue.

- One homeowner has been reported to have landscaping crossing the property line and encroaching on the lot setbacks. We have not yet addressed this issue.
- One Classic homeowner has a Highlands style mailbox in violation of the Classic covenants. We are working with the homeowner to resolve this.
- We have about six homeowners that are late getting their landscaping completed. We will be sending out reminders in April reminding them to complete at least the minimum landscaping or be subject to enforcement action.

Neighborhood Watch – Help Wanted!

If you are, think you are, would like to be, or have ever been a Neighborhood Watch Block Captain, I need your help! My current list of Neighborhood Watch Block Captains is out of date! I no longer have current email addresses and some captains on the current list no longer live in King's Deer!

I have new/updated "block" lists and would like to distribute the lists to those of you who are currently Block Captains or if you are interested in the program. We can only have a successful program if we have individuals who are interested in Neighborhood Watch. Remember, the role of the NW Block Captain is to act as a liaison between neighbors, the NW Coordinator and law enforcement. Duties include: maintaining accurate contact lists, meeting with neighbors to discuss crime problems, suggestions for program improvement, etc. and basically just keeping an eye out for things in your "block." The program is for the safety of our neighborhood; it isn't about policing your neighbors! As a NW Block Captain you are the good guy!

Additionally, I would like to meet with those of you who are interested in the program, so please call or email Janet at 559-0090 or JanetVK2002@hotmail.com. Thanks! – *Janet Van Kampen*

The King's Deer ACC Committee: Today, and Into the Future. *by: Rich Paul (ACC Chairman)*

The ACC Today

Two Thousand and Seven was a bit of a landmark year for the ACC for a few reasons.

Going by the numbers:

- As of January 1, 2008, King's Deer has 369 completed homes with 10 "new construction" homes in various stages of completion. This brings the percentage "build out" to 72% and results in the number of "undeveloped" Lots left in the community at 152.
- There are currently 55 various active projects in the Community that have been approved by the ACC.
- 11 "detached garage" project applications were reviewed and approved in 2006.
- 39 various landscape projects were submitted and approved as well.
- On average, each member of the ACC committee volunteered in excess of 70 personal hours in 2007 to the Community

Additionally, 2007 also marked the first full year with the "new construction compliance fee program" in place. Although the new construction compliance fee program was enacted in July of 2006, there was a general slow down of building locally in the area in the later half of that year resulting in the ACC not

receiving any "new construction" project application submittals until the waning months of 2006.

In the latter half of 2006 and into the beginning of 2007, the first new home projects were approved, started, and in some cases, completed under the new compliance fee program. I'm now pleased to report that the incidence rate of unapproved changes and deviations from the original building plans has reduced remarkably and this can be directly attributed to the implementation of the new program. In addition, with one exception, all "new construction" projects that have completed the home construction phase of the project have submitted, and in some cases completed, their initial landscaping.

Looking Forward into 2008 and Beyond

The ACC anticipates that the number and nature of submitted projects will begin to shift from "new construction" to other types of improvements. As the Community matures (we are now 15 years old) and "builds out", "new construction" projects will begin to decline and there will be an influx in activity of projects towards additions, repair, and replacement of specific elements to existing homes.

In the last two calendar years the ACC has seen a spike in applications for detached garages, swimming pools, additional landscaping, putting greens, playground equipment, as well as additions and extensions to homes.

In addition, the ACC has seen some interest generated by some Owners in the community for construction of ancillary buildings in the form of guesthouses and greenhouses.

In anticipation of this new direction of activity, the ACC conducted an in depth review of the current *Design Standards* during the summer of 2006. The results of this review revealed many potential shortcomings for ACC guidance as it related to inquiries from Owners concerning these "new breed" of projects. Based on this review, the ACC has made several recommendations as well as proposed some additions to certain sections of the current *Design Standards* to aid in evaluation and approval of these various new projects.

These *Design Standards* changes are now being considered by the Board of Directors and a final proposed draft will be forthcoming and posted on the community website. The Board will solicit the community's review and input of the proposed changes and additions before any action is taken to approve and finalize them.

Additionally, the ACC committee has submitted a "*Landscape Standards*" guideline draft to the Board of Directors for consideration. The proposed document is meant to compliment the *Design Standards* and would be a guide and aid in answering many questions from King's Deer Homeowners with suggestions of to what to plant, when to plant, and where to plant, when designing their master landscaping plans.

In closing I wish to acknowledge the contributions made by the members of the King's Deer ACC Committee and the dedication they have shown to this Community throughout this past year. This Committee has developed into a strong and effective organization with nine of the finest volunteers I have ever had the honor of serving with. The true meaning of the words "giving of yourself" is exemplified in each and every member of the Committee and the King's Deer community owes them a "pat on the back" for a job well done.



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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 Drive
Monument, CO 80132

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

KD Annual Meeting: Thursday November 6, 2008

KD Annual Garage Sale: May 17-18 and Aug 16-17.

Yard Mowing Deadline: Monday, June 23, 2008

KD office closure dates:

February 18, May 26, July 4, September 1
Oct 22, Nov 27-28, Dec 22, 08 -Jan 1, 09
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 alternative arrangements to extract yourself from the area.