

Subject: Fwd: Mrs. Berry's Comment Re: Legality of 2011 Covenants Amendment
From: Ken Witt <kwitt@aabren.com>
Date: 11/14/21, 9:43 PM
To: Ken Witt HOA <president@hawkridgehoa.com>

----- Forwarded Message -----

Subject: Mrs. Berry's Comment Re: Legality of 2011 Covenants Amendment
Date: Wed, 10 Nov 2021 15:30:05 -0700
From: Felix Uhlik <arc3@hawkridgehoa.com>
Organization: Hawk Ridge HOA

Since I will not make the HOA meeting tonight, I wanted to "Set the Record Straight" about the 2011 Amendment process since I was then a HOA Board member and the primary individual handling the proposed amendments during the entire process:

1. The process was coordinated, reviewed and, completed by an experienced lawyer who specialized in Colorado Real Estate/HOA law. I personally met with him during the amendment process.
2. The issue of mortgagee approval was discussed at length and our lawyer stated that replies from mortgagees were seldom, if ever, received which is why he used the process of sending out twice to mortgagees and then, if no returns were received, finalizing the filing. This was standard legal practice for dealing with nonresponsive entities. Furthermore, due to mortgagee non-responsiveness, our lawyer suggested the last amendment item (para 7.2) which removed mortgagees from any future amendment process.
3. The lawyer also stated that after filing, if no appeals/contests were received within 1 year, the amendments would become final.

Hopefully, this will end discussion of the 2011 HOA Amendments and we can move on to the 2021/22 Amendments!

Felix, ARC3