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Board of Directors  
Fall Creek Village Homeowners Association

RE: Fall Creek Village Subdivision - Governing documents update

Dear Board of Directors,

Here is an Executive Summary of the changes and the voting requirements for each type of governing document. Please make this available to the Owners prior to your August 22, 2023 Annual Meeting, where you will be adopting the new CCIOA requirements and other changes.

To All Fall Creek Village Subdivision Owners:

The Colorado Common Interest Community Ownership Act (“CCIOA”), that controls common interest communities in Colorado was changed substantially in 2022. The amendments affect almost all of the Governing Documents for the Association. This Memo summarizes the changes and the adoption requirements for each type of document.

For review convenience, there is a summary chart of the Policies and the ones that will be changed, and a point by point summary of all the changes to the other documents. There will be minor changes from the markup documents to the final proposed documents, mostly to catch grammar and punctuation changes in the translation to the final version. However, any changes made in the adoption process will only be reflected in the final adoption version.

The Board is planning that the final Owner vote on the amendments will be taken at the annual meeting, which will be held on August 22, 2023. Please take some time to review the changes so that you can make an informed vote. And please plan to attend either in person or by proxy so that we can have good representation for voting purposes.

Most of the substantive changes are CCIOA requirements. In the policies, the policies on Inspection of Records, Conduct of Meetings, and Collection of Assessments all have significant changes that Owners need to be aware of. There is also a new required policy on the Use of Common Areas. This one requires notice to Owners if any Common Element is going to be unavailable to Owners due to maintenance, repair or reconstruction.

We are adopting for the first time a Design Review Procedure document. This will apply to any new construction as well as remodels.

In the Declaration, Article 9 was rearranged for clarity. The sequence of the various sections now represents a more logical approach to the long list of elements there. If you review the markup document it may seem like major sections are deleted - but they are actually only relocated.

In the Declaration we amended several sections that identified Lot 9 as unbuildable. That determination has been changed and Lot 9 is now improved. It was also edited to clarify that Lot 9 does not use the roads, or water and sewer systems, and therefore does not participate in general assessments. However Lot 9 is otherwise subject to the Governing Documents of the Association. Lot 10 remains to be considered unbuildable and is an inactive member of the Association.

The Declaration was also edited to reflect log construction requirements.

The CCIOA amendments also added a few provisions to Article 9 of the Declaration. The sections on signs and flags are changed slightly, xeriscaping is specifically encouraged instead of just being allowed, and there are new sections that address rain barrels, religious symbols (primarily on doors of units) and family child care homes. Also, the section on Mortgagee protections was deleted.

There were minor changes to the Bylaws. These include adding website conferencing as a valid meeting method, and a CCIOA change regarding executive sessions.

The adoption requirements are different for each type of document:

**Policies:** Policies are adopted by the Board, after soliciting information from the Owners. Owners need to review the proposed amended Policies and the one new Policy, and provide comments or questions to the Board at the annual Member meeting. The Board plans to vote on the final adoption of the amended and new Policies at the Board meeting immediately following the Annual Member Meeting. The changes to the Policies are primarily CCIOA-required provisions, so there is not a lot of leeway for changes to them in the adoption process. However, the Owners and the Board need to get familiar with the new requirements, some of which represent major changes from the current Policies.

**Design Review Procedures:** The Design Review Procedures document is amended in the same manner as the Policies. Owners are encouraged to become familiar with the amended document. The Board plans to vote on the final adoption of the amended Design Review Procedures Document at the Board meeting immediately following the Annual Member Meeting.

**Bylaws:** Amendment of the Bylaws requires a vote of a majority of the Owners present in person or by proxy and are entitled to vote at any annual or special meeting called for that purpose. The amendment of Section 3.02, which is proposed to be amended, requires approval by 51% of the members of the Association.

**Declaration:** The Declaration requires the approval of 67% of the votes of the Association and the amendments need to be included in the notice of the annual Owner meeting where the vote will be taken. The amended Declaration will be recorded in San Miguel Counties. The remaining amended documents, as finalized will be posted on the Association website.

Sincerely,

Erin Johnson