Filing No. 3 Neighbors for Terminating the Covenants
To live free from intrusion and not pay illegal "taking" by the Town

ACTION PLAN

FIRST: Terminate the Covenants to remove the HOA threat

1. Northridge Filing No. 3 (FN3) is separate from the other Northridge filings. To combine FN3 with other filings requires a 67% vote of each filing proposing to combine. We stopped the first attempt to form an illegal master HOA without the required votes of each filing by starting legal action to file suit against the individual organizers. They canceled their meeting; we stopped the legal action.
2. The irrigation ditch is not in FN3
   - Any FN3 Lot Owner's complaint about the ditch should be lodged with those in the other filings
3. A HOA is not necessary to enforce the Covenants
   - Any Lot Owner can sue another to perform under the Covenants
   - Under the Covenants, the adjacent Lot Owners have responsibility for maintenance of the Tot Lot and Trails
     - Any FN3 Lot Owner could demand the adjacent Owners to perform their duty under the Covenants to maintain the Tot Lot and Trails
4. Covenants do no more than enforce the Town's existing code, *subject to HOA interpretation if there is one*
   - HOA would be just another level of government with no due process or legal recourse against it. <u>There is no court to appeal HOA decisions to</u>
   - Do you want the people who have been promoting a HOA and wanting to be its directors/officers making those decisions

SECOND: After terminating the Covenants, file for a judgment that the Town is responsible for maintenance

5. Maintenance of public property is the Town's responsibility
   - Our attorney has reviewed the Town's legal opinion and has not changed his opinion that the Town is responsible for the maintenance of its public property. Forcing it on the homeowners is an illegal "taking"
6. Trying to avoid the public property and "taking" issue by creating a special improvement district (SID) requires specific adherence to the legal requirements
   - Town must comply with all of the notice and hearing requirements under C.R.S. Section 31-25-503
   - It will be necessary to litigate the public property and "taking" matter before a SID can take effect since the "taking" issue would still exist until it has been resolved by the court

THIRD: Use a SID as a backup plan

7. If for some unknown reason the court were to rule maintenance of the public property in FN3 is the responsibility of FN3 homeowners, then create a SID to maintain it

October 16, 2004