

# Hawk Ridge Annual Homeowners Meeting Notice

October 18, 2023 @ 6:00PM

Black Forest Community Club  
12530 Black Forest Rd  
Black Forest, CO, 80908

Dear Homeowners,

It's HOA annual meeting time again! Annual meetings are held in October of each year.

The two most important things we accomplish at our Annual Meetings is to have homeowners review and approve an operating budget for the following fiscal year and to elect board members. This year, we will also discuss a water rights issue that has emerged and the plan to resolve it.

The meeting will be on Wednesday, October 18, 2023 at 6:00PM, and will be both an indoor and Zoom live video conference meeting. For more information and documents related to the meeting, please visit the **Annual Meeting** post on our website, <https://hawkridgehoa.com>. All information will be posted by Oct 1. There is also a button that connects you to the Zoom video conference - you may join the meeting 15 minutes prior (5:45PM on October 18). When asked for your name for the meeting, you must enter your name or you will not be admitted to the meeting.

During the meeting you will be asked to vote on issues presented by the board. This will be accomplished by ballots at the meeting, proxy ballots sent via email no later than October 17 or by mail not later than October 11, and by polling the Zoom attendees. We will also explain the process during the meeting.

View the **Annual Meetings** info on the notices and menu item on the home page for documentation.

If you know you will not be able to attend, please give your voting proxy (see the attached form) to a friend or neighbor whom you know will be attending.

This year, you, the homeowners will elect 2 Directors to the Board, and will be allowed to nominate someone from the community to serve as Director if you do not wish to vote for the board recommendation. We will be holding a vote during the meeting to appoint the Directors.

The role of a Director on the Board is critical in setting policy and voting on important issues that affect our community. For more information about the duties of a Director, please see Article V of our Bylaws, which can be found in the **Documents/CC&R** page of our website. If you would like to nominate someone for the Board of Directors, please fill out the attached nomination form; you may also email form which can be found on the **Annual Meetings** page, from your email address known by the HOA, send with a friend (signed), or give to a board member or officer before the day of the meeting.

If you have any questions or concerns about this meeting, please don't hesitate to ask. We can be reached by email:

Board Members:

- Terry Etnyre            board1@hawkridgehoa.com
- Mike Feeny            board2@hawkridgehoa.com
- Marty MacNabb        board3@hawkridgehoa.com
- Steve Johnson        board4@hawkridgehoa.com
- Mike Slojkowski      board5@hawkridgehoa.com

Officers:

- President – Ken Witt                    president@hawkridgehoa.com
- Vice President – vacant
- Secretary – Renee Santilli            secretary@hawkridgehoa.com
- Treasurer – Terry Etnyre            treasurer@hawkridgehoa.com

Architectural Review Committee:

- Wayne Jones            arc1@hawkridgehoa.com
- Richard Morrison      arc2@hawkridgehoa.com
- Felix Uhlik              arc3@hawkridgehoa.com

# Hawk Ridge HOA 2023 Annual Homeowners Meeting

## Agenda

October 18, 2023 6:00 PM

Zoom Meeting Link: <https://us02web.zoom.us/j/8312580183>

Location: **Black Forest Community Club**

12530 Black Forest Rd

Black Forest, CO, 80908

### **Preliminary**

- P.1 Call to order
- P.2 Attendance and Quorum
- P.3 Motion to approve/amend agenda
- P.4 Motion to approve/amend 2022 Annual Meeting Minutes

### **Discussion**

- D.1 Water Meter Readings / Dues Reminder
- D.2 Tree inspection report
- D.3 ARC Covenants Enforcement Guidelines
- D.4 Water Rights Issue

### **Action**

- A.1 Approve 2024 budget
- A.2 Board Election (term expires 12/31/2023 for McNabb, Etnyre)
  - Board recommends electing Marty McNabb and Terry Etnyre for another term

### **Adjournment**

- Z.1 Motion to adjourn

### **Notes and Reminders**

**Bring proxy or ballot to meeting, or mail to:**

Hawkridge HOA

PO Box 2093

Monument, CO 80132

## Hawk Ridge Annual Homeowners Meeting Proxy

I (We) hereby appoint the following named individual or the Hawk Ridge HOA Board, as my (our) representative at the Annual Homeowners Meeting to be held on October 18 2023, and to vote in my (our) stead on all issues raised during the meeting. This proxy is valid only in my (our) absence from this meeting. Any previous proxy given by me (us) for this meeting is hereby rescinded.

Your Name:

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Your Street Address:

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Your Email:

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**Check ONE** of the following:

I assign \_\_\_\_\_ the authority to vote on my behalf regarding Hawk Ridge Homeowners Association matters.

I assign the Hawk Ridge Homeowners Association Board of Directors the authority to vote on my behalf regarding Hawk Ridge Homeowners Association matters.

Your Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*Give completed proxy to board member, have another attendee bring to meeting, or mail*

**Please Mail to:** Hawk Ridge HOA  
PO Box 2093  
Monument, CO 80132

# BALLOT

## Hawk Ridge HOA 2023 Annual Meeting

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### Board Election (SELECT ONLY 2):

Board recommendation: [ ] Marty McNabb  
[ ] Terry Etnyre

or

Write-in Nominees: [ ] \_\_\_\_\_ (printed name)  
[ ] \_\_\_\_\_ (printed name)

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Approve 2024 Annual Budget [ ] YES [ ] NO

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**Hawk Ridge Homeowner Information**  
(must be completed for ballot to be accepted)

Print Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

\_\_\_\_\_  
Signature (must be signed)

## Hawk Ridge Board of Directors Nomination

I (We) would like to nominate the following person to the Board of Directors to serve for a term of 2 years, starting January 1, 2024.

Nominee's Name:

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Tell us a little about the nominee and why you think she/he would be a good candidate

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Your Name (optional):

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Your Signature

Date

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Dear Hawk Ridge Homeowner,

Over the past four years, I have had the privilege of serving the Hawk Ridge Home Owners Association (HOA) as a board member and currently as President. In that time, I have become involved with the Great Divide Water Company, which administers the Hawk Ridge Water Augmentation Plan. Great Divide has identified an issue with the transfer of water rights to a number of HOAs, including Hawk Ridge. We spent several months locating records and having them reviewed by Great Divide, but they have determined that a water deed transfer was never recorded from Northgate Company to Hawk Ridge HOA.

Summary of issue (as explained by Great Divide): Northgate Company contracted with developers to sell them water rights (Northgate water rights) to be used as an augmentation source to augment their subdivisions. The deeds for those water rights were included a provision that the water purchase contract (Northgate Contract) obligated the purchaser to membership in the GDWC, and provided that it would be a continuing part of the water purchase and not merge into the deed. GDWC stock shares were issued to the developers (in most cases) in conjunction with the closing of the purchase of the water rights (not necessarily at the same time as the developers obtained water decrees under their subdivisions).

Developers were expected to record their deeds and contracts to place their ownership of the Northgate water rights of record to give constructive notice to purchasers in their developments as to what the deal was regarding those rights and membership in GDWC. Once they formed a property owner association (POA) in their communities, they were supposed to transfer their GDWC stock to the POA and deed the Northgate water rights and assign the Northgate Contract and their rights in their water decrees (augmentation plan) to the POA, which would then act as the perpetual entity to administer the plans under which their well permits were issued.

In some cases, those developers never recorded their deeds/contracts (or used quitclaim deeds prior to actually having title to the Northgate rights, which is why Doug recommends Bargain and Sale deeds for water rights transfers), and/or they never conveyed the water rights or assigned the augmentation plans and Northgate contract to their associations, so the affected associations need to fix the problem.

Complicating the matter is the fact that some of the developers have died and those Northgate water rights and GDWC stock shares became part of the developer's estate, necessitating determination of who the Personal Representative is/was and what happened to those estate assets (still in estate? conveyed to trusts or beneficiaries? etc.). If unable to adequately establish this sort of information, it may require a quiet title action to have the Court vest ownership of the Northgate water rights and contract and GDWC stock shares in the POAs. It may also be necessary to petition the Water Court to issue an order that the rights in the subdivision water decrees belong to the HOAs. Obviously, the affected POAs need to seek legal assistance in this regard.

We have engaged a water rights law firm to assist in correcting the issue (Monson, Cummins, Shohet & Farr - <https://cowaterlaw.com>). We will post updates as they work through resolution of the issue.

More information is available on the website: <https://www.hawkridgehoa.com>

Sincerely,

Ken Witt, President, on behalf of the Hawk Ridge HOA Board