

# MONSON, CUMMINS, SHOHEI & FARR, LLC

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*Of Counsel:* STEVEN T. MONSON

*\* Also licensed in Wyoming*

October 17, 2023

To: Hawk Ridge HOA and Hawk Ridge West HOA

Re: Comprehensive Scope of Work Outline

1. A title abstract will need to be obtained beginning from the formation of the subdivisions through the present day.
  - a. Such abstract will be necessary to have a comprehensive document setting forth all recorded transfers and reservations.
  - b. This abstract will be used to highlight any gaps or failures within the chain of title that can be rectified through corrective deeding and, if necessary, can also serve as the necessary title foundation for any pursued quiet title action.
  - c. Once obtained, this abstract will need to be examined and categorized to determine transfers and reservations that occurred and transfers and reservations that did not occur.
  - d. Estimated cost of obtaining the title work and review is in the range of \$7,000.00
2. After obtaining the title abstract, reaching out to the remaining partners of the Hawk Ridge Land Company, LLC ("HRLC"), and their successors, heirs, and assigns will need to occur.

13511 NORTHGATE ESTATES DRIVE  
SUITE 250  
COLORADO SPRINGS, COLORADO 80921



211 EAST MAIN STREET  
SUITE 1  
OAK CREEK, COLORADO 80467

- a. The issues faced by the HOAs all originate with the failure of the partners of HRLC to properly deed both into HRLC and out of HRLC water rights and property rights. This includes the failure of HRLC to deed the Northgate Water and commensurate shares to an HOA, the failure of the partners to deed and reserve nontributary water, and the failure of the partners to assign and deed the not-nontributary Dawson water and property to HRLC or residents.
  - b. The ability to locate the partners, successors, heirs, and assigns will allow for the necessary deeding to occur from the individual partners and their successors, heirs, and assigns, but will also aid in likely reestablishing HRLC in order to transfer the interest in the Northgate water to an HOA.
  - c. The more corrective deeding we can do, the better it will be. If we can determine sufficient partners, successors, heirs, and assigns, it is possible that we can resolve all issues through such corrective deeding.
  - d. Determining partners, successors, heirs, and assigns will also be necessary if a quiet title action is required as notice to those with potential ownership claims and understanding of effected parties will be necessary.
  - e. Estimated cost of investigating and reaching out to potential partners, successors, heirs, and assigns to complete corrective deeding is in the range of \$8,000.00.
3. If corrective deeding is not able to accomplish the necessary transfers, a quiet title action may be required to shore up all issues with title.
    - a. A quiet title action would be pursuing ownership determinations by means of strength of title and not lack of title or failed action by other parties.
    - b. Obtaining the abstract and conducting the investigation seeking corrective deeding will shine a significant amount of light on the needs and potential pitfalls of any quiet title action.
    - c. The goal of any quiet title action would be to finalize ownership showing that both the HOA and the residents are the entitled and rightful owners of the respective water rights and land.
    - d. There are potential hurdles to a quiet title action, as the goal is to show strength of title and not lack of title or mistake of others. With the amount of potential people with interest involved and some fairly egregious mistakes in

title transfer, this may be a difficult endeavor. However, we will know more through the abstract and investigation into parties.

- e. Estimated cost for a quiet title action is in the range of \$20,000.00.
4. Other issues may arise from the above outlined work, which will require more time and attention. Additionally, the above estimates are based on a very high-altitude assessment of the situation. As more information is gathered and learned through the process, unknowns will become known and may result in additional work, time, and expense to address. As such, the above estimates are subject to change as circumstances dictate. In the end, all work is conducted at an hourly rate for the time spent.

Sincerely,  
MONSON, CUMMINS, SHOHET & FARR, LLC



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Ryan W. Farr