



2017 ANNUAL COMMUNICATION

For: Homeowners in the Orchard Subdivision

From: The Board of Directors

This communication is provided on an annual basis to provide important information to those homeowners in the Orchard Subdivision. If you have questions or need further information on items included in this communication, please do not hesitate to reach out to any member of the board; their contact information is listed below. Subjects covered in this communication are:

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1. Directors and Officers

At the annual organizational meeting of the Board held December 09, 2016, the Board elected the following officers. At the annual homeowners meeting on November 21, 2016 the association elected to keep the current board members who are now serving, their information is listed below:

Office	Name	Address	Phone No.	Email Address
President	Justice Keller	14213 W 45 th Place	303.815.2502	President@orchardhoa.org
Vice President	Leslie Rutherford	4608 Fig Street	303.810.5276	Lesleir312@gmail.com
Treasurer	Bill Brown	14170 W 44 th Place	303.324.3020	Secretary@orchardhoa.org
Secretary	Tim Raub	4618 Fig Street	303.882.5774	tjraub@hotmail.com

2. Design Review Committee

The Orchard is a covenant-controlled community. The covenants are a permanent part of your property record, and govern exterior improvements to your property for the benefit and protection of all homeowners. The Design Review Committee is the only standing committee of the Association. It is charged with enforcement of the covenants that were approved and filed with Jefferson County when the subdivision was first developed.

The board appointed three persons to the Design Review Committee to include homeowners Ron Blair, 4529 Fig Street and Greg Miller, 4639 Fig Street and Allen Rutherford, 4608 Fig Street.

Please submit your planned improvements to a member of the Design Review Committee at Design@orchardhoa.org; **BEFORE** you begin any work. Your plans and actual work must be reviewed and **APPROVED** for compliance with the associations covenants and as a reminder the Committee has **thirty (30)** days to approve. Approval by the Committee does not constitute a “permit”, which would otherwise be required by Jefferson County. More detailed information is available in Section 9 and 10 of this document.

3. Association Property

Your Association owns certain physical assets including:

- The fence (on common areas and homeowner lots) that make up the perimeter of the subdivision. Maintenance of the perimeter fence is the responsibility of the Association. Notify us immediately by e-mail at FenceRepair@orchardhoa.org for any damage to any perimeter fence.
- Four parcels of common area, consisting of the detention pond behind the mail boxes, the emergency access area (fire lane) on 46th Avenue, and the areas of the entry sign walls on either side of Fig Street at 44th Avenue.

4. Homeowners Directory

The Association periodically publishes a directory of homeowners. Inclusion of personal information, such as phone, e-mail, family members and interests is entirely voluntary. There is a Directory Update Form located on the Documents Tab of the Orchard website if you need to make edits to your contact information. Return the form to any member of the Board. To request a hard or protected electronic copy of the directory, reach out to Leslie Rutherford.

5. Orchard Web Site

The Association maintains the website www.orchardhoa.org where you can find contact information for your Board of Directors as well as Meeting Minutes, Covenants, By-Laws, Area Maps and other pertinent information. We are constantly updating this website so if you have comments or suggestions e-mail those directly to the Vice President of Board, Leslie Rutherford @ Lesleir213@gmail.com

6. Annual Meeting of Homeowners

The annual meeting of homeowners is in November/December of each year. This is an opportunity to participate in the affairs of the Association vote on leadership, and receive information on operations and financial matters. Special homeowner meetings may be called if the need arises. Annual Meeting announcements will be posted on the website and in a conspicuous area of the neighborhood. We will also mail a copy of the Agenda and 2018 budget to all no more than 60 days but no less than 10 days prior to the meeting in accordance with our governing documents.

7. Trash Services

Your annual fees cover the cost of trash and recycling. The company that handles our trash service is Republic Services. If you need a trash or recycling receptacle please reach out to a Board Member. Visit the Announcements page on our website for more information on acceptable bins as well as holiday pickup days throughout the year and acceptable recyclables.

Republic Services

8900 CO-93 Golden, CO 80403

(303)-279-9037

COVENANT ENFORCEMENT AND YOUR BOARD

Before diving into covenant enforcement, we wanted to take a minute remind our residents of the importance of our Association and its Board of Directors.

An association is important because:

1. It ensures that the collective rights and interests of homeowners are preserved.
2. It is the most local form of representative democracy, with a Board of Directors elected by their neighbors to govern in the best interest of all residents.
3. It protects property value and works to meet established expectations of homeowners.
4. To succeed, it must cultivate a true sense of community, active homeowner involvement and a culture of building consensus.
5. Its members choose where to live and accept a contractual responsibility to abide by the established covenants and meet their financial obligations to the association.

The Board of Directors is important because:

1. It seeks an effective balance between the preferences of individual residents and the collective rights of homeowners.
2. It has a legal and ethical obligation to adhere to and enforce the association's covenants and abide by governing documents and applicable laws.

As a gentle reminder, all (whether homeowner or tenant) signed a document stating that you would abide by the Covenants and Declarations of the Association when you purchased your home and/or signed your lease agreement. While we don't have a management company that acts on the associations behalf we do have a committed set of individuals who make up the Board of Directors. These individuals elected by you, volunteer each year to ensure our association remains intact and that its members are treated fairly and equitably while trying to balance the very difficult task of enforcing covenants. We ask that you all reflect on what this entails and take the time to refamiliarize yourself with our covenants and bylaws which can be found on our website.

Remember, you all elected us with the expectation that we would comply with our obligation to enforce covenants and make decision on your behalf in the best interest of the Association. We continue to do our part in this agreement and ask that you do the same. We are a unique association in that we do not have to pay a management company to enforce our covenants, this allows us to keep our annual dues extremely low, maybe one of the lowest in our area. However, if we cannot find a happy medium by which to enforce covenants and still be neighborly with each other, it may be time to further explore the idea of hiring a management company to take on this task which would raise our annual dues substantially, something to think about.

Below we have outlined frequent covenant violations as well as a few examples of each, we ask that if you are a guilty party you remedy the situation promptly. As complaints arise the Board will address each violation in accordance with our Covenant Enforcement Policy located in our Policy and Procedure Manual available on our website orchardhoa.org which was adopted March 11, 2016. These are examples and excerpts from our Governing documents.

- Approval of Property Improvements Article VI - 6.1, 6.2
 - garage door replacement (if you replace a garage door it must be painted the same color as the main exterior paint color within a timely manner of replacement)
 - roof replacement
 - exterior house paint color and
 - schemes
 - tree removal and landscaping improvements
 - additions and sheds
 - the Board alongside the DRC is putting together a form document to improve the submission process
- Restrictions on Garbage and Trash Article VII – 7.5
 - garbage cans in plain view of street
 - overgrown lawns and bedding areas
 - storage of building materials in plain view of street
- Nuisances Article VII – 7.6
 - anything unmaintained that detracts from the value of the community
 - unsightly driveways
 - holes in a garage door
 - not watering the lawn and allowing the grass to turn brown as well as not weeding
 - excessive and loud dog barking
 - urinating in public view
- Fences and Mailboxes Article VII – 7.12
 - exterior address signs must be approved by the DRC
 - exterior lighting must be approved by the DRC
- Household Pets – Article VII – 7.17
 - Livestock, birds, poultry, reptiles
 - Pets shall not be allowed to run at large
- Vehicular Parking, Storage and Maintenance – Article VII – 7.18
 - stationary vehicles for longer than a period of two weeks (this means if the vehicle has not been moved by its own propulsion with that two-week period it must be removed from the property even if it has a cover on it)
- Landscaping – Article VII – 7.19
- Lease of a Unit – Article VII – 7.22
 - all leases must be submitted to the Board within 3 business days of the lease being executed and must include a clause that all tenants are required to abide by covenants
- Land Use and Building Type – Article VII – 7.2
 - cannot operate a business out of your residential property

PROPERTY IMPROVEMENT SUBMISSION GUIDELINES

(These can also be located on the website at <http://www.orchardhoa.org/design-review-committee/>)

These guidelines are taken directly from the Amended and Restated Declaration of Covenants, Conditions and Restrictions of The Orchard ("Declaration"), Article VI, Architectural Approval/Design Review. These guidelines are not meant to replace any section of the Declarants and the Declarants remain as the source document. If you have questions or seek clarification for any of the following refer to the Covenants directly.

1. All Improvements to the exterior of a property must be approved.
2. Approval must be attained prior to the commencement of the construction of any Improvement to property.
3. Improvement to property is defined as:
 - a. Construction, installation, erection or expansion
 - b. Demolition or destruction of any building or structure
 - c. Grading, excavation, filling or similar disturbance of surface of land
 - d. Landscaping, planting, clearing or removal of trees, shrubs, grass or perennial plants
 - e. **ANY** change, alteration, modification, expansion or addition to any previously approved improvement to property, including any change of exterior appearance, finish material, color or texture
4. Submission must be made prior to commencement of work and must include descriptions, surveys, plot materials, and colors and should show the nature, kind, shape, height, width, color, materials, and location of the proposed improvement.
5. Criteria for approval includes the right to disapprove any proposed improvement to property which is not in compliance with the Design Guidelines as interpreted and implemented in the reasonable discretion of the Committee. These guidelines also take into consideration the suitability of the proposed improvement to property and of the materials of which it is to build, the color scheme, the site upon which it is to proposed to erect the same, the harmony of the surroundings and the effect of the improvement to property as planned on the outlook form the adjacent or neighboring property as well as the spirit or intent of the Declaration.
6. Decision of the Committee must be made within thirty (30) days after receipt by the Committee of all materials required by the committee. The decision shall be in writing and any denial will contain reasons for the denial.
7. All approved work must be completed as promptly and diligently as possible and in complete conformity with the description of the proposed improvement. Failure to complete the improvement within six (6) months after the date work is commenced or to complete the improvement in accordance with the proposal shall constitute noncompliance and could result in monetary penalty.
8. Notice of completion must be provided in writing to the committee.
9. Inspection of work can inspect the improvement prior to or after completion.