



Sage Port Homeowners Association

Filings 2 and 6A

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RE: Request for Community Input

Dear Sage Port Property Owner,

The original developer of the Sage Port community, Colorado Western Development Co., prepared and recorded Protective Covenants for Sage Port in August 1971. In 1986 and 1987, the Articles of Incorporation and the Bylaws for the Sage Port Homeowners Association were prepared, respectively. The Articles of Incorporation, Bylaws and Protective Covenants are collectively referred to as the “governing documents”.

In 2001, a majority of Sage Port property owners approved new Covenants, but the HOA has since learned from multiple legal sources that the 2001 Covenant change was done too early. It turns out that the 1971 Covenants allow for changes to be made to the Covenants on the twenty-fifth anniversary of the date in which the initial Covenants were recorded, and/or every ten years after (e.g. 2006, 2016, etc.). This means that the Sage Port Covenants can be revised in August 2006.

With the August 2006 date fast approaching, the HOA Board has formed a Documents Review Committee. Steve Coffin chairs this Committee, and the Committee is reviewing all the governing documents.

Over the years there have been differing opinions and interpretations of the Sage Port governing documents. The latest legal opinion was that the Sage Port governing documents are ambiguous and internally inconsistent, making it difficult to ascertain the meaning of the governing documents without a legal determination by a judge and the courts. This could get very expensive, and there is no guarantee what the courts will decide. A more cost effective alternative may be to re-write the governing documents to be clear and consistent.

The HOA requests your input regarding a re-write of the governing documents. Enclosed is a brief survey. Please take a moment to answer the questions and return the survey in the enclosed pre-addressed, postage-paid envelope.

On Behalf of the Board of Directors,

Mark Hesse
President