



September 18, 2024

Residents and Property Owners of Alpha Subdivision, Pagosa Springs, CO

Re: Revocation of Authority for The Alpha Subdivision Committee, Inc. to Act as the Committee of Architecture for the Alpha Subdivision

Members of the Alpha Property Owners Association of Archuleta County, Colorado:

As you may know, this office has been engaged by the Alpha Property Owners Association of Archuleta County, Colorado ("APOA") Board to advise it regarding recent issues and disputes with the The Alpha Subdivision Committee, Inc (the "ACA"). This letter is being provided to give formal notice to the property owners in the Alpha Subdivision that it is the position of the APOA that any authorization that the APOA granted to the ACA to act as the "Committee of Architecture" under that Declaration of Restrictions for the Pagosa Alpha Section subdivision (the "Declaration"), has been revoked. Property owners seeking to build or construct in the subdivision and needing the approval of the "Committee of Architecture" under the Declaration to do so are advised to submit applications to the APOA's newly formed Architecture Committee at APOA.architecture.committee@gmail.com.

By way of explanation, the Declaration was recorded in 1969 by Transamerica Title Insurance Company acting as Trustee and Declarant. The Declaration states that any "building, fence, patio or other structure" must receive approval "in writing by a majority of the Architectural Committee" before being erected or constructed. The Declaration also named the original members of the Architectural Committee and further provided that the "Declarant or its designee shall have the power to expand the Committee and fill any vacancy on the Committee caused by death, resignation, disability or the election of Declarant or its designee." Subsequently, in 1992, Fairfield Pagosa, Inc, successor to Transamerica Title Insurance Company as Declarant for the subdivision, delivered a letter to the APOA stating that "in accordance with the Declaration of Restrictions for Alpha Subdivision, Fairfield Pagosa, Inc. does relinquish its' authority as Declarant for purposes of Architectural Review to the Alpha Property Owner's Association and Committee." The letter further stated that "effective immediately all Fairfield Pagosa members of the Architectural Review Committee are resigned and your committee is impowered [sic] to appoint their replacements in accordance with the Declaration of Restrictions." While the "Alpha Property Owner's Association" was not at that point incorporated as a nonprofit corporation, but was instead acting as an unincorporated association, it is the APOA that is the proper successor organization to that unincorporated association. As such, the authority to act as Declarant under the Declaration and to name the members of the "Architectural Committee" was assigned to the APOA.

At about the same time (in 1994), the ACA was formed by a different group of property owners in the Alpha Subdivision. For a short period of time there was confusion about which entity had the right to approve applications to build in the Alpha subdivision, but the APOA ultimately agreed to allow


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the ACA to act as the Architectural Committee under the Declaration pursuant to a couple of promises: (a) the ACA was to keep representatives of the APOA on the ACA board, and (b) the ACA was to keep the APOA informed about any applications that were received and seek input and comment from the APOA. However, this changed in July of 2022 when the APOA's designated representative on the ACA Board was "removed" from the ACA Board by unanimous vote of the other members and was not replaced by another designated representative from the APOA. This left the ACA without any designated representatives from the APOA on its Board. In addition, the ACA ceased cooperating with and keeping the APOA informed about pending or new applications, instead claiming such applications were "confidential." As a result of these actions, and due to the lack of transparency being demonstrated by the ACA in reviewing building applications, the APOA has formally revoked the ACA's authorization to act as the Architectural Committee under the Declaration and the ACA has been ordered to stop consideration of any applications for building in the Alpha subdivision going forward. Instead, those duties are being taken over by the APOA's newly formed Architecture Committee.

If you have any questions about the foregoing, feel free to reach out to any APOA Board member.

Sincerely,



Douglas J. Reynolds