
RECORD OF PROCEEDINGS

Minutes of the Annual Member Meeting Brightwater Club Property Owners Association January 5, 2013

The Annual Meeting of the Brightwater Club Property Owners Association, Gypsum, Eagle County, Colorado was held on January 5, 2013 at 3:00 p.m., at the Brush Creek Pavilion, 0909 Capitol Street, Eagle, Eagle County, Colorado, in accordance with the applicable statutes of the State of Colorado.

Attendance The following Directors were present and acting:

- Julie Nelson
- Joe Spencer
- Don Janklow
- Darrel Schmidt
- Garrett Smith (By Telephone)

Also in attendance were:

- Eric Weaver, Robertson & Marchetti, P.C.
- Melissa Welch, Robertson & Marchetti, P.C.
- Cheri Curtis, Secretary to the Meeting
- Randy Mize
- Jim Mines
- Joan Siegel
- Tim Taagen
- Members in attendance are listed at the end of these minutes

Call To Order

Director Nelson called the meeting to order and thanked the Members in attendance for their participation. All participants were recognized.

President Report

Director Nelson explained the process the Board has pursued the last three years including receiving control of the Board from the original developer, collection of past due assessments, and filing liens on properties not paying assessments. CDI filed for bankruptcy in 2011 and all debt including the amounts owed to the Association was dismissed in the bankruptcy. EFO, the DIP lender, acquired the CDI properties through foreclosure after the bankruptcy was dismissed and has paid the 6 month super lien owed to the Association.

Director Nelson stated there are basically two classes of Brightwater owners; those who own homes in Brightwater, and those who own lots. Homeowners are split between those that built or purchased homes at the original price point and those that have purchased at deeply discounted prices. Lot owners are also divided based on the prices that were paid, but there are also several owners with

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multiple lots being held as investment, as well as GCH with 114 residential lots and club amenities.

All Brightwater owners need to work together as a community that considers both those who have improved lots and those who own unimproved lots moving forward. Jerry Orten, the Associations attorney, suggested considering different owner classes, with different assessments rates for the 2014 budget.

Education Mr. Weaver reviewed the CCIOA requirement and provided education to the Members on the POA responsibilities and the owner's rights and responsibilities.

Minutes The Members were provided the minutes from the January 7, 2012 Annual Meeting. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the minutes of the January 7, 2012 Annual Member meeting as presented.

Board Member

Election There are two seats up for election. There were three candidates who indicated interest in serving on the Brightwater Club POA Board; Louis Amato, Renzo Renzi and incumbent Don Janklow. The floor was opened to nominations, with Inga Casey being nominated from the floor, the nomination process was closed. Written secret ballots were collected and tallied while the meeting continued.

2013 Budget & Financial Report

The October 31, 2012 financial statement was presented by Mr. Weaver along with the 2013 adopted budget. The balance sheet was reviewed with explanations on the accounts receivable balances and the amounts collected in 2012 from GCH and delinquent accounts. The reason for collecting working capital was explained.

Mr. Weaver reviewed the operations budget. The annual assessment is \$300 per quarter and the Association is offering a \$300 prepayment discount if \$900 is received by January 31, 2013, and the account is current. Expenses include partial funding of manned security to the Valagua Metropolitan District and a contingency for common area maintenance if and when accepted from GCH. Overall the Association is budget to roughly break even in 2013.

Operations There is no new construction but two partially constructed homes were purchased and completed. DRB is a developer function, however, during the bankruptcy process the Association Board assumed the DRB function and has been handling

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DRB issues. GCH has asked the Board to provide the DRB approval process on the two homes being completed.

GCH acquired 114 lots, 2 parcels, the golf course, the Lake House, the Cast-Off Cabin, and all of the common elements.

Valagua Metropolitan District

Mr. Weaver reported the District issued limited tax bonds and with the reduced assessed values the bond interest payments will be largely paid from reserves in 2013. The mill levy is at the maximum of 65 mills so owners are protected from further increases even if the reserves are not sufficient to make the future annual payments.

Election Results

It was announced Louis Amato and Renzo Renzi were elected to serve on the Brightwater Club Property Owners Association Executive Board until 2016. The Board thanked Julie Nelson and Don Janklow for their participation and huge time commitments on the Board the last three years.

Public Comments

Mr. Hoffman questioned the process for collecting past due assessments. Mr. Weaver and Director Nelson explained the Board will be aggressive in dues collections and will take the process to foreclosure, if necessary.

Next Meeting

The next annual meeting is expected to be held on January 4, 2014.

Adjournment There being no further business to come before the Members, by motion duly made and seconded it was unanimously

RESOLVED to adjourn the Annual Member Meeting of the Brightwater Club Property Owners Association this 5th day of January 2013.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting

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Property Owners & Representatives in Attendance:

- Louis Amato (Gypsum Creek Holdings) 116 Properties
- Inga and Brandon Causey 0009 Hares Ear
- Dan & Suzanne Hoffman 0211 Herons Way
- Lynn & Don Janklow 3 Properties
- O.B. & Julie Nelson 0015 Doll Station
- Doug & Patti Parker 0064 Lasso
- Justin Roach 0367 Bucktail
- Darrel & Kathy Schmidt 32 Properties
- Joe & Janice Spencer 0281 Foxprowl
- Lora Williams 0220 Hearthstone

Property Owners Attending by Telephone:

- Gene Colin 0297 Hearthstone
- Kirk French 0074 Herons Way
- Shirley & Denny Gray 2 Properties
- John & Doris Kirchner 289 Herons Way
- Garrett Smith 0159 Bucktail
- Kevin Summers 0063 Hearthstone

Property Represented by Proxy:

- Joan Allen 0099 Tallgrass
- Jose & Mary Armario 0325 Tallgrass
- Larry & Susan Boothby 2 Properties
- Ward & Judy Bushnell 0023 Cutbow
- Ora and Dominic DeMaria 2 Properties
- DPSI Investment 9 Properties
- J. Malcolm Gray 7 Properties
- Shirley & Denny Gray 2 Properties
- Jay & Deborah Harper 2 Properties
- John W & John C Hearn 0042 Bluestem
- Brian & Paula Hughes 0260 Cutbow
- Henry Lenard (Allen) 0117 Tallgrass
- Leslie & Faith Lerner 2 Properties
- Karl & Joan Mosch 0235 Foxprowl
- Jill Price 0213 Foxprowl
- John Schelter 0110 Hearthstone
- Garrett Smith & Faith Spitz 0159 Bucktail
- Willard Mark & David Smith 0290 Tallgrass
- Kevin Summers 0063 Hearthstone
- Quinn Tamm 0313 Hearthstone
- Richard Wenninger 0357 Herons Way
- West Highlands Trust 0073 Lasso