

EAGLES LANDING CONDO ASSOCIATION
BOARD OF DIRECTORS
1010 S ST VRRAIN AVE
ESTES PARK, CO

July 24, 2024

Dear Members,

Pursuant to Saturday's meeting and recent events we felt it necessary to clarify a few issues regarding the assessment and the HOA.

We have spent the past the year attempting to get the HOA money (our money) protected, a clear transparency to the homeowners of accounting, taxes and meetings posted for all, the grounds and buildings repaired legally, safely and quality of construction to ensure the values of our homes and property increase versus collapse. This was not an assessment or bidding done by any one person alone and was in discussion at meetings since last October, noticed to all by the Board and our Bookkeeper (Maria Karr) from October 2023 through March 2024 when the Board voted to approve the Special Assessment, using the same procedure that had been used for all other previous Board assessments and budgets. The board was involved and worked together with numerous contractors, engineers and building professionals in a collaborative determination of what was needed and how best to raise funds for that. The Board continues to stands behind this proposed budget and special assessment.

It now seems that a minority of you are willing to jeopardize the needed repairs, and therefore risk everyone's investment, for your as yet unstated goals. That is not what HOA's are. They are a business and a community, not a vehicle by which the few can harm the many. If a vocal minority wants to effect an outsized change, it is incumbent upon them to explain their vision for a better future. Sadly, this has not been done here. The result is a funding stalemate set into motion by one resident and her attorney's letter.

Our proposed special assessment was based on considerable investigation into the maintenance needs of the community. In the past year, we have found the following **IMMEDIATE HEALTH, SAFETY, INSURANCE AND ENVIROMENTAL ISSUES:**

1. An engineering study was located for extensive drainage was done pursuant to the flood in 2013 as multiple buildings flooded causing tens of thousands of dollars in damages. Only part of it was repaired and only on the north side of the B building. This was brought up again in 2017, 2018 and 2020 and 2021 the work to repair this was still never done but negligently deferred causing more damage to A2, A3, B3, B2 as well as the sidewalks and patios of the west side of A, B and C. The costs now are 3 times as much and will continue to increase. It has rotted the retaining walls and lifted the sidewalks and patios and continues to cause structural damages. This must be addressed prior to any asphalt paving. This is on the HOA for deferring maintenance. If this is not done, we will have more continued structural damage costing more funds. This also must be done before any paving.
2. The flashings and siding on multiple fireplaces in the A, B and C buildings where the siding and flashing is rotten and loose. This was failure to maintain. This is causing water damage in two units A2 and B5 right now but can cause further structural issues on the remaining fireplaces in A, B and C that the HOA is responsible for.

3. The electrical work going forward we had discovered were never permitted for the shed panel and none of the ground lighting. This is not a residential residence it's a commercial complex and the town requires that a licensed electrical engineer submit a plan to the planning board, the work must be permitted, and it must meet certain code requirements for dark sky lighting, which is why the lamp posts and side lights. **YOU CAN NOT JUST REPLACE THE ILLEGAL LIGHTING THAT IS THERE**, and this cannot be done prior to the other work and in line with the paving as it must be trenched.
4. The responsibility of the windows and doors are the HOA's as they are part of the structure. Not only were they never replaced on some severely damaged units, but they were never maintained with annual maintenance that could have added years onto them. They must be included in all future improvements and maintenance.
5. The retaining walls are collapsing and rotted on the west side of the property. As the drainage systems must be installed and the sprinkler systems and lighting must be torn up as the cables need to be reburied and the majority is involved in the retaining walls that are rotted and collapsing, they need to be addressed before lighting and paving.
6. The discovery of the negligent and false mortgage questionnaire issues, tax returns, and records of what is owed to the HOA. Recently purchased condos since 2022 (because of the Miami collapse which was a boards failure to repair) were negligently and falsely filled out not showing the amount or scope of work that was deferred and the fact, they did not have the reserves to pay for it. There are several of us that this affects as well as affects the ability to mortgage here at all.
7. The stairwell issues from ProSource's shoddy unpermitted and uninsured work. When inspecting the buildings and properties with contractors and engineers we noticed the faulty stairwells as well as a few tenants complained about the "bounce or looseness in the treads" These repairs with engineering, construction and permits came in this week at a cost of close to \$35,000.00 to repair. This was preventable had permits been pulled and licensed and insured contractors been chosen.
8. ProSource is an issue that is now a major repair issue as well as the drainage issue that this current Board was left to address. The structural engineer's report has gone to the City of Estes, this work must be completed and was not identified until after the assessment. The costs are an additional 35,000.00 that was unbudgeted and needs to be done immediately
9. The broken water main, illegal and unpermitted electrical panel. This needs to be addressed immediately as well with the Building Inspector as the electrical panel was put in without permits and is a fire hazard in that location in the shed. This was not part of the assessment. We do not have final pricing on this yet.

This vocal minority has caused additional harm over and above delaying needed work. This group has now cost us tens of thousands of dollars in deferred maintenance (their personal units have the work done.) This group has also cost thousands in legal fees as they hired and paid and overpaid for work not done or not permitted. We have paid over \$14,000 in legal fees so far this year alone trying to ascertain bookkeeping, insurance policies and contracts and now conflicts caused by them directly. The minority's threatened litigation must be defended at your expense, and the maintenance that is needed now will only become more costly as time passes. **How does that work suing yourselves for something you need to pay for anyway?**

ELCA Membership

July 24, 2024

Page 3

By blocking the assessment and the board, this minority is suing **all** of you, and the price in deferred maintenance and legal costs will be borne by all of you as well. This minority could have threatened this litigation ever since March 30, 2024. What possible good faith outcome could they envision? Our risk is a partial loss of certificates of occupancy. How might that affect our investments?

These issues will be brought up for discussion at the August 3rd meeting of the Board.

In the meantime, what you can do is show your support for getting the needed work done. Please make sure your assessments are paid on time and help us to make our community the best it can be and have a development we are proud of.

Regards,

ELCOA Board of Directors