



James B. Folkestad
Ernest F. Fazekas II
Aaron W. Barrick
Marc C. Patoile
Gina B. Masterson
Jeff Town
Lindsay J. Miller
Sean P. Harrell

May 13, 2013

Chaparral 480 Homeowners

RE: Chaparral 480 Homeowners' Association Recall Election

Dear Homeowner:

This firm represents the Chaparral 480 Homeowners' Association ("Association") through its Board of Directors (the "Board"). We are in receipt of a facsimile of May 11, 2013, from Mary Ann Neumann on behalf of the "New Chaparral HOA Board of Directors" regarding the results of the recent, purported recall election. This notice regarding the election was sent to all homeowners.

Pursuant to our letter dated May 3, 2013, to Sandy Oneill, a copy of which is attached hereto for your convenience, we forewarned the "Concerned Chaparral Homeowners" that the recall election was not legitimate and it would not be recognized by the Board. No meeting was called or noticed as required by C.R.S. §7-128-108(d). In addition, the nominations for election to the Board were not made by a Nominating Committee appointed by the Board or from the floor of the annual meeting as required by the Association's Bylaws. As a result, this purported recall election failed to comply with Colorado law or the Association's Bylaws.

The "Concerned Chaparral Homeowners" must comply with the established process for recall elections. In the alternative, they have an opportunity to seek election and vote for new Board members at the next annual election. The "election" results circulated on May 11, 2013, will not be recognized by the Board.

Sincerely,

FOLKESTAD FAZEKAS BARRICK & PATOILE, P.C.

A handwritten signature in black ink, appearing to read 'Aaron W. Barrick', is written over the printed name.

Aaron W. Barrick

AWB/gm

Encl.

cc: Christopher Worley

office. 303.688.3045 • fax. 303.688.3189

18 South Wilcox Street, Suite 200

Castle Rock, Colorado 80104-1909

ffcolorado.com



James B. Folkestad
Ernest F. Fazekas II
Aaron W. Barrick
Marc C. Patoile
Gina B. Masterson
Jeff Town
Lindsay J. Miller
Sean P. Harrell

May 3, 2013

VIA U.S. MAIL AND EMAIL: soneill@crsofcolorado.com

Community Resource Services
Attention: Sandy Oneill
7995 E. Prentice Avenue, Suite 103E
Greenwood Village, CO 80111

RE: Chaparral 480 Homeowners' Association
Recall Election

Ms. Oneill:

This firm represents the Chaparral 480 Homeowners' Association (the "Association") through its Board of Directors (the "Board"). We are in receipt of certain materials pursuant to which you purport to initiate a recall election to remove the entire current Board. The Association has requested that we contact you regarding such materials.

First, the purported recall attempt is not legitimate under Colorado law or the Association's Bylaws, and will not be recognized. Pursuant to C.R.S. §7-128-108(d), a director "may be removed by the voting members only at a meeting called for the purpose of removing that director, and the meeting notice shall state that the purpose, or one of the purposes, of the meeting is removal of the director." No meeting has been called or properly noticed for purposes of removing any member of the Board.

Furthermore, the recall election materials circulated identify six (6) individuals willing to serve on the Board and request that members of the Association cast votes for no more than five (5) of these individuals to serve on the Board. This is contrary to the election process specified in the Association's Bylaws. Pursuant to Article V, Section 1 of the Bylaws, nomination for election to the Board shall be made either by a Nominating Committee appointed by the Board or from the floor at the annual meeting. Neither nomination process was followed in this instance. The purported election is invalid.

The last annual election was held February 11, 2013. There were Board vacancies at that time. The "Concerned Chaparral Homeowners" could have sought election to the Board then. Those

Community Resource Services
Attn: Sandy Oneill
RE: Chaparral 480 Homeowners' Association
May 3, 2013
Page 2


same homeowners will have an opportunity to seek election and vote for new Board members at the next annual election.

Please be advised that this firm represents the Association. It does not represent any individual members. Our advice is provided merely to ensure the process for any removal or election of a member of the Board is followed correctly; we are not taking a position on the basis for a recall.

Furthermore, we have not commented on the use of the postal service to mail election ballots under the auspices of an "Official Ballot Enclosed" by a private company owned with self-interested employees/owners. The initiators of the purported recall election should consult with their own counsel regarding these matters.

Sincerely,

FOLKESTAD FAZEKAS BARRICK & PATOILE, P.C.



Aaron W. Barrick

AWB/amm

cc: Christopher Worley

office. 303.688.3045 • fax. 303.688.3189

18 South Wilcox Street, Suite 200

Castle Rock, Colorado 80104-1909

ffcolorado.com