

From: Watkins Farm Home Owners Association  
PO Box 328  
Watkins CO 80137

25 March 2010

To: Greg Lewallen  
989 Inyokern Court  
Watkins CO 80137

Barbara and Bill McMillan (formerly at)  
836 Imboden Mile Road  
Watkins CO 80137

Terry Lewand  
865 Imboden Mile Road  
Watkins CO 80137

Jose and Lise Lafontaine  
34755 E. 10<sup>th</sup> Dr  
Watkins CO 80137

Becky and Larry Roberts  
714 Imboden Mile Road  
Watkins, CO 80137

Gary and Cindy Gillespie  
34837 E. 10<sup>th</sup> Dr  
Watkins CO 80137

Allie and Greg Silva  
866 Imboden Mile Road  
Watkins CO 80137

**Ref: Architectural Review Committee Appeal dated 5 November 2009 regarding 763 Kio Ct, Watkins CO, 80137; Request for access to records, dated 2 December 2009; Email from Terry Lewand, dated 4 December 2009, concerning Watkins Farm HOA 1 December 2009 email response to 5 November appeal**

1. In reference to your Architectural Review Committee (ARC) appeal dated 5 November 2009, concerning 763 Kio Court, Watkins CO 80137, after review, the Watkins Farm Home Owners Association (HOA) board (hereafter referred to as "the board") and without further comment or judgment, considers the 1 December 2009 board's email response concerning this appeal to be sufficient and considers this appeal to be **closed – not requiring further action.**
2. The board carefully considered your request for access to ARC records in the context of all correspondence referenced above (which the board considers germane to your request), and finds:
  - a. The original ARC appeal, dated 5 November 2009 contained a total of seven signatures of Watkins Farm homeowners submitting the appeal. Those signatures included those of Barbara and Bill McMillan, 836 Imboden Mile Road, dated 6 November 2009, and;
  - b. The board is/was informally aware that litigation is/was on-going between the homeowner of 763 Kio Ct (Mr. & Mrs. Thorpe) and Mr. & Mrs. McMillan when this appeal and associated correspondence was submitted, and;

- c. In Terry Lewand's email, dated 4 December 2009, sub-paragraph 3 under the section "Neighborly behavior should include reciprocity of respect between parties using existing process and procedure to avoid and if necessary resolve disagreement. The Thorpe's pattern of behavior has not demonstrated a neighborly demeanor", it was stated "disputes with WFHOA neighbors resulting in litigation" demonstrating your knowledge of this on-going litigation and the parties involved. Additionally, the board will not engage, nor endorse the characterization of a homeowner's behavior, and;
- d. The Watkins Farm HOA board and all other homeowners aside from the Thorpes and McMillans are/were not party or litigants to the referenced litigation between these two homeowners, and;
- e. The board believes it has a duty to provide protection of all of the Watkins Farm HOA members' best interest, and further, that it has a duty to protect reasonable expectations of privacy by individual members. Further, the board believes certain records germane only to an individual homeowners and the board (and its committees) must retain privacy protections, and;
- f. The board believes that the records requested could be used by parties involved in the above litigation to potentially circumvent due process and discovery protections, and;
- g. Providing these records, without competent court direction, could potentially place all Watkins Farm HOA members at risk as unintended parties or litigants to this litigation, therefore; **the board considers this matter closed and your request for access to the referenced records denied.**

3. Thank you for your concern and submission.

Respectfully,

The Watkins Farm Home Owner's Association Board