

Other Business - Lot 174 to address BOD (7 min.)

First I would like to thank the HOA for allowing me this opportunity to challenge their refusal to allow a full hearing by the HOA board pertaining to the confiscation of our \$2000 Landscaping Deposit.

Of course there is a long and detailed story pertaining to the landscaping we have provided, ending with a rejection based on a questionable deciduous tree caliper measurement. However, that story will hopefully be reviewed when we are granted a full HOA Board Review. The timeline specifics for this agenda item are as follows.

July 1, 2025 - Don Carlson accompanied by Jennifer performed an inspection of our landscaping at 2670 Lookout Lane. I had planted a 4 1/2' Arbor Vitae that I knew would not satisfy the requirements, however, I felt that our overall landscaping effort would be rewarded and Grace would be given for the evergreen.

July 2, 2025 - I received notice that my front yard evergreen tree was not tall enough and that my back yard deciduous Maple Tree's caliper was not sufficient.

I was given 30 days from the date of the inspection to bring my landscaping into compliance and inform the HOA office, in writing, that I had done so. If I failed to bring the landscaping into compliance within the 30 days I would no longer be eligible for a refund of our \$2,000.00 deposit.

My other option if I disagreed with the inspection findings would be to request, in writing, within 30 days of the date of the inspection, a hearing with the BOD.

I chose to request another inspection after replacing the Arbor Vitae with a 7' Alaskan Weeping Cedar thanks to help from my neighbor Kevin Pape. The caliper of our healthy, growing Maple tree was very close to qualifying so I assumed my effort to replace the evergreen along with our extensive overall landscaping efforts would satisfy the purpose of the HOA's landscaping requirement.

July 22, 2025 - The HOA then inspected my trees. They responded on the same day:

Greg & Pam: Per our follow up inspection completed today we found that the number and size of evergreen trees on your lot meets the SGR minimum requirements. As for the deciduous trees it was found that the HOA will consider the maple tree towards meeting the required trees for the backyard however it still does not meet the minimum caliper required.

I thought this was a bit ambiguous so I replied to the Spyglass HOA via email.

July 23, 2025 - *What does being considered mean? Is my Landscaping Rejected or is that decision coming?*

I was expecting some sort of a response from the HOA. I assumed we were waiting on the board to meet and then we would be approved, so I patiently waited. I never imagined that we would be declined based on the trunk caliper of the maple tree.

August 15, 2025 - I emailed the HOA asking the questions: What is the status of our Landscape Deposit? Do I need to schedule an HOA Board Review?

August 19, 2025 - I received the official response from the HOA informing me that since I had not requested a review within the required 30 days and that we had failed to bring our landscaping into compliance our \$2000 deposit would not be returned to us.

Wow, who would have thought neighbors would do that to a neighbor. That does not track with the definition of an HOA from one of Colorado's most respected HOA Law Firm's. HOA's are intended to maintain property values and promote peace and harmony within a neighborhood. Jeffrey B. Cullers, Herms & Cullers, LLC

I have to admit that I did not even think about that original 30 day requirement because I thought that by committing to remediate the evergreen situation I would be given the same options after the HOA rendered their decision. And I would never have imagined that our HOA would withhold our Landscaping Deposit for such a questionable Caliper Measurement.

My objection to this decision stems from:

- 1. Why did the Spyglass HOA not respond to my July 23rd questions.**
- 2. Why did they wait until after the original 30 day deadline was up before they rendered their official decision to confiscate our deposit.**

If our HOA board is going to issue such a severe penalty shouldn't the entire HOA BOD be involved in a hearing rather than depending entirely on the actions of one person, the President. Why would they intentionally avoid such a hearing?

Full details may be found at: <https://adventurecontinues.org/hoa>