

Comments from Henry Lowe:

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From: henry lowe [mailto:htlowe@earthlink.net]

Sent: Friday, March 23, 2012 10:48 AM

To: davenixa@gmail.com; Kevin Michelson

Cc: ping@sopris.net

Subject: Revision of Covenants

As I recall one or both of you suggested the submission of comments on the Covenants project by April 1. I attach some brief comments which I understand will be posted on the SOTHA website. Thanks for your efforts and keeping the lines of communication open.

To: Dave Nixa

From: Henry Lowe

Re: Comments on Covenants Draft

Date: March 23, 2012

The Board has invited comments on the draft Covenants posted on its website. My brief comments to follow relate only to substance matters.

1. Design Guidelines:

These now appear in the Covenants document, and I believe they should remain there. The Board proposes a separate document for these; a document which apparently could be changed by the Board by a majority vote (4 Board members) at any time. The SOTHA members need to know why this change is proposed.

The name of the proposed new document "Design Guidelines" is misleading since important provisions on Improvements, landscape and watering are included in it, and these provisions go far beyond Design.

2. Board control over improvements:

The Board proposes a broad new definition of improvements, and would require prior Board approval of many routine land use decisions not required under the existing covenants document. This new definition is placed in the "Design Guidelines", and could be changed by a majority vote (4 Board members) at any time. The new broad definition would place serious new restrictions on a member's property rights, and the Board needs to explain to all of us why this is necessary. If additional restrictions need to be placed on our rights, they should be placed in the Covenants document and given

the permanence and protection of the amendment process which requires a 2/3 vote of all SOTHA members.

3. Water and Irrigation

The Board proposes to regulate the use of our well and spring water in the event of “droughts and other emergencies.” That regulation and control is not found in the current Covenants document. Each of us has a separate water supply and use problem with limits imposed by well and other permits. I do not favor conferring on 4 Board members the authority to declare a drought or emergency and control the well or spring water usage of any member.