

ROAD OWNERSHIP AND CONTROL

Text of Document Handed to the Board:

October 19, 2016

To: Bear Trap Ranch Landowner's Association Board of Directors

We the undersigned Bear Trap Ranch tract owners hereby advise the Board of our intention to voluntarily work on or support those who voluntarily work on Bear Trap roads. All tract owners are owners of the roads and other lands deeded to the association and are members of the association and are entitled to voluntarily work on the roads at their sole discretion. As a consideration and to assist in road maintenance planning, such work may at the option of the person(s) performing the work be communicated to the roads chairman. In light of the current adversarial climate and recent road work policies created by the Board and the Roads Chairman all such work shall be reviewed by a group of past board officers, past roads committee members and persons with road work knowledge and experience. This review will be conducted both prior to and upon completion to insure all work has been satisfactorily completed and the road and immediate area is in as good or better condition for the effort. Association resources such as equipment and stock piled gravel will be requested in writing in advance.

Questions Attorney Addressed:

1. Do the documents demonstrate the Association owns the private roads?
2. Does the Board have the power to regulate the maintenance and use of the private roads, including the Road Works Policy?

Summary of Attorney's Conclusions:

1. The Association is a duly incorporated Colorado nonprofit corporation in good standing, as shown by its Articles of Incorporation filed with the Colorado Secretary of State and the Certificate of Good Standing.
2. The Association's Governing Documents demonstrate the Association's ownership and control of the private roads.
3. The Board has the power to adopt rules to regulate the private roads, including the Road Works Policy.
4. As a Colorado nonprofit corporation, the Association has the statutory power under the Nonprofit Act to own and maintain the private roads.
5. The 1972 Deed states that such deed conveys "all right, title, interest, claim and demand" regarding the private streets to the Association.