

**THE SUMMIT RESIDENTIAL OWNERS ASSOCIATION
SPECIAL OWNERS MEETING
March 22, 2005
3:00 pm**

Members Present By Telephone: Fred Hallett
John Burke
Beverly Baker
Bill Kobrin
Christine Smith
Don Meyer

Management Company Present: Reed Meredith

Others Present: Molly Sloan

Summit Members Present or Represented by Proxy:

<u>Members Present</u>	<u>Lot(s)</u>	<u>Percentage</u>
Steven Csutoros	37,2	4.76
Ian Fisher	27	2.38
Patrick McNamar	33	2.38
Peter & Cindy Chamberland	3	2.38
Craig Batchelor	13	2.38
Grayson & Patricia Connor	21	2.38
<u>Members Represented by Proxy:</u>		
Beverly Baker / Don Baker (proxy McNamar)	1,24	4.76
Don Meyer (proxy Chamberland)	20	2.38
Sherman St Holdings (proxy McNamar)	25,7,34	7.14
William Kobrin (proxy Chamberland)	28	2.38
Hoenecke Living Trust (proxy McNamar)	8	2.38
Christine Smith (proxy Pat McNamar)	19,22,23	7.14
Morrison (proxy McNamar)	10	2.38
Gerard Broccolo (proxy Pat McNamar)	5	2.38
Fred Hallett (proxy Pat McNamar)	31,32	4.76
Grant & Anita Tideman (proxy Pat McNamar)	17	2.38
John Burke (proxy Molly Sloan)	39	2.38
Ian Silverberg (proxy McNamar)	6	2.38
TOTAL REPRESENTATION		59.50

Pat McNamar called the meeting to order at 3:05pm.

Roll Call: A quorum was established with 25 out of 42 lots, 59.50% of the membership represented either in person or by proxy at the meeting. Proof of notice was submitted as being sent to owners on March 4, 2005, 21 days prior to today's meeting.

Pat McNamar began the meeting with a discussion of the status of negotiations with the Nevada Ridge developers.

Pat McNamar has met informally with John Koenig of Nevada Ridge. At the meeting Mr. Koenig presented the appraisal of the skier easement land in question commissioned by Nevada Ridge. Nevada Ridge appraised the easement land at a significantly higher rate than the appraisal completed by the appraiser retained by the Summit association.

McNamar continued that there are two areas of conflict. First, Mt. Crested Butte Water & Sanitation may be opposed to placement of supports for the proposed skier bridge within the utility easement. Second, CBMR has recently informed Nevada Ridge that CBMR may develop the Peachtree Parcel, which is currently designated as open space, at some time in the future.

McNamar plans to meet with Randy Barrett & Roark Kiklivich of CBMR, to see if CBMR will grant a permanent easement to the Summit through the Peachtree Parcel. The St Moritz Condominium Association has recently become more involved in the discussion due to the revelation that CBMR plans to develop the Peachtree parcel in the future. The Summit Board has met with Nevada Ridge, Town of Mt CB, St. Moritz Condominiums, and CBMR to determine what type of skier bridge would be acceptable. At this time, Nevada Ridge seems to be agreeable to a skier bridge in concept. The details of funding for the bridge have not been discussed although the Nevada developer seems to have indicated that they will fund a portion. The exact design and cost for construction of such a bridge have not been completed.

Beverly Baker stated that it will be helpful to the Summit to have the involvement of the St. Mortiz association as it has a very valid claim to slope access via their prescriptive easement claim form use for 32 years.

Pat McNamar presented a photo rendering of the proposed bridge design to the group. He explained that the design would incorporate a 30% grade as you approach bridge, flat across bridge, and then 30% grade off of bridge. No cost estimates have been obtained for this design.

Pat McNamar then relayed a conversation that he had with Nevada Ridge developer, John Koenig, who stated that they were in the process of considering elimination of the lower most duplex unit from their plan, and in turn, would seek to increase the size of the remaining multi family buildings to triplex units.

Patricia Connor noted that at the last Town of Mt. Crested Butte Planning Commission public hearing, the statement was made that the elevation distance from the bottom of the lowermost retaining wall to the top of the duplex units was 85 feet. If Nevada Ridge changes the plan to triplex units, would this distance increase?

Pat McNamar stated that the official Summit Association Board position is that the association objects to the entire Nevada Ridge project as presented.

Beverly Baker stated that she felt that the Summit Association should submit a letter for the next planning commission meeting, April 6th. This letter should indicate that, while we have met to discuss options for resolving the skier access issue, we haven't yet come to agreement and are still opposed to the development.

John Burke asked if the summit has any recourse against the former CBMR owners. Beverly Baker responded that the Summit Association informed the former owners of the Summit's claim against the resort for skier access prior to the sale of the resort last March, and subsequently informed the new CBMR owners of this claim. The new owners (Muellers) have not responded directly to this information.

After discussion it was determined that the Summit Board should write a letter to the planning commission for the April 6th meeting, restating the Summit Association position. The board should also schedule a meeting with the CBMR owners (Muellers) to discuss the issue of access.

Grayson Connor stated that the Summit should move toward obtaining the easement for skier access and separate that action from what we think about the Nevada Ridge development plan. Connor also asked for comment on the funding of this process.

Fred Hallett suggested that due to proprietary information, this discussion be delayed until the end of the meeting, after the developer, Christine Smith of BLS, was no longer present via telephone.

Fred Hallett began to discuss the proposed changes to the Summit Association Bylaws & Covenants. Hallett stated that to change the Bylaws, 22 affirmative votes are required and to change the covenants, 29 votes are required. Fred asked if anyone disagreed with that statement. No one disagreed.

Discussion ensued regarding the continuation of the Nevada Ridge discussion before proceeding to the Bylaw issue. After which, Christine Smith was asked to sign off of the conference call at this time so that the group could discuss proprietary issues. Christine Smith left the call at this time.

Discussion ensued regarding various legal issues and strategies related to the Summit's skier access.

Bill Kobrin left the conference call at this time.

Discussion ensued regarding the previous actions taken by the association in relation to the skier access issue. Beverly Baker informed the owners that last year the Summit retained Denver attorney, Sam Frost, to look into the Summit's rights to skier access. The problem is that no easement was ever officially recorded by CBMR. The original Platt for filing 1 shows skier domain adjacent to the Summit. Filing 3 shows a single family development adjacent to the Summit.

Beverly Baker began a discussion of obtaining an appraisal of the Summit property, one with skier access and one without. Another appraisal of Nevada ridge property with and without proposed skier bridge. Beverly stated that one local realtor gave an unofficial estimate of the difference in value of slope side access vs. no access as \$100-\$200 thousand per lot.

Ian Fisher & Pete Chamberland indicated that they felt that they should work toward obtaining skier access even at The Summit's cost. They professed that the cost of the bridge is insignificant compared to the loss of access to the slopes. The first priority is obtaining access.

Molly Sloan asked what effect the inclusion of multi family development in the Nevada Parcel would have on the summit property values. Beverly Baker indicated that this could also be part of the appraisal process.

Discussion ensued regarding the zoning changes included by the Nevada application for a PUD. Beverly Baker noted that if the Nevada Ridge property was not a PUD, then Nevada doesn't need Summit's support as it already zoned as single family development. Therefore, the Summit would lose leverage with Nevada Ridge if they were not applying for a PUD.

Beverly Baker stated that her to do list included:

- Check statute of limitations on the Summit's claim against CBMR
- Check status of remaining listed Summit lots
- Retain an Appraiser and determine what it will cost to get the mentioned appraisals

All owners present were in agreement to proceed with obtaining the appraisal information.

Don Meyer stated that he believed that all Summit owners need to be informed by the Board whether the association feels it has a cause of action or whether each individual lot owners have a cause of action. Meyer also suggested that the appraisal should be ordered by Schumacher to keep it under attorney client privilege.

Discussion ensued regarding the proposed amendments to the Summit Association Bylaws. Specifically that the meetings of the Summit Board comply with the Colorado Common Interest Ownership Act. Don Meyer stated that according to CCIOA, the association Board cannot meet without prior notice to the membership of at least two business days. He further stated that he believed that Board members cannot converse via e-mail, cannot discuss Summit issues informally, and that any meeting of 3 or more board members is considered an official board meeting, which requires prior notice to the membership. The Board needs to inform all members of their intent to meet, even if in executive session, with 2 business days notice.

Fred Hallett responded that the Summit Board was involved in negotiations with the Nevada Ridge developer which require that decisions be made quickly, without having to wait for official notice to be given so that the Summit board could discuss the issues.

Fred Hallett stated that the philosophy of Summit Board should be "to do what is necessary to get the job done", if the owners do not like the job that the board is doing then they can elect new board members.

Beverly Baker will get legal advice from Jon Schumacher on what requirements of the Colorado Common Interest Ownership Act apply to the Summit Board.

Don Meyer left the conference call at this time.

Grayson Connor stated that the Summit Board needs to be more accessible to the members and better communication. Pat McNamar informed the owners that the Board had authorized the development of a new association website to help disseminate association information to the members. www.Summitowners.org is currently under development.

After further discussion, the owners present agreed that the discussion concerning the Bylaws and Covenants should be tabled until the next annual owners meeting.

All owners with valid e-mail addresses will be e-mailed a new list of Summit owner contact information.

The following motion was made and seconded:

MOTION: To adjourn the special meeting of the Summit owners.
Vote: Unanimous Approval

The meeting was adjourned at 5:20 p.m. M.S.T.

Respectfully Submitted,

Accepted,

By, _____
Reed J. Meredith, Recording Secretary

By, _____
Pat McNamar, Vice-President