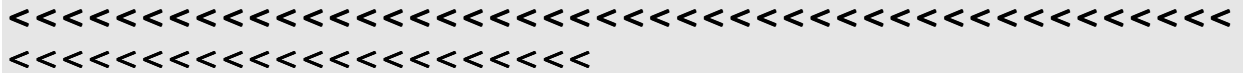




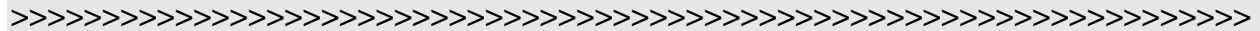
DISCOVERY HOMEOWNERS ASSOCIATION
www.DiscoveryHOA.com

NEWSLETTER –JULY, 2009



DISCOVERY HOA BOARD OF DIRECTORS

President	Randy Cubero	7163 Wintery Loop	599-4535
Vice Pres/Treasurer	Jerry Farney	7220 Delmonico Dr.	599-0159
Secretary/Administrator	Jan Doran	7147 Wintery Loop	598-9075
Architectural Control(Interim)	Roger Boehnke	280 Buckeye Dr.	599-7716
Covenant Comp. Chair	John Dwors	550 Wintery Circle N	590-9460
Covenant Comp.	John Weidner	7205 Fleetwood Ct	528-6679
Webmaster	Lynn Sim	550 Buckeye Dr.	531-0540



President’s Corner

“To Sue or Not To Sue? That is the question!!

In the eight years that I have been associated with the Discovery Homeowners Association, we have had to deal with covenants violations through our legal system on only two occasions. In both cases the court appearances were difficult for the Board members who had to testify and equally hard on the homeowners. In addition to never being totally satisfied with the decision, the legal costs involved were substantial for both the Association and the homeowners. Thus, the question, “when a conflict arises over covenants compliance between the Discovery Homeowners Association and a particular homeowner member, should the Association sue or not sue to address what the Association believes is a complete disregard for our covenants.” Without going into great detail let me state that your Association has unanimously voted to “Not Sue” as our general course of action in dealing with covenants violations. In lieu of taking grievances to a district, county or small claims court judge; your Association has opted to resolve egregious covenants violations by adopting an alternative dispute resolution procedure.

This alternative dispute resolution procedure (*see draft copy following this article**) will be put forth as an amendment to our Bylaws and will be voted on by the membership at our next annual meeting to be held in November 2009. At the next annual meeting all the Association members will be given a detailed handout of the alternative dispute resolution procedure. However, for this article let me summarize the major provisions in the procedure that need to be followed when a seemingly irreconcilable dispute arises between the Association and one of its members.

- Every effort will be made to settle the dispute through person to person interaction on an informal discussion level.
- Being unable to agree on a resolution, either homeowner or Association Board of Directors may demand that the controversy be submitted to alternative dispute resolution.
- Alternative dispute resolution shall be conducted by the Colorado Springs office of the Judicial Arbitrator Group or some other mutually agreed upon mediation organization.
- The parties will agree on a mediator to mediate the dispute. If the parties can not agree on a mediator then one will be appointed by a judge of the County Court.
- Generally, the costs of the alternative dispute resolution shall be shared equally by the parties.
- Either party may be represented by legal counsel with proper notification to the other party. Finally, and most importantly,
- If a partial or full agreement is reached in mediation, that agreement will be reduced in writing and signed by both parties. If the parties are unable to reach any agreement, the mediator shall enter a **binding ruling** on all unresolved issues. This binding ruling will be based on evidence and arguments presented at the mediation or a later hearing if deemed necessary by the mediator.

The Association Board of Directors feels strongly that this alternative dispute resolution procedure will be fair in hearing both sides of any covenant argument and in allowing legal counsel to represent and/or advise, if so desired. Furthermore, this procedure will be much less expensive to both parties and much more effective in making decisions as to the culpability of one side versus the other in a dispute. We, therefore, strongly urge you to vote approval for the alternative dispute resolution procedure at our up-coming annual meeting this November. If you have any questions on this procedure please don't hesitate to call or e-mail me at: (719) 599-4535 or rcubero7100@msn.com.

Warm regards,
Randy Cubero

***DRAFT – ALTERNATIVE DISPUTE RESOLUTION**

AMENDMENT TO BYLAWS RE: ALTERNATIVE DISPUTE RESOLUTION

(Please read and direct any comments or suggestions to the Discovery HOA Board)

WHEREAS: The membership understands and agrees that the cost, complexity and delay inherent in court proceedings make litigation a particularly inefficient means of resolving neighborhood disputes;

THEREFORE: The association bylaws are hereby amended by adoption of the following policies and procedures with regard to cases or issues which do not involve an imminent threat to the peace, health, or safety of the community:

1. Upon demand by either homeowner or board any controversy between the said homeowner and board shall be submitted to Alternative Dispute Resolution, the terms of

which are set forth below.

2. Alternative Dispute Resolution shall be conducted by the Colorado Springs office of the Judicial Arbiter Group or another mediator/arbitrator group as agreed upon by both parties. The mediator's/arbitrator's procedures or rules then in effect for such disputes will govern any Med/Arb between the parties and the Med/Arb will take place in Colorado Springs, Colorado.

3. The parties shall agree on a mediator. If the parties cannot agree a mediator shall be appointed by a judge of the County Court.

4. Except as set forth in paragraph 5 below, the cost of alternative dispute resolution shall be shared equally by the parties.

5. Either party may be represented by legal counsel, provided that within 14 days of a mediator being identified said party notifies the opposing party that he/she/it will be represented. Upon such notice both parties may be represented by legal counsel; otherwise neither party shall be represented. If the parties are represented by counsel the covenant entitling the prevailing party to an award of costs and legal fees shall apply.

6. If a partial or full agreement is reached in mediation, that agreement will be reduced to writing, and the written agreement will be signed by the parties. If at the conclusion of the mediation the parties have not reached a voluntary agreement resolving all issues the mediator shall issue a binding ruling with respect to unresolved issues which will be based upon the evidence and arguments presented at the mediation. If requested by the mediator/arbitrator or either party, a hearing for the presentation of evidence will be conducted. Said hearing shall take place within thirty days.

7. Except as expressly stated herein, nothing in this Agreement is meant to waive either party's rights and responsibilities under the Amended Declaration of Covenants Conditions and Restrictions of the Discovery Subdivision. IT IS UNDERSTOOD that this policy does not affect the right of the Association to levy and collect fines or liens according to the authority granted to the Association in the Covenants and the By Laws.

ADOPTED BY MAJORITY OF A QUORUM OF THE MEMBERSHIP OF THE
DISCOVERY HOMEOWNERS' ASSOCIATION THIS _____ DAY OF

_____.



Annual Dues – A Note of Praise

What an amazing group of homeowners we have in our association! Instead of writing an article this time of year harassing the delinquent dues payers, I can only sing the praise of the majority of you who have already paid. First off, over 93% have remitted your annual assessment, a record at this stage for collections. **Secondly, we have not had a dues increase in 14 years (1995) when the dues were raised from \$25.00 to \$30.00, annually, which is the maximum allowed by the Covenants.** We asked for your help in **voluntarily** adding a few additional dollars to your dues to assist in the ever raising cost of doing association business. To date, 115 properties have responded with more than \$2,300 (about what we have been declining, annually, over the past few years.) And, thirdly, with our economy faltering, some homeowners have just not had the where-with-all to maintain their properties at the standards they would like. We asked this year, as a community service donation, for your assistance to give these homeowners either a little extra financial support and/or your donation of time/labor. The response was overwhelming! 128 of our neighbors contributed more than \$2,000 to this assistance fund and we have had an outpouring of offers for hands-on support. As you read this newsletter, these dollars are already being put to good use, helping one of your neighbors in need to spruce up their home. Thanks again to each of you for your financial and personal support to this wonderful neighborhood we all have the privilege to live in.

Jerry Farney, DHA Treasurer



MOTOR HOMES, RV'S AND POP-UP CAMPERS

A friendly reminder:

Discovery HOA allows parking your personal recreational vehicle (RV), motor home or camper in your driveway for a **limit of 3 days to load and 3 days to unload**. It cannot be **stored** on your property. If there are **extenuating** circumstances (*i.e., visitors or delays*) please contact the Discovery HOA Board to request a limited parking permit. The permit then must be attached to the RV so that residents know it has been approved.

Value – Safety - Communication



BEARS! BEARS! BEARS!!!!!!

PAPA, MAMA & BABIES

The bears are back and have been seen all around the Discovery area. They are fascinating to watch, but they really aren't "Boo Boo" and can be dangerous if approached, especially with their young cubs. **DO NOT APPROACH THEM!**

They love to forage through your trash can if you leave it out over night and may invite themselves into your house if you leave your garage door, sliding door or windows adjacent to your deck open.

Breaking News!! On Sunday, July 5, a mama bear and her three little cubs (no this isn't a Goldilocks story) found an open garage door on Wintery Loop; a resident driving by observed them ransacking the freezer in the garage and alerted the homeowner. The cubs waited on the side of the house while mama bear delivered the contents of the freezer for their lunch.

This is a dangerous situation as the mother can become aggressive over food and protecting her cubs.

Earlier in the week several trash cans on Wintery Loop were observed being turned over in the early hours of the morning by the same bear family description.

PLEASE KEEP YOUR TRASH CANS IN THE GARAGE UNTIL YOUR TRASH PICK-UP AND KEEP YOUR GARAGE DOORS AND SLIDING DOORS CLOSED IF AWAY FROM THE AREA. YOUR BIRDFEEDERS ARE ALSO A FEEDING ATTRACTION FOR BEARS – BEST TO PUT THEM AWAY.

IF THE DOW IS CALLED AND THE BEARS ARE TAGGED FOR AGGRESSIVE BEHAVIOR THEY CAN BE PUT DOWN AFTER SEVERAL OFFENSES. Human failure to observe the rules may result in a beautiful wild animal being destroyed.



BOBCATS



You may have read in the newspaper that a Bobcat jumped the fences at several homes in Rockrimmon – one dog was injured and one was killed. It is important to keep close watch of your small animals that are out in the yard at dawn or dusk as that appears to be the prime time for a Bobcat to attack.

Don't leave pet food outside as that also attracts any of the wild animals that frequent our area.

For more information call the Department of Wildlife – 227-5200

Value – Safety - Communication



JAZZ IN THE PARK

WHERE: Foothills Park at Foothills Elementary School
825 Allegheny Dr.

WHEN: Wednesday, July 15, 2009 – 6:00 to 8:00 PM

WHO: Mistura Bella, "*Beautiful Mixtures*" in Portuguese, will perform

This quartet is led by singer and guitarist Barbara Ernst. The group plays jazz standards and prides itself on mixing in a combination of both smooth Brazilian and Spanish music.

Bring your blankets, chairs, picnic, family, friends and dancing shoes for an evening of fun and great music.

Note: Discovery HOA contributes a small sponsorship to Comstock Village HOA to support this annual event in the greater Rockrimmon neighborhood. We hope you will be able to attend – IT'S GREAT FAMILY FUN!!!

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ARCHITECTURAL CONTROL COMMITTEE (ACC)

Interim contact person – Roger Boehnke – 599-7716



SUMMER is here and we have received a number of ACC applications. If you are planning on any of the following improvements please contact us:

House Painting
Roofing
Windows
Decks and additions
Fences
Landscaping.

Generally the ACC meets once per month so it's very important that you send in your applications as **soon as possible**. Please don't schedule your work before you submit your application for approval.

Reminder: If you submit your application on the website, www.DiscoveryHOA.com, please remember that you must provide a hard copy of the plans to the ACC committee for their review and approval.

Note: ACC "Request for Approval" forms and information is at the back of the newsletter

If you look around our Discovery neighborhood, you may notice a few yards with a sign that reads: "**Project Approved by DHA ACC**" – once you receive approval from the ACC and you begin your project we will provide you with one of these signs so everyone knows that it is an ACC approved project. When your project is complete we will remove the sign.

If you notice a neighbor embarking on any project that seems significant, do not hesitate to call me to inquire if it is approved.

Fire danger remains high for our neighborhood, please spend some time on your yards this summer to clean up any dead trees, branches, etc. and be prepared for the Annual FireWise Chipping. (Flyer attached).

Note: ACC "Request for Approval" forms and information is at the back of the newsletter.

Value – Safety - Communication



Covenant Compliance

John Dwors – Chairman

What the Covenant Compliance Committee is:

The Committee who follows up on concerns that neighbors have about the condition of property in Discovery.

The Committee who wants to help us follow the rules as directed by the Covenants that we received when we purchased our homes. (If you need a copy – they are on the website www.DiscoveryHOA.com).

The Committee who protects your property values and helps make Discovery a great place to live.

Frequent Compliance violations:

Accumulated trash

Trash cans not properly stored from view (*see bear article*)

Extended RV Parking (limit is 3 days to load and 3 days to unload)

Lack of yard maintenance – bushes growing over sidewalks, dead lawns

Parking on areas not designated for vehicles

Need for exterior paint

Unapproved fences or building projects

Unapproved landscaping projects

Unapproved exterior painting

Value – Safety - Communication

**FireWise Chipping
“Sharing the Responsibility”
You cut and stack, We’ll Chip and Haul**

Save the Date: August 10 through 14 – CHIPPING

Neighborhood meeting for residents of Discovery HOA who want to be included and haven’t attended a meeting or had an evaluation by FireWise:

**Monday, July 20, 2009
Rockrimmon Elementary School
7:00 to 8:30 pm**

Please read the following instructions for preparing your limbs and branches for chipping.

What’s Acceptable:

Woody limbs and branches only – up to 9” diameter
No construction or building materials.
No nails or wire in with limbs and branches
No grass clippings or bags of leaves
No root wads, dirt or rocks.
Piles only. No bags.

Pile Guidelines:

Piles must be stacked with cut ends facing the road.
Piles must be within 5’ of the roadway.
Limit pile size to 5’x5’x5’. No limit to the number of piles.
Slash mulch will be hauled away for recycling or a full load can be left on-site for mulch when requested.
Do not combine piles with neighbors or haul in material from other neighborhoods.

**For more information or scheduling, please contact:
CSFD FireWise Program Coordinator – (719)-385-7281 – cbarth@springsgov.com**

*This service is provided at no cost to residents in the Wildland Urban Interface.
Donations to CSFD/FireWise accepted.*



FYI
Quick Reference Numbers

Animal Carcass in Street.....	395-5934
Building Permits.....	327-2880
City of Colo Spgs, info.....	385-2489
Police Dept, non- emergency....	444-7000
Crime Stoppers.....	634-7867
Dept. of Wildlife.....	227-5200
El Paso County Health Dept.....	578-3125
Sheriff, non-emergency.....	390-5555
EPA.....	1-800-227-8917
Fireplace/stove burning.....	578-3199
Garage/yard sale complaints....	385-5982
Graffiti Helpline.....	634-5713
Handicap Parking	444-7820
Home Business info.....	385-5982
Humane Society.....	473-1741
Neighborhood Watch.....	444-7592
Sidewalk Snow Removal.....	385-5918
Street Lights.....	385-5908
Traffic Signs.....	578-6669
Tree Trimming Right of Way....	385-5942
Tree Trimming Power Lines.....	668-5536
Utilities.....	448-4800
Unlicensed/inoperable/abandoned Vehicles in street.....	444-7706

IN CASE OF EMERGENCY
ALWAYS CALL
911



Helpful City Code Information*

PET CARE

Animal and pet owners shall:

- Provide regular removal of animal droppings into tightly closed, insect-proof containers.
- Provide removal of collected animal waste, weekly or sooner, if contents create a nuisance or threat to public health.
- Immediately remove pet excrement from public property.

TEMPORARY AND GARAGE SALE SIGNS

Temporary signs, no larger than six (6) square feet, may be placed in the City Right of Way **from Noon Friday to Noon Monday only**; be free standing, not placed on utility poles/boxes, or traffic signs. On corners, in the 55' visibility triangle, not higher than 36 inches, measured from the street. Permanent signs, placed in the City Right of Way, must have a Revocable Permit obtained at 385-5083.

WEEDS AND PLANT GROWTH

Owners and occupants shall cut and remove weeds or collections of cuttings, mowings or other grasses or branches:

- Which may grow in the space along street curbs, sidewalks, alley, easements; or at the front, rear and along side property lines
- Which has become any type of danger or hazard to pedestrians or traffic.

**From Neighbor to Neighbor brochure” Code Enforcement in the City of Colorado Springs”.*



