

DISTRICT COURT, COUNTY OF ROUTT,
STATE OF COLORADO

Court Address: 1955 Shield Drive
Steamboat Springs, CO 80477

Phone Number: (970) 879-5020

Petitioner:

Stagecoach Property Owners' Association,
a Colorado nonprofit corporation

Attorney: David A. Firmin, Esq., #29988
Jeffrey B. Smith, Esq., #40490

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▲ COURT USE ONLY ▲

Case Number: 2015CV030159

Div.: 2A Ctrm.:

**NOTICE OF: (1) PETITION (2) HEARING AND (3) NOTICE OF OBJECTION
RIGHTS RELATED TO THE PROPOSED AMENDED AND RESTATED
DECLARATION [UNDER C.R.S § 38-33.3-217(7)]**

Stagecoach Property Owners' Association, a Colorado nonprofit corporation (the "Petitioner"), by and through its attorneys, HindmanSanchez P.C., hereby notifies the Owners in Stagecoach and all other interested parties, as follows:

1. Colorado statute 38-33.3-217(7), a part of the Colorado Common Interest Ownership Act, allows Colorado District Courts a special restricted ability to approve amendments to the Stagecoach Declaration of Covenants, Conditions and Restrictions ("Declaration" or "existing Declaration").

2. By this Notice, Petitioner gives notice of the Petition it has filed, of the objection rights of Owners and others, as allowed by statute (and as set forth in this Notice) and also of a hearing date on the Petition to be held on December 11, 2015 at 01:30 p.m., in Courtroom 2A of the District Court at 1955 Shield Drive, Steamboat Springs, CO 80477.

3. Interested Owners and other interested parties may attend this hearing.
4. No Owner or interested party is required to attend this hearing.
5. The Petition can be defeated by written objections filed by 33% or more of the Owners entitled by the Declaration to vote on the proposed amendment.
6. The Court may grant the Petition and approve and order the proposed amendment to the Declaration unless sufficient written objections are filed with the Court prior to the hearing.
7. State statute allows the Petitioner to apply to the District Court to amend the existing Declaration, by Court order, after Petitioner has taken the following steps:
 - (a) a proposed amendment to the existing Declaration has been prepared;
 - (b) all Owners have been sent at least two notices (by any means consistent with the Colorado Revised Nonprofit Corporation Act) of the proposed amendment from the Association;
 - (c) Petitioner has held at least one meeting (called and held in accordance with the Petitioner's governing documents: the Declaration, Articles of Incorporation and Bylaws) to discuss the proposed amendment; and
 - (d) at least half the Owners required under the existing Declaration have voted for the proposed amendment (i.e., with an existing approval requirement of 67% of the Lot Owners (lowered from 75% pursuant to C.R.S. 38-33.3-217(1)(a)) currently required, the procedure of petitioning the Court for approval of the proposed amendment could begin once 33.5% of the Lot Owners have voted for the proposed amendment).
8. The Petitioner has obtained approval from approximately 35% of the Lot Owners, which approval is over half of the existing Declaration's required approval of 67% of the Lot Owners (lowered from 75% pursuant to C.R.S. 38-33.3-217(1)(a)).
9. To comply with Colorado law and to obtain approval on behalf of all Owners, Petitioner has filed a Petition with this Court and seeks the Court's approval of the proposed amendments to the existing Declaration (which amendments are titled the "Proposed Covenant Amendments").
10. Petitioner has complied with all other requirements of the statute, allowing Petitioner to file its Petition with this Court.

11. A copy of the Petition without exhibits, as filed October 15, 2015, is attached and incorporated by reference.

12. By this Notice, Petitioner gives notice of the Petition.

13. After the Petition was filed, the Court set a hearing date on the Petition to be held on December 11, 2015 at 01:30 p.m., in Courtroom 2A of the District Court at 1955 Shield Drive, Steamboat Springs, CO 80477.

14. By this Notice, Petitioner gives notice of this scheduled hearing.

15. Within ten (10) days after the hearing date was set, the Petitioner has sent this Notice of Petition and Hearing, to all Owners by first-class mail and to other interested parties, if any, as set forth in a Certificate of Mailing filed with the Court.

16. Owners and others (as allowed by statute) have a right to object to the Court's proposed approval of the Proposed Declaration Amendment.

17. Petitioner seeks court approval of the Proposed Declaration Amendment.

DATED this 15th day of October, 2015.

Respectfully submitted,

HindmanSanchez P.C.

[Original Signature on File]

S/ David A. Firmin

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ATTORNEYS FOR PETITIONER