

# BEAR CREEK LAND OWNERS' ASSOCIATION

82 East Coach Drive, Antonito, Colorado, 81120

## LOT CONSOLIDATION POLICY AND PROCEDURE

### Policy 2020-1

The following amendment has been passed by the members of the Bear Creek Land Owner's Association on 7-25-2020 and filed at the Conejos county courthouse on 7-29-2020 under reception #20001020:

*Article IX is amended by adding thereto a new Section 8 which reads as follows:*

*Section 8. Combination of Lots. If an Owner acquires an adjoining Lot or Lots with a common border, the Owner may combine the Lots, subject to prior written approval of the Association and the prior written approval of the Mortgage Holders involved. Lots on opposite sides of a road in Bear Creek are not adjoining Lots for purposes of this section. Combination of Lots will require an amendment to the subdivision plat and compliance with any additional requirements of Conejos County. Upon combination of Lots, the assessment for each additional Lot will be 65% of the assessment of a single Lot (e.g., if two Lots are combined, the assessment is 100% of the assessment for the first Lot and 65% for the second Lot; and if three lots are combined, the assessment is 100% for the first Lot and 65% for the second lot and 65% for the third Lot). Once Lots are combined in compliance with this section, they may not subsequently be subdivided. This section does not apply to Lots that were consolidated prior to recording of this amendment. Those Lots identified are as follows: Phase I, Lot 18, Lot 30, Lot 32, and Lot 33; Phase II-B, Lot 131; Phase II-C, Lot 149; and Phase II-E, Lot 9.*

- 1. Lots eligible for consolidation.** Lots eligible to be considered for consolidation must share a common boundary. Should there be a mortgage on any lot submitted for consolidation, written approval of the mortgage holder must be presented along with the application. Each lot considered for consolidation must be titled to the same owner(s). If the title to a lot is held in the name of a trust, limited liability company, limited partnership or other form of business entity, a certificate of authority must be provided with the

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application in order to confirm the trustee's, managing partner's, general partner's, or officer's authority to consolidate the lot.

2. **Application.** Application for Lot Consolidation, (Exhibit A) along with any required consents, must be completed and submitted to the board president or the 1<sup>st</sup> vice president.
3. **Survey.** The owner will be required to submit a survey by a firm, licensed by the State of Colorado, describing a re-plat of the lots under consideration. This survey must also be provided to the county.
4. **Board Approval.** The completed application will be taken up at the first board meeting following receipt of the application. The board may approve or disapprove the application at its discretion. In the event that an application is not approved, a statement indicating why it was not approved will be provided. An owner may re-apply after remedying any deficiencies.
5. **Notification of the county.** Upon approval, the board shall send a letter to the Conejos County Land Use Office, notifying the administrator of association approval. The owner will then be responsible for meeting any county requirements for county approval, including payment of any and all fees, including a fee to have the new plat recorded by the county.
6. **County approval.** Following approval by the county commissioners, the owner shall notify the association of such approval, providing a record of said approval. Upon receipt of the county's approval, the association shall change its records to reflect a consolidated lot number. The new lot number shall be the lower number of the lots designated with a "C" suffix.
7. **Assessments.** As provided for in the amendment, the original lot shall be assessed at 100% of the current assessment and each consolidated lot shall be assessed at 65% of the current assessment. The total assessment due will be calculated when the next assessment notice is mailed. There will be no proration of assessments already paid.
8. **Reserve Account Assessments.** A Reserve Account Assessment (also known as a Transfer Fee) is to be paid upon the sale of any Lot by the purchaser of such Lot. For a consolidated lot, the Reserve account assessment for the sale of such lot shall be equal to the assessment of the consolidated lot calculated at the time of closing.

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9. **Voting.** Consolidated lots shall have one vote, regardless of how many lots have been consolidated by an owner.

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**EXHIBIT A  
APPLICATION FOR LOT CONSOLIDATION**

Owner(s) \_\_\_\_\_

Lot numbers to be considered for consolidation: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

List of all mortgage holders, if any:

1. \_\_\_\_\_

2. \_\_\_\_\_

As owner(s) of the lots listed above, I certify that I have read the Lot Consolidation Policy and Procedure, Policy 2020-1, and fully understand the result of this process on ownership. I also acknowledge that I am solely responsible for any costs and fees required by the Bear Creek Land Owner's Association or by Conejos County.

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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SECRETARY'S CERTIFICATION: The undersigned, Secretary of Bear Creek Land Owners Association, a Colorado non-profit corporation, certifies the foregoing Policy Resolution was adopted by the Board of Directors of the Association pursuant to the Board's Policy for Action Taken Outside a Board Meeting (2011-#11-2, Revised 2017), on October 17, 2020. In witness thereof, the undersigned has subscribed his/her name.

Bear Creek Land Owners Association, Inc.



Don Maxwell, Secretary