

Sampson Road Association News

April 6, 2016

Small Claims Court

April 4, 2016, the Road Association, represented by legal counsel, went to Small Claims Court with Clifford Partridge (Kip) in a dispute over overdue payments to the maintenance and snowplow accounts. Presentations were made by both sides and the SRA prevailed. At that time, Kip brought both of his accounts up to date and they are now paid in full. The Small Claims Court will decide who pays the Road Association legal fees, when they are billed.

The main thrust of Kip's allegations were the number of zones in the current billing formula.

Court Order, Bylaws, and Court Action Summary

The court order is what brought the Sampson Road Association into being. In that order, The Sampson Road Association was to write bylaws by which we are to govern. By-laws were written and they have been amended on several occasions. Although they are not perfect, the current bylaws are what govern us as The Sampson Road Association today.

We can not continue to try living in the past or go back to "the way it used to be done".

Attached is the court document brought to last fall's meeting. This document is a Motion To Interpret Court Order and Prescriptive Road Easement brought before the court by Clifford Partridge, Edward Ebers, Michael Lee, Justin Atkinson and Wally Larson.

In this motion to interpret, Judge Christie Phillips declares "Most importantly, the Judge ordered the Association to adopt bylaws to define how maintenance costs are to be billed to landowners." And "The order explicitly states that the details of these maintenance charges are to be defined in the association's bylaws. The court finds this gives the association broad discretion to define how maintenance expenses are charged to landowners." Also "Once more, Judge Perricone orders that the details of these maintenance expenses must be defined in the association's bylaws. The court also finds that this gives the association broad discretion in billing maintenance costs."

And finally "Therefore, the court finds that Plaintiffs should look to the association's bylaws if they need further clarification of maintenance expense distributions."

We are not governed by the court order, we are governed by the current set of bylaws.

Please open the attachment and read the motion to interpret.

On April 4, 2016, in small claims court, the Judge agreed that our current set of bylaws is what governs us today.

We are aware that there is no exhibit B with the zones listed on it as described in the bylaws. The Judge was more interested in the fact that we have been using the same billing and zone system since at least 2000. The Judge was satisfied with the fact that the bylaws have a provision for changing the billing method.

If there are any members who want to change the current bylaws there is a methodology in place in the current bylaws Under Section 5 Voting which requires a two-thirds majority.

As Sid Strey, past president, wrote last year, the current billing method will remain in place until there is a bylaw change:

*The Sampson Road Association is a **volunteer** organization and the volunteers are doing the best they can to abide by the bylaws, be as fair as possible to all members, maintain the road, keep the road plowed and sanded, maintain the dumpster account, maintain the mailboxes, maintain the gate and phone, maintain the billing, maintain the collections of delinquent accounts and deal with frivolous law suits.*

*Perhaps it is time to let bygones be bygones, help out where we can, continue to do the best job we can, maintain the road to the same condition throughout and enjoy what we all have to share, a private road in **one of the most beautiful places on earth.***

Spring Meeting

The spring meeting of the Sampson Road Association is scheduled for 8:30 AM June 4, 2016, at the Sampson Community Club. Come by as early as 7:30 AM, and visit with the neighbors and share some goodies! In accordance with the bylaws, agenda items must be submitted to the board by May 15, 2016. Please e mail agenda items to Wesley Fuller, hotwaterheating@gmail.com, or by regular mail: Sampson Road Association, 16150 Sampson Road, Littleton, Colorado 80127.

Gate

The repair of the gate has not been forgotten. We are waiting for things to dry out some more, and will proceed as soon as practical. Colorado State Patrol has taken over the investigation of the damaged gate. We provided the information we had to them.

Road Maintenance

The road maintenance work is still planned to start on April 17. Please contact Wesley Fuller, 303 895-1606, to volunteer help.

Respectfully submitted your SRA board,
President Wesley Fuller
Secretary Virginia Temmer
Treasure Ted Nowak