



## NORTHMOOR ACRES HOMEOWNERS ASSOCIATION NEWSLETTER

August 2012

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### ***2012 Neighborhood Events***

The Neighborhood Committee is continuing to plan events for your enjoyment this Fall. The picnic was well attended and a LOT OF FUN!! We are sorry if you missed it. Mark your calendars now and plan to attend the car show - meet more of your neighbors and socialize. Be a part of your community. And best of all - *HAVE FUN!!!*



•**Car Show** – scheduled for Saturday, September 8 on Mesquite Court starting at 4 p.m. This is your time to “show off” your *WHEELS*. This can be anything you want to show – a car, truck, tractor, motorcycle, you name it. This is for the young and the “young at heart”. We will have a children’s category – so have your child bring their favorite wagon, tricycle, power wheels, or bicycle to display. There will be music and we ask you to bring a “bite” to share..... perhaps your favorite salsa dip and chips or an appetizer. We will have hot dogs for sale for \$1.00 each. The Committee will provide water and lemonade.

### ***Greenbelt Mowing Delayed/Possibly Cancelled for this Year***

Due to the drought at the beginning of this summer, the grass in the greenbelt seems to have gone dormant and has not grown much at all. The Board is therefore considering NOT MOWING the greenbelt at all this year, which would save the HOA a considerable amount of money. A final decision will depend on growth over the next month. Residents who have property next to the greenbelt may want to consider mowing their own “firebreak” between their property and the greenbelt, in case the very dry conditions that existed at the beginning of the summer return in August and September

### ***Update on HOA Court Case with the Riveras/Kelley at 20204 Cactus***

As many of you may know, the HOA has been involved in litigation with the Riveras (along with Teresa Kelley, the recorded owner of the property) for repeated incidents where one or more of the Rivera pit bull dogs have left their property and menaced other residents in Northmoor. This includes one incident in which a resident was injured on July 14, 2009 and for which Teeca Rivera was criminally convicted on May 11, 2010. As a result of many ongoing incidents reported to the Board of Directors by residents, the HOA initiated a civil action to 1) require that the Riveras/Kelley confine their dog(s) to their property, 2) modify the fence - that they asked for permission to build - to comply with the specific requirements of the HOA Board, and 3) request reimbursement of HOA attorney fees and costs. The Board has currently spent in excess of \$17,000 in attorney fees and costs to get a court order, which mandates that the Riveras comply with the same covenants and Weld County ordinances that everyone else in the subdivision is subject to. Before commencing this litigation, and throughout the litigation, the Board of Directors repeatedly told Riveras that the litigation could be dismissed if they would just agree to keep their pit bulls on their property. Obviously, Riveras were consistently unable to keep their pit bulls on their property and thus the litigation had to be processed until a court order was obtained. Both the County Court (December 16, 2011) and the District Court on appeal (June 19, 2012) ruled in favor of the HOA. There will be a hearing to determine the award of attorney fees, at which time the Board will attempt to recover on behalf of all Northmoor homeowners the money that has been spent on trying to keep the Rivera’s dog(s) confined so they would not continue to threaten our residents.

At the Northmoor Home Owners' annual meeting on February 25, 2012, the Board of Directors was requested to provide information to the homeowners about this litigation, which has increased professional costs to the HOA. In response to that request, the judges' decisions in both the County Court, and the District Court on appeal, are posted on the HOA website, along with the Sentence Order finding Teeca Rivera Guilty of Ownership of a Dangerous Dog (all public documents). Because we are still in litigation with the Riveras, HOA Board members' ability to discuss the case is limited. The HOA Board of Directors is suggesting that all residents who have questions about this litigation please read those judicial decisions posted on our website, which contain a thorough discussion of the testimony and facts of the case in addition to the judge's conclusions. Below are brief summaries of the County Court and District Court decisions.

The civil trial in the Weld County Court was held on December 5, 2011 and the judge's ruling was issued on December 16, 2011. In the County Court the HOA presented testimony that there had been more than a dozen aggressive/menacing incidents reported to the Board involving the Rivera dog(s) and Northmoor residents. Seven Northmoor residents testified at trial about incidents where the dog(s) were off the Rivera's property and menaced them or members of their families (including one child); some of those residents testified about being menaced several times by the Rivera's dog(s). In the Findings of Fact, Conclusions of Law, and Ruling, the judge granted an injunction requiring that, 1) the Defendants' fence either be removed or be modified to meet the HOA Board requirements; 2) the Defendants are required to keep their dogs confined to their land, effective immediately; and 3) the HOA could file an itemized bill of costs and affidavit of attorney fees subject to a hearing to determine reasonableness. The court noted that, "the HOA Board's request that additional items be added to the dog enclosure to make it escape-proof was reasonable given the number of incidents that had occurred with the dogs, including one in which the Defendant Teeca Rivera was convicted criminally and required to maintain such a structure." The court further found that the Riveras/Kelley had not met their burden of proof on allegations that the HOA had intentionally inflicted emotional distress upon them or had violated covenants prohibiting harassment of homeowners.

The Riveras/Kelley appealed the decision of the County Court to the Weld County District Court on December 30, 2011. The judge in the Weld County District (appeal) Court issued an 8-page decision on June 19, 2012. The Conclusion of that opinion states: "The County Court committed no error in entering its orders and in granting the request for injunctive relief. The judgment is AFFIRMED and the matter REMANDED for a determination of an award of reasonable attorney's fees pursuant to the provisions of the HOA covenants."

### ***Prairie Dog/Gopher Holes in Greenbelt***

In the April and July Newsletters, we told you about the active prairie dog/gopher holes in the greenbelt. The Board of Directors hired a company that treated the holes and we have been inspecting those holes on a regular basis. We believe the animals are gone, but please continue to be extremely careful if you walk or ride horses in the greenbelt common area. Please notify any Board member if you see any of these animals active in the greenbelt or anywhere in the Northmoor Acres subdivision.

### ***Property Maintenance Committee***

The Property Maintenance Committee has a few members, but more are needed. If you are interested and have not yet volunteered, there is still time to join. If you have any questions or want to volunteer, please call Shawn Rieke at 587-0959. The committee is making plans to help with weeds, watering trees, and maintaining the greenbelt areas for all of the residents to enjoy – and it might be fun to help out!!

### ***GO GREEN!!!***

**How about receiving this newsletter and other important HOA announcements via email? Be part of making a difference – less paper, less postage, less expense. Please send your email information to [BOD@northmooracres.org](mailto:BOD@northmooracres.org). As an additional consideration, there are situations where we need to get written information out very quickly on neighborhood safety issues, which affect all homeowners. If you have an email address, we urge you to provide that information to the HOA. The Board of Directors does not publish, sell or share this information to outside parties.**

### ***Community Notification System***

In addition to notifying the HOA of your email address, please make sure we have an up-to-date phone number for you. We request that any changes in phone numbers be sent to the Board through [BOD@northmooracres.org](mailto:BOD@northmooracres.org). Our community notification system (Reverse 911) allows the Board to rapidly disseminate time-sensitive messages to every telephone number stored in the database. If you have an issue that could benefit from the use of this system, please contact any board member.

### ***Neighborhood Safety/Security***

As we reported in the July newsletter, there have been several items stolen from unlocked cars in the last few months. The Board has recently received an unconfirmed report that a person has now been arrested and charged in connection with those break-ins. There were rumors that others might have also been involved, and the investigation is apparently continuing.

#### **For your security, please be sure to:**

1. Lock your car at all times
2. Do NOT leave valuables in your car

In addition, we request that residents continue to inform the Board either by email to [BOD@northmooracres.org](mailto:BOD@northmooracres.org) or to an individual Board member by phone (see end of Newsletter) about any safety issues. It is also very important that residents continue to report any safety issues to the proper Weld County agency. The Weld County Sheriff's Office has emphasized to the Board the importance of notifying them immediately whenever residents are threatened or witness unlawful activity.

### ***Tips & Reminders***

**-The speed limit in Northmoor Acres is 30 mph or less.** There are children out playing and people walking this time of year. Please drive slowly in our subdivision. If you witness excessive speed, please call the Weld County Sheriff's Department.

### ***A Note in Response to the Petition***

Most of you have received a petition in the mail in regards to abolishing the Northmoor Homeowners Association. The Homeowners Association was formed to represent and protect you, the homeowner. The HOA Board of Directors is elected by you, volunteers their time, and has always appreciated your input into our discussions and decisions. We all, as homeowners, are impacted by those decisions just the same as you are, especially the financial ones.

We would like to take this opportunity to respond to just a few of the points made in the petition to clarify our policy.

- The HOA has never foreclosed nor had a policy to foreclose on any property, for lack of dues or trash fees.
- No homeowner has ever been charged \$225 to have a letter sent requesting HOA or trash fees.
- There is no Property Assessment committee being discussed or formed.
- Major decisions/changes affecting the HOA are brought to the homeowners at our annual meetings in February, after being announced in advance in the agenda sent out for that meeting.
- No HOA dues have ever been invested in special interest accounts. Reserve funds, which are often used to cover unexpected costs to the subdivision for maintenance of open areas and ditches, are placed in Certificates of Deposit with the bank to earn interest for the HOA. These are cashed in as expenses arise.

We would welcome discussion about any other points set forth in the petition that you may be concerned about. Please direct all communications with respect to the information presented in this newsletter, and particularly with respect to the litigation or HOA policies, to our email at [bod@northmooracres.org](mailto:bod@northmooracres.org) with any questions you have - or attend one of our monthly meetings, we would love to have you!

Sincerely,

YOUR Board of Directors

## *Serving our community:*

### **Board of Directors** Email: [bod@northmooracres.org](mailto:bod@northmooracres.org)

Susy Ruof	President	587-2596
Mike Martin	Vice President	587-2557
Anne Calvert	Treasurer	587-4982
Ginny Hersch	Secretary	587-5627
Deb Coulson	Director of Events/Chair-Neighborhood Committee	587-8533
Cindy Eldenburg	Director of Technology	587-2514
Shawn Rieke	Director of Property	587-0959
Joanne Stroud	Director of Members/Chair - ACC	587-0282
Joan Waser	Director of Correspondence	590-7059

### **Architectural Control Committee (ACC)**

Joanne Stroud	Deb Coulson	Barbra Ding	Ginny Hersch
Dave Klink	Chuck Krueger	David Schnitzler	

### **Neighborhood Committee**

Deb Coulson	Audry Bothum	Kim Coulson	Tim Hersch
Lori Pierce	Sabrina Schnitzler	Terry Showalter	Jesse Strack
Steve Stroud	Paul Tams		

### **Property Maintenance Committee**

Shawn Rieke	John Soricelli	Dave Klink	Jerry Carson
Susy Ruof	Mike McGinty	Mike Martin	