

Colorado Division of Conservation

Attn: Mr. Aaron Welch
1560 Broadway, Suite 1550
Denver, CO 80202

November 11, 2022

Re: MALT failure to enforce easements on PHHOA Lot 164

Mr. Welch,

Per our conversation earlier this week, I submit this complaint and respectfully ask that you open an investigation into the failure by the Mountain Area Land Trust ("MALT") to enforce their conservation easement on Paradise Hills Homeowners Association Lot 164.

Please see the attached, beginning with the Letter to MALT dated as of this day ("MALT Letter 221111").

The community worked hard to acquire and preserve, protect and enhance this property which is located at the entrance to our community. There was concern at the time that a mere warranty from the developers regarding use of the lot for "recreational purposes" may not run with the land or be forgotten. In view of the same, and to enable the developers to take state and federal tax deductions on this conservation contribution, the land was transferred to MALT and a conservation easement was put on the deed, to be enforced in perpetuity. There has naturally been substantial turnover in the community and at MALT, but some of us continue to remember and are deeply concerned regarding MALT's recent decision "not to oppose" the proposed building improvements on that lot. Sympathies and personal feelings relative to the proposed building aside, we ask MALT to enforce their restrictive easement and oppose any potential building now and at any time in the future – strongly and with injunctive relief if necessary.

The community made a decision 30 years ago to put on the restrictions, preserve the open space and, by separate sentence, expressly precluded residential or commercial building improvements (for whatever purpose). The restrictions are clear, as was the intent. It's not now a matter of doing another community vote, changing our minds, and electing not to abide by the restrictions.

Sincerely,

Kevin K. Groeneweg, Esq.
346 Lamb Lane
PHHOA Class I Member
Former President of the Board