

When recorded return to:  
McGeady Becher P.C.  
450 E. 17th Avenue, Suite 400  
Denver, CO 80203

**NOTICE TO TITLE COMPANIES: THE FOLLOWING RESOLUTION IMPOSES FEES WHICH, UNTIL PAID, CONSTITUTE A STATUTORY AND PERPETUAL LIEN ON AND AGAINST THE PROPERTY SERVED. CONTACT GOODWIN & COMPANY, AT 303-693-2118 TO VERIFY PAYMENT.**

**RESOLUTION NO. 2023-03-01**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE STONE CREEK  
METROPOLITAN DISTRICT  
AMENDING AND RESTATING THE IMPOSITION OF DISTRICT FEES**

A. Stone Creek Metropolitan District (the “**District**”) is a quasi-municipal corporation and political subdivision of the State of Colorado located in Douglas County, Colorado (the “**County**”).

B. The District was organized pursuant to its Service Plan approved by the County on September 23, 2014, as it may be amended from time to time (the “**Service Plan**”).

C. The District’s boundaries are described in the legal description attached hereto as **Exhibit A**, which legal description may be amended from time to time, pursuant to the inclusion and/or exclusion of property into or from the District (the “**Property**”).

D. Choke Cherry Investors, LLC, a Colorado limited liability company (the “**Developer**”), recorded that certain Declaration of Covenants and Restrictions of Stone Creek Ranch in the real property records of the County at Reception No. 2018013714, as the same may be amended and/or modified from time to time (the “**Covenants**”), and applicable to the Property.

E. The Covenants provide that the District shall enforce each of the provisions provided therein.

F. The District, pursuant to the Covenants and Service Plan, is authorized and responsible for the ownership, operation, maintenance and construction of facilities to benefit the Property, including but not limited to neighborhood parks, a community center, a fitness center, and swimming pools (the “**District Improvements**”).

G. Pursuant to the Covenants, the District shall also provide for trash removal for any Unit, as defined in the Covenants.

H. The Property will benefit from the District Improvements and the District’s operation and maintenance of the same.

I. The District is authorized pursuant to Section 32-1-1001(1)(j), C.R.S., and its Service Plan to fix and impose fees, rates, tolls, charges and penalties for services, programs, or

facilities provided by the District, which, until paid, shall constitute a perpetual lien on and against all property served.

J. The District is providing a service by operating and maintaining the District Improvements, administering trash collection, and administering the transfer of ownership of any dwelling Unit (hereinafter defined) located within the Property (the “**Services**”).

K. The District has determined that, to meet the costs associated with the District Improvements, the cost of operating and maintaining the District Improvements, and to meet the costs of providing the Services it is necessary to impose an O&M Fee (defined below) on each lot and/or single family residential dwelling unit (“**Residential Unit**”) on the Property.

L. The District has determined that, to offset the administrative expenses incurred when property within the District is sold, it is necessary to impose an Administrative Fee (defined below) on each Residential Unit on the Property.

M. The District previously adopted Resolution No. 2017-11-05, Resolution of the Board of Directors of the Stone Creek Metropolitan District Regarding the Imposition of District Fees, recorded in the real property records of the County at Reception No. 2018013713; and Resolution No. 2019-02-01, Amended & Restated Resolution of the Board of Directors of the Stone Creek Metropolitan District Regarding the Imposition of District Fees, recorded in the real property records of the County at Reception No. 2019012569 (together, the “**Original Fee Resolutions**”).

N. The District wishes to amend and restate in their entirety the Original Fee Resolutions by adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE STONE CREEK METROPOLITAN DISTRICT, AS FOLLOWS:

1. The Original Fee Resolutions are hereby amended and restated in their entirety with this Resolution.

2. The Board of Directors of the District hereby finds, determines and declares that it is in the best interests of the District, its inhabitants and taxpayers to exercise its power by imposing the following fees:

(a) **Operations and Maintenance Fee.**

(i) The Board hereby imposes an Operations and Maintenance Fee (the “**O&M Fee**”) as follows:

(1) For the first quarter of 2023: \$70 per month per lot, payable quarterly (\$210 for the quarter);

(2) For the second quarter of 2023: \$170 per month per lot, payable quarterly (\$510 for the quarter); and

(3) For the third quarter of 2023, and all quarters thereafter:  
\$120 per month per lot, payable quarterly (\$360 per quarter; \$1,440 per year).

(ii) The District reserves the right to amend this Resolution in the future to increase or decrease the amount of the O&M Fee.

(iii) The O&M Fee shall be paid in quarterly amounts as provided above per calendar quarter invoiced on each January 1<sup>st</sup>, April 1<sup>st</sup>, July 1<sup>st</sup> and October 1<sup>st</sup> and due on each January 25<sup>th</sup>, April 25<sup>th</sup>, July 25<sup>th</sup> and October 25<sup>th</sup>. An invoice for the O&M Fee payable for each calendar quarter will be mailed to each property owner ("**Owner**") thirty (30) days prior to the final due date (the "**Bill Date**"), following a five (5) day grace period after the initial due date. If payment in full is not received by the 30<sup>th</sup> day following the Bill Date (the "**Past Due Date**"), the fee is deemed past due and otherwise outstanding. A "Reminder Notice" may be, but is not required to be, sent at such time. Notwithstanding the above, the Owner shall have the right to pay the O&M Fee for said calendar year in one (1) installment on or before January 15<sup>th</sup>, in which event, the Owner shall be entitled to a five percent (5%) discount.

(iv) Failure to make payment of any O&M Fees due hereunder shall constitute a default in the payment of such O&M Fee. Upon default, Owner shall be responsible for a late payment ("**Late Payment Fee**") in the amount of \$15.00 per late payment.

(v) If the Owner does not make payment of all past due amounts, which in the District's sole discretion may include simple interest as permitted by Section 29-1-1102(7), C.R.S. (the "**Delinquent Balance**"), within sixty (60) days from the Past Due Date, the District may deliver to the Owner a Notice of Intent to File a Lien Statement (a "**Lien Notice**"). The Lien Notice shall give notice to the Owner that the District intends to perfect its lien against the Property by recording a Lien Statement in the office of the Douglas County Clerk and Recorder if the Delinquent Balance is not paid in full within thirty (30) days after said Lien Notice is served upon Owner by certified mail, return receipt requested, pursuant to Section 38-22-109(3), C.R.S.

(b) **Administrative Fee.**

(i) The Board hereby determines that in order to offset administrative costs associated with a transfer of ownership of any dwelling unit located within the Property, the District shall impose an Administrative Fee (the "**Administrative Fee**" and, collectively with the O&M Fee, the "**Fees**") to be paid by each buyer of a Residential Unit (other than the builder constructing the initial Residential Unit) upon the conveyance or refinance of such Residential Unit as follows:

(1) The Administrative Fee shall be \$100.00 per sale of a Residential Unit from one owner to another owner;

(2) The Administrative Fee shall be due and payable at the time of any sale, transfer, or re-sale of any Residential Unit constructed on a lot with a certificate of occupancy.

(ii) The District reserves the right to amend this Resolution in the future to increase or decrease the amount of the Administrative Fee.

3. The Fees shall not be imposed on real property actually conveyed or dedicated to non-profit owners' associations, governmental entities or utility providers.

4. The Fees shall constitute a statutory and perpetual charge and lien upon the Property pursuant to Section 32-1-1001(1)(j), C.R.S., from the date the same becomes due and payable until paid. The lien shall be perpetual in nature as defined by the laws of the State of Colorado on the Property and shall run with the land and such lien may be foreclosed by the District in the same manner as provided by the laws of Colorado for the foreclosure of mechanics' liens. This Resolution shall be recorded in the real property records of the Clerk and Recorder of Douglas County, Colorado.

5. The District shall be entitled to institute such remedies and collection proceedings as may be authorized under Colorado law, including, but not limited to, foreclosure of its perpetual lien. The defaulting Owner shall pay all costs, including attorneys' fees, incurred by the District in connection with the foregoing. In foreclosing such lien, the District will enforce the lien only to the extent necessary to collect the Delinquent Balance and costs of collection (including, but not limited to, reasonable attorneys' fees).

6. Judicial invalidation of any of the provisions of the Resolution or of any paragraph, sentence, clause, phrase or word herein, or the application thereof in any given circumstances shall not affect the validity of the remainder of the Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.

7. Any inquiries pertaining to the Fees may be directed to Shannon Torgerson, District Manager, Goodwin & Company, 14901 E Hampden Ave. #320, Aurora, CO 80014, 303-693-2118. [Shannon.Torgerson@goodwin-co.com](mailto:Shannon.Torgerson@goodwin-co.com).

8. This Resolution shall take effect immediately upon its adoption and approval.

**[SIGNATURE PAGE FOLLOWS]**

[SIGNATURE PAGE TO RESOLUTION NO. 2023-03-01]

APPROVED AND ADOPTED on March 15, 2023.

**STONE CREEK METROPOLITAN  
DISTRICT**, a quasi-municipal corporation and  
political subdivision of the State of Colorado

By:   
President

Attest:

  
Secretary or Assistant Secretary

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

Lots 1 through 329, inclusive,  
Stone Creek Ranch Filing No. 1,  
Douglas County, Colorado.