

**RESOLUTION OF THE BOARD OF DIRECTORS OF
TRIVIEW METROPOLITAN DISTRICT NO. 3, TOWN OF MONUMENT,
COUNTY OF EL PASO, STATE OF COLORADO, ADOPTING MAINTENANCE FEE**

WHEREAS, the Triview Metropolitan District No. 3, Town of Monument, County of El Paso, Colorado (the “District”), is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, the District was formed to finance and provide public improvements to the development within and without the boundaries of the District, along with the operation and maintenance of the improvements and certain services, including, but not limited to, covenant enforcement and design review services (collectively, “District Functions”); and

WHEREAS, pursuant to Section 32-1-1001(1)(j), C.R.S., the District is authorized to fix and from time to time increase fees, rates, tolls, charges, and penalties for services, programs, or facilities the District provides which, until paid, shall constitute a perpetual lien on and against the property served, and the District may utilize the revenues from such fees, rates, tolls, and charges for all lawful purposes of the District; and

WHEREAS, the District Functions will benefit the property within the District as described in **Exhibit A**, attached hereto and incorporated herein by this reference (the “Property”), which legal description may be amended from time to time pursuant to the inclusion and/or exclusion of property into or from the District; and

WHEREAS, the District has determined to require payment of a fee for the purposes of operations, maintenance, and covenant services (the “Maintenance Fee”), imposed on each Unit (defined below) within the Property on a monthly basis; and

WHEREAS, the District desires to adopt this Resolution to assure that property owners within the District are required to pay the fees necessary to assist with the funding of the District Functions and to otherwise clarify procedures for payment of fees.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF TRIVIEW METROPOLITAN DISTRICT NO. 3 AS FOLLOWS:

1. The Board of Directors of the District has determined, and does hereby determine that it is in the best interests of the District and its future property owners and inhabitants to exercise its power granted by statute to impose the Maintenance Fee on the Property (the “Fee”).

2. For purposes of this Resolution, a Unit shall be any individually platted portion of the Property that is zoned and intended for construction and used as a detached or attached single family home. A Unit shall not be any area within the Property designated by plat as a public right of way, open space, or property otherwise utilized for the provision of public utilities.

3. The revenue the District collects from the Fee may be used for any District Function, in the sole discretion of the District’s Board of Directors.

4. The rate of the Maintenance Fee for each Unit shall be as follows:

\$180.00 for the Villa Units (the Patio Home Collection, as legally described on **Exhibit B** attached hereto)

\$100.00 for the Single-Family Units (the Serenity and Regal Collections, as legally described on **Exhibit C** attached hereto)

The Maintenance Fee shall be assessed and collected each month against each Unit. The Maintenance Fee imposition shall commence upon the sale or transfer of a Unit for the first time for residential occupation. The Maintenance Fee shall be payable the fifteenth day of each month. The amount for the first month shall be collected at closing of the transfer of a Unit. In the event a Unit is transferred to a homeowner on a date other than the first day of the first month of the quarter, the amount of the Covenant Enforcement Fee shall be prorated accordingly.

5. The District reserves the right to amend this Resolution in the future to increase or decrease the amount of the Fee.

6. The Fee shall be imposed as stated above, beginning May 1, 2024.

7. Any unpaid Fee shall constitute a statutory and perpetual charge and lien upon the applicable structure or unit pursuant to Section 32-1-1001(1)(j), C.R.S., from the date the same becomes due and payable until the date the Fee(s) is/are paid. The lien shall be perpetual in nature on the applicable structure or unit and shall run with the land, as defined by the laws of the State of Colorado. Such lien may be foreclosed by the District in the same manner as provided by the laws of the State of Colorado for the foreclosure of mechanics' liens. This Resolution shall be recorded in the real property records of the Clerk and Recorder of El Paso County, Colorado.

8. Failure to make payment of a Fee due hereunder shall constitute a default in the payment of such Fee. Upon a default, interest shall accrue on such total amount of Fee(s) due at the rate of twelve percent (12%) per annum and 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 property owner shall pay all costs, including attorneys' fees, the District incurs in connection with the foregoing. In foreclosing the lien, the District will enforce the lien only to the extent necessary to collect unpaid fees, interest and costs.


9. Judicial invalidation of any of the provisions of this 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 this Resolution, unless such invalidation would act to destroy the intent or essence of this Resolution.

10. Inquiries pertaining to the Fee may be directed to the District's general counsel at: Spencer Fane LLP, 1700 Lincoln Street, Suite 2000, Denver, Colorado 80203.

(Signature page follows.)

RESOLUTION APPROVED AND EFFECTIVE this 17th day of April, 2024.

TRIVIEW METROPOLITAN DISTRICT NO. 3

By: 
President

Attest:

Secretary

EXHIBIT A
“PROPERTY”

LTG Policy No. CTD155002267

Order No. SCS5002267

LEGAL DESCRIPTION

PARCEL A:

THE SOUTHWEST QUARTER AND THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

PARCEL B:

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

PARCEL C:

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

PARCEL D:

THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

EXCEPT ANY PORTION OF THE ABOVE DESCRIBED TRACTS CONTAINED WITH HIGBY ROAD AS SET FORTH IN RESOLUTION NO. 05-241 RECORDED JUNE 21, 2005 UNDER RECEPTION NO. 205092635 AND CONVEYED IN WARRANTY DEED RECORDED JUNE 21, 2005 UNDER RECEPTION NO. 205092636.

EXHIBIT B
“VILLAS UNITS”

LOTS 1 THROUGH 64, HOME PLACE RANCH FILING NO. 1, AS RECORDED AT
RECEPTION NO. 222715051, COUNTY OF EL PASO, STATE OF COLORADO.

EXHIBIT C

“SINGLE-FAMILY UNITS”

LOTS 65 THROUGH 75, HOME PLACE RANCH FILING NO. 1, AS RECORDED AT RECEPTION NO. 222715051, COUNTY OF EL PASO, STATE OF COLORADO;

TOGETHER WITH LOTS 1 THROUGH 67, HOME PLACE RANCH FILING NO. 2, AS RECORDED AT RECEPTION NO. 222715052, COUNTY OF EL PASO, STATE OF COLORADO.