



Andy Mowery <pohoaandy@gmail.com>

Re: Lawsuit Inquiries

Poudre Overlook HOA of Fort Collins <poudreoverlookhoa@gmail.com>

Tue, Sep 15, 2020 at 11:16 AM

To: Heidi Montenero <heidimonte@gmail.com>

Yes, Heidi, we do require some evidence before we can cite a neighbor for violating our governing documents. We cannot send a violation letter, imposing financial penalties, based solely on an accusation - much as we wouldn't do so based on a complaint of a camper being parked in front of a house for longer than our governing documents allow or failing to bring trash bins in quickly enough or any other myriad complaints that may arise in the neighborhood.

As the complainant, you must have some evidence to support your claims. An active airbnb listing or other documentation that gives rise to your accusation? We will certainly follow up on evidence-based complaints. However, as volunteers who already give countless hours in support of our community, we will not park in front of someone's house, trying to find evidence for unsubstantiated claims - particularly in light of the fact that the complaint came in response to an update on the lawsuit and may be seen by the courts as retaliatory. We will document your complaint but are unable to proceed further based solely on a complaint.

If you have questions about what the management company can do to support our neighborhood, please feel free to reach out with your specific inquiries. We note that you did not attend the special meeting last Thursday so you may have missed out on some pertinent information. Voting ends Thursday and we want to be sure to give you every opportunity to ask questions.

Regards,

Poudre Overlook HOA Board of Directors

PO Box 885

Laporte, CO 80535

[Poudre Overlook HOA login](#)

On Mon, Sep 14, 2020 at 3:46 PM Heidi Montenero <heidimonte@gmail.com> wrote:

What I'm hearing you say is that I need to prove it to you. So far this month they had out of state "visitors" on Sept 1st, 5+6. I'm sorry but I didn't check for you this last weekend. I will try to be more vigilant for you. Needless to say but a management company will not help, all they do is financial.

On Sun, Sep 6, 2020, 2:41 PM Poudre Overlook HOA of Fort Collins <poudreoverlookhoa@gmail.com> wrote:

We have not received any complaints or evidence that they are actively running a B&B out of their home. We have seen the website soliciting for same, but that specifically says it is not currently allowed and they are not taking reservations

If you believe that they are running a B&B out of their house, please submit a detailed complaint and provide the actionable documentation and we will follow up.

Regards,

Poudre Overlook HOA Board of Directors

PO Box 885

Laporte, CO 80535

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On Sun, Sep 6, 2020 at 1:12 PM Heidi Montenero <heidimonte@gmail.com> wrote:

Meanwhile this person is still running a bed and breakfast against all hoa rules. Its easy to see the board has not taken any action .

On Sun, Sep 6, 2020, 8:48 AM Poudre Overlook HOA <notifications@frontsteps.com> wrote:

Poudre Overlook HOA Bulletin

Lawsuit Inquiries

Dear Homeowners,

We have received several inquiries from homeowners regarding the lawsuit against our Association and a former board member.

The lawsuit remains ongoing. The HOA incurred \$182.00 in legal fees to Mr. Dauster for work done before our insurance company hired attorneys to defend us. Our insurance company retained the law firm of Sutton | Booker, P.C. to represent the HOA and Mr. Hammond, our former board member. Debra Sutton and Tom Walton are the attorneys defending the case. The insurance company is paying all of the costs and attorneys fees for our defense. We have not been informed of the estimated costs the insurance company will pay. However, the HOA is not responsible for the attorneys fees. The HOA has not been asked to pay any deductible. We do not have any information on the impact on future insurance premiums,.

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Our attorneys have advised us that to protect the integrity of the HOA's case, it is important for the Board to limit its public communication about the case as much as possible until the lawsuit is resolved. We can tell you that the plaintiff filed an Amended Complaint and our attorneys filed a motion asking the Court to dismiss it, which motion will be decided by the judge. We do not know when the judge will issue an order. The Motion to Dismiss and the plaintiff's Amended Complaint are a matter of

public record in Larimer County Court. However, If any homeowner would like a copy, please email the board and a copy will be provided.

Regards,
Herb, Jen, Sara, Meg

Sent by **Poudre Overlook HOA**
under the care of **Poudre Overlook HOA**

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