

**HOMESTEAD IN THE WILLOWS HOMEOWNERS ASSOCIATION, INC.**  
**Governing Documents**  
**Obsolescence Chart**

Overview: The Homestead in the Willows Homeowners Association, Inc. (the “Association”) was formed September 26, 1974, to govern the Homestead in the Willows community. The Association’s governance and property obligations are dictated by the Declaration of Covenants, Conditions and Restrictions for Homestead in the Willows Homeowners Association recorded on November 1, 1974, at Reception No. 1453381, in the Arapahoe County, Colorado, real property records, and supplements and amendments thereto (the “Declaration”), the Articles of Incorporation of the Association, the Association’s Bylaws, and the Association’s Responsible Governance Policies. Some of the Association’s governing document provisions are obsolete due to completed development of the community or have been superseded by more recent changes to statutes and controlling laws. This chart sets forth the obsolete and superseded provisions and cites any statute, rule, or policy that controls.

<b>Obsolete/Superseded Provision</b>	<b>Controlling Statute or Policy</b>
All document references to “Declarant”	The Homestead in the Willows community is fully developed and the developer, known as the Declarant, no longer holds any preferential rights under the Association’s governing documents. References to the Declarant in the governing documents are no longer applicable.
All document references to two classes of voting membership	Class A members are all members other than Declarant. Class B members were Declarant memberships. As there is no Declarant, there are no Class B members and any reference to Class B members no longer applies.
Declaration, Article V, § 9, provides that a past-due assessment “shall constitute a lien on such Building Site or Living Unit from the date of filing notice of delinquency until the lien is released.”	The Declaration does not define “notice of delinquency” but the context reasonably implies that this is a notice of assessment lien statement. In Colorado, common interest communities have a statutory lien for all assessments pursuant to C.R.S. § 38-33.3-316(1). The statutory provisions control the Association’s lien rights. See the Association’s collection policy for more information about how the Association pursues collection of delinquent assessments in conformance with state law.

<p>Declaration, Article V, § 10, provides that the foreclosure of any first lien “shall extinguish any lien of which became a lien prior to such sale or transfer.”</p>	<p>This provision does not align with state law. Colorado Revised Statutes § 38-33.3-316(2)(b)(l) provides that the Association’s lien is senior to a first deed of trust in “[a]n amount equal to the common expense assessments ... which would have become due, in the absence of any acceleration, during the six months immediately preceding institution [of a foreclosure] by either the association or any party holding a lien senior to any part of the association lien.”</p>
<p>Declaration, Article VIII, § 2(C), prohibits certain signs.</p>	<p>Prohibitions against political signs are superseded by C.R.S. § 38-33.3-106.5, which permits one political sign per political office or contested ballot issue, no larger than permitted by city, town, or county ordinance, or 36x48 inches. See the Association’s Residential Improvement Guidelines for state compliant rules regarding political signs within Homestead in the Willows.</p>
<p>Declaration, Article X, § 3(C), prohibits TV antennae.</p>	<p>FCC rules governing satellite dishes and antennae render this prohibition unenforceable on any property that a person exclusively controls or owns. See the Association’s Residential Improvement Guidelines for federally compliant rules regarding the installation of satellite dishes and antennae at Homestead in the Willows.</p>
<p>Bylaws, Article X, allows inspection of books and records “for any proper purpose”</p>	<p>New laws eliminate the condition of “proper purpose” for records inspection. See the Association’s policy concerning the inspection and copying of records for a list of records maintained by the Association and how to inspect or copy those records.</p>
<p>Responsible Governance Policies</p>	<p>Since 2005, the Colorado General Assembly has required community associations like Homestead in the Willows to adopt responsible governance policies covering a range of topics relevant to owners’ rights and responsibilities. State statutes currently mandate that the Association have nine responsible governance policies in place. See the Association’s Governing Policies for the full text of these policies.</p>