



**WELCOME TO  
SUNMARKE**  
Parker, Colorado

Homeowner Handout

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## *Welcome To SunMarke*

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At your closing you should have received several documents relative to the SunMarke Community, including the Master Declaration of Covenants, Conditions and Restrictions for SunMarke, Bylaws, and Residential Improvement Guidelines. If for any reason you did not receive any of these items, please contact the management company immediately.

The major responsibility of the SunMarke Community Association is to protect the investment and enhance the value of the property of the members.

There are some things that SunMarke does *not* do. SunMarke Community Association is not a political organization with the main purpose of influencing outside issues and elections. On rare occasions, the Association may become active on a single civic issue if it affects the property values of all members. Usually, however, the Association does not become involved, leaving such matters to voluntary membership citizens' associations and political parties.

The Association also is not a forum for individual resident complaints against a builder. This is a matter to be settled between the individual owner and a builder.

The key to a successful association is the support and enthusiasm of the membership. And since you're a member, that means you. Again and again association leaders say that member apathy is the plague of the Association. And it is true. Without the involvement of its members, the Association cannot operate successfully.

Be actively involved in the Association - serve on the board, head up a committee, lend your talent where it will be the most useful. You can also help the Association by always doing these three things:

1. Pay your association assessment on time.
2. Cooperate with the Association, follow the rules and help where you can.
3. Participate in a meaningful way.

Again, the value of your home investment and the quality of your community depend on your community association... and the success of the Association depends on you. Give it all you can.

# SunMarke Community Association, Inc.

## Homeowner Handout

### **What is the SunMarke Community Association?**

The SunMarke Community Association is a corporation formed under the laws of the State of Colorado for the purpose of maintaining common areas owned by the Association, and providing a mechanism for architectural protection and covenant enforcement, and for conducting the administrative and accounting functions of the Association.

### **How is a Homeowners Association formed?**

A Homeowners Association is formed by the Declarant prior to anyone buying a home in the community. The Declarant records the Declaration of Covenants, Conditions and Restrictions on the land and files Articles of Incorporation with the Secretary of State. Thus, the Association is established and the lots are encumbered prior to any purchase by a homeowner.

### **Who is a Declarant?**

The Declarant is the party (usually the Developer/Builder) who files the legal documents and is defined in them. The Declarant at SunMarke is Pivotal Parker Investments, LLC.

### **Who are the members of the SunMarke Community Association?**

The members are all owners of properties which have been annexed into the Association. This includes Homeowners, the Developer and any Participating Builder who may own property from time to time during or prior to construction.

### **What authority does the Association have to collect assessments?**

The Association has the power to collect assessments which was granted in the Declaration of Covenants, Conditions and Restrictions.

### **How binding is this authority?**

The Declaration of Covenants represents a continuing lien against the property. Payment of assessments is mandatory and not optional.

### **Who decided what the assessments are?**

The Board of Directors sets the assessment level as provided in the Declaration of Covenants, Conditions and Restrictions.

### **What if I don't pay assessments?**

If assessments are not paid, the Association has a number of remedies they can pursue, specifically, notifying the owner of the delinquency, the assessment of late fees and interest, filing of a Notice of Lien on the property and pursuing legal remedies which could include a personal judgment and/or foreclosure on the property. All costs relating to collection, including attorney's fees, are added to the Association member's account.

**Who controls the Homeowners Association?**

The Homeowners Association, like any corporation, is governed by a Board of Directors. It is a representative form of government. The Directors are empowered to conduct the day to day business of the Association.

**Why are the current Board members employees of the Developer?**

It is typical of all Homeowners Associations that in the early stages of development the Developer is in control of the Board of Directors and has the right to appoint the Board. The reasons are many. First, the Developer has a substantial interest in the development and wishes to have it developed as they conceived it. Second, lenders who have lent money to the Developer want the Developer to remain in control. Third, the Developer sells lots to builders and they and their lenders also want the Developer to remain in control. Finally, the legal documents of an Association must meet standards of VA/FHA, FNMA and the secondary mortgage market. The requirement to have the Declarant in control is a part of these documents.

**When will the Homeowners get an opportunity to serve on the Board?**

The legal documents provide that the Declarant (Developer) has the right to appoint and remove all of the members of the Board of Directors and all officers of the Master Association. Declarant’s control period shall commence at Recordation of the Master Declaration and terminate upon the occurrence of the first of the following events:

- a. Sixty (60) days after conveyance of 75% of the maximum number of lots that may be created in the Project Area as provided in Section 1.2 of the Declaration, to Owners other than Declarant;
- b. Six (6) years after the last conveyance of a Privately Owned Lot by Declarant in the ordinary course of business;
- c. By written notice from the Declarant to the President or Secretary of the Master Association of the Declarant’s intent to terminate its right to appoint all of the members of the Board of Directors;
- d. Twenty (20) years from the date the Declaration was recorded.

The Colorado Common Interest Ownership Act (CCIOA) requires that one homeowner be elected to the Board when 25% of the lots have been conveyed to homeowners, two homeowners must be elected to the board after 50% of the lots have been conveyed and control of the HOA must be turned over to the homeowners when 75% of the lots have been conveyed to homeowners. Because the Declaration provides that up to 18,000 lots may be created in the Master Association, the first homeowner would be elected to the Board after 4,500 lots have been sold to homeowners and control of the Master Homeowners Association wouldn’t occur until 13,500 lots have been conveyed.

**Is Trash Removal Included in our Assessment?**

Yes. The trash removal and recycling service is provided by Allied Waste (formerly BFI). The trash pick up day is Friday. Please contact PCMS either via email at [corpoffice@pcms.net](mailto:corpoffice@pcms.net) or call 303-224-0004 ext. 100 and let us know your name, address and phone number and we will contact Allied Waste to request that a poly cart and recycle bins are delivered to your home. You may utilize trash bags or another trash can/recycle bins until the items have been delivered from Allied Waste.

**Do I need to obtain approval for changes made to the exterior of my home or lot?**

One of the advantages of living in a covenant protected community is that most exterior changes need to be approved by the Association's Architectural Committee before any work is commenced. This protection helps insure architectural integrity and continuity within SunMarke.

How do you get approval? Simple, follow these steps and you will be on your way to an expedient decision by your Architectural Committee. The monthly cut off date for applications is the first Friday of each month. Every attempt will be made to have a decision made and response sent by the end of the month in which you applied.

1. Consult your Covenants and Guidelines regarding restrictions and guidelines for modifications.
2. Contact PCMS to obtain an Architectural Request Form and answer any questions you may have.
3. Fill out an Architectural Request Form. Please make sure the entire form is filled out completely and that you provide all requested materials and site information.
4. Send the form to PCMS. Your request will be forwarded to the Committee for consideration. You will be sent a written notification of the Committee's decision.
5. Please note that all new home landscaping must be submitted for approval within three (3) months of your closing date, and thereafter installed within 120 days of the date of your approved landscape plan, as outlined in the governing documents.

**How are assessments collected and billed?**

The current assessment for the SunMarke Community Association is \$57 per month, billed quarterly. A statement will be mailed to each household approximately a month prior to the due date, January 1<sup>st</sup>, April 1<sup>st</sup>, July 1<sup>st</sup> and October 1<sup>st</sup> by the management company. You may also wish to set up automatic withdrawal for your assessment payment. If you are interested in finding out more information regarding automatic withdrawal, please contact the PCMS bookkeeping department at 303-224-0004 ext. 106.