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Bar D Owners Association

P.O. Box 259

Como, CO 80432

July 8, 2020

Gregory Hewitt

G&J Construction

PO Box 49

Alma, CO 80420

Dear Mr. Hewitt,

The Bar D Owners Association (BDOA) board of directors (Board) wrote to you on April 30, 2020.

This letter addresses the same two issues that were addressed in the previous letter.

1. The agreement required to continue performing work as a contractor for the BDOA.
2. Your request for a special meeting of the general membership to remove the President of the BDOA board of directors.

As we explained in the letter, having an agreement in place is a requirement to continue to work for the BDOA. After multiple requests by the Board to engage with you to reach an agreement, we have come to an impasse.

Since then, the Board has left you voice mail messages requesting return of the keys to the BDOA equipment. These messages have not been answered.

The Board sees two options, at this time:

1. You can work on reaching an agreement with the BDOA per the agreement for all heavy equipment operators using BDOA equipment. As previously stated, we are open to redlines so that we can make changes, where possible.
2. You can return the keys, and any other BDOA assets, to the BDOA board of directors. The property, owned by the BDOA, can be returned to any of the board members, or any member of the BDOA that can then convey the property to the Board.

In the event that you do not make an effort to complete either option by **July 15th**, the board will have the equipment re-keyed and will invoice you for those costs as well as the costs to replace any other BDOA owned property.

As previously addressed in our last letter, we cannot authorize you to perform any work on behalf of the BDOA until you reach an agreement for equipment operation with the board of directors.

The second topic was the removal of the President of the BDOA. Removing a director requires a majority vote of the BDOA members.

c. **Removal**: Any director or directors may be removed by a majority vote of the BDOA members entitled to vote. In the event of death, resignation, or removal of a director, his successor shall be selected by the remaining members of the board and shall serve for his unexpired term.

In recent conversations with board members, you stated that you have a petition with twenty signatures requesting removal of the President of the board. Per our Covenants and Bylaws, petitions are not covered. However, the board will respond by sending out official ballots to BDOA members if your petition contains signatures representing at least fifty-seven lots.

A member can vote once per lot that they own. An owner that owns two lots may have two votes. A majority requires fifty-seven votes (half of the 112 lots plus 1). When you provide the required signatures, the board will verify the signatures and verify that those that signed understand what is requested. With fifty-seven members requesting the removal of the President, an official ballot will be sent out to all members. Those that respond withing the specified time frame will be counted. In the event that a majority wish to remove the President of the Board, the remaining board members will select a successor to complete the remainder of the existing term.

Please keep in mind that any accusations against a board member, or any other owner, that are not truthful, may result in civil court action for slander or libel against you, and others, making unsubstantiated claims.

Sincerely,

The Board