

# **PAGOSA LAKES PROPERTY OWNERS ASSOCIATION RESOLUTION 2002-06**

## **RESOLUTION ON UNCOUPLING OF LOTS**

**(Rescinds, supercedes and replaces Resolutions 91-4, 93-3, 94-9, 95-6, 96-10 98-35 and 98-41)**

**WHEREAS** prior Boards of Directors of the Pagosa Lakes Property Owners Association enacted Resolutions, Policies and Estoppel Agreements between 1991 and 1998 regarding coupling and uncoupling lots,

**AND WHEREAS**, prior Boards of Directors signed Estoppel Agreements that, though in contradiction to the Declaration of Restrictions, were relied upon by the property owners of the unimproved coupled lots,

**AND WHEREAS**, many of the past transactions pertaining to the coupling of lots did not have Estoppel Agreements, or which Estoppel Agreements were not recorded with the Clerk and Recorder of Archuleta County,

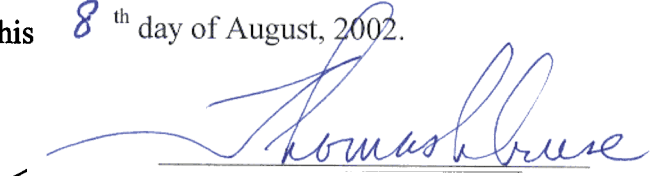
**AND WHEREAS**, in order to clarify the confusion of Property Owners that has arisen as a result of the many previous Resolutions, Policies and Estoppel Agreements enacted over the years,

### **THEREFORE BE IT RESOLVED THAT:**

1. If a Property Owner of coupled lots has Consolidated their lots through processes available at Archuleta County, the Association will change their records to reflect the Consolidation and will disregard the past coupling.
2. If a Property Owner desires to uncouple their lots and the Property Owner has not constructed improvements over lot lines or in any way created a situation prohibiting separation of their lots, the Association will uncouple the lots subject a written request from the Property Owner and the present Owner paying all assessments from the date the lots were coupled to the date of uncoupling. If a Property Owner has created a situation, such as stated above, their lots will remain coupled. For other problem resolution, the Property Owner will be referred to the Planning Department for Archuleta County regarding the potential for Consolidating their lots.
3. The Association will continue to no longer couple lots as a method of preserving open space, to treat multiple lots as a single lot or to enable Property Owners to reduce total assessment billings. The Association will only accept Archuleta County approved lot "Consolidation" to treat multiple lots as a single lot for Association assessments and to comply with requirements contained within the Declaration of Restrictions.
4. The Association is hereafter to refer all property owners requesting contiguous lots to be treated as a single lot to the Archuleta County Planning Office for their "Consolidation" procedure.

5. Existing "coupled" lots will continue to be considered as one lot, for assessment purposes, until that time that an owner requests uncoupling and adheres to the policy set forth in Par. 2, above.
6. The Association, upon adoption of this Resolution, will send letters to all of the coupled lot owners advising them of the policy adopted herein.
7. For those properties which became encumbered by a recorded Estoppel Agreement, the Association will prepare and record an instrument releasing the previously recorded Estoppel Agreement.

**ADOPTED** by the Board of Directors this 8<sup>th</sup> day of August, 2002.

  
Thomas A. Cruse, President

ATTEST  
  
Gerald G. Smith, Secretary