

**Bannockburn Homeowners Association**  
***P.O. Box 211, Franktown, Colorado 80116***

April 10, 2023

Subject: Resolution of Court Case(s) brought by James Rogers against the Bannockburn HOA.

Dear Homeowner,

At the request(s) of Mr. James Rogers, a resident of Bannockburn, the HOA responded (over a period of several months) to over twenty (20) letters, emails, or other demands, each containing multiple requests for information and records. This data included, but was not limited to minutes, invoices for expenses, emails and letters to residents, ballots, proxies, votes, meeting procedure questions, HOA policy questions, budget ratification process and other records or documents. The information supplied amounted to over 400 pages of documentation.

Even though the HOA Board provided Mr. Rogers with the requested information, Mr. Rogers subsequently filed four small claims lawsuits with Douglas County courts in late 2022 against the Bannockburn HOA. These cases questioned the timing and accuracy of the responses the HOA provided to numerous requests for certain records of the HOA. The small claims lawsuits were ultimately consolidated into a single case by the court (Case Number 2022S 125, which combined cases 125, 160, 161, and 179). The lawsuit was decided in February 2023, followed by a ruling on March 22, 2023 regarding court costs and fees for both parties.

The court held that the Association substantially complied with the Colorado Common Interest Ownership Act by providing copies of all requested records and information. However, in two instances, the court concluded that the timing of the Association's response did not satisfy the strict 30-day response deadline. In the first case, this tardiness was due to our lack of a BOD meeting in March of 2022 due to travel and Covid infections of members which rendered a meeting impossible due to lack of a quorum. In the second case, the BOD's response was delayed because the Board had requested additional clarity from Mr. Rogers regarding the requested records and reimbursement of copying costs.

Mr. Rogers initially requested approximately \$27,000 in total damages. The court awarded \$500 each (total of \$1,000) in two of the matters before the court. The

HOA substantially prevailed in the cases brought before the court, based on a determination by the court that the Association substantially complied with the requirements of the (CCIOA) in responding to the numerous requests.

The affected parties (the HOA, our legal firm, the HOA Insurance provider and Mr. Rogers) each sought an award of attorney fees and court costs. Neither party was awarded any such costs.

Additional information, including the Courts ruling, will also be posted on the Association's website.

If any resident has any further questions, contact the Bannockburn Homeowners Association at [directors@bannockburnhoa.org](mailto:directors@bannockburnhoa.org).

Regards,  
The Bannockburn HOA Board of Directors