

<p>DISTRICT COURT, EL PASO COUNTY, STATE OF COLORADO</p> <p>Court Address: 270 South Tejon Street Colorado Springs, CO 80903</p> <p>Court Phone: 719-452-5000</p> <hr/> <p><b>PETITIONER: GLENEAGLE CIVIC ASSOCIATION</b></p> <hr/> <p>Attorney: Jeremy Brett Daz Fletcher, Reg No. 55932 Jeffrey B. Smith, Reg No. 40490</p> <p>Firm: Altitude Community Law P.C.</p> <p>Address: 555 Zang Street, Suite 100 Lakewood, Colorado 80228-1011</p> <p>Phone Number: 303.432.9999</p> <p>E-mails: <a href="mailto:jfletcher@altitude.law">jfletcher@altitude.law</a> <a href="mailto:jsmith@altitude.law">jsmith@altitude.law</a></p> <p>Our File No.: 8690.0003</p>	<p style="text-align: center;"><input type="checkbox"/> COURT USE ONLY <input type="checkbox"/></p> <hr/> <p>Case No.: 2026CV030889</p> <p>Div: 17</p>
<p><b>NOTICE OF: (1) PETITION (2) HEARING AND (3) NOTICE OF OBJECTION RIGHTS RELATED TO THE (1) PROPOSED AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR GLENEAGLE CIVIC ASSOCIATION; AND (2) LIMITED AMENDMENT TO RESTATED DECLARATION OF COVENANTS, RESTRICTIONS AND CHARGES FOR GLENEAGLE, PURSUANT TO C.R.S. §38-33.3-217(7)</b></p>	

Gleneagle Civic Association, a Colorado nonprofit corporation (the "Petitioner"), by and through its attorneys, Altitude Community Law P.C., hereby notifies the Owners in Gleneagle Civic Association and all other interested parties, as follows:

1. Colorado statute §38-33.3-217(7), a part of the Colorado Common Interest Ownership Act, allows Colorado District Courts a special restricted ability to approve amendments to the Restated Declaration of Covenants, Restrictions and Charges for Gleneagle ("Declaration").

2. To comply with Colorado law and to obtain approval on behalf of all Owners, Petitioner has filed a Petition with this Court and seeks the Court's approval of the proposed amendments to the existing Declaration, which amendments are titled the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Gleneagle Civic Association (the "Proposed Amended and Restated Declaration") and the Limited Amendment to the Restated Declaration of Covenants, Restrictions and Charges for Gleneagle (the "Proposed Limited Declaration Amendment").
3. By this Notice, Petitioner gives notice of the Petition it has filed, of the objection rights of Owners, lenders, declarant, and others, as allowed by statute (and as set forth in this Notice) and also of a hearing date on the Petition to be held on June 9, 2026, at 8:30 a.m., in Division 17 of the El Paso District Court at 270 South Tejon Street, Colorado Springs, CO 80903.
4. Interested Owners and other interested parties may attend this hearing.
5. No Owner or interested party is required to attend this hearing.
6. The Petition can be defeated by: (a) written objection filed by any declarant entitled by the Declaration to vote on the Proposed Amended and Restated Declaration and the Proposed Limited Amendment to the Declaration; or (b) written objections filed by 33% or more of the Owners entitled by the Declaration to vote on the Proposed Amended and Restated Declaration and the Proposed Limited Amendment to the Declaration.
7. The Court may grant the Petition and approve and order the Proposed Amended and Restated Declaration and the Proposed Limited Amendment to the Declaration unless sufficient written objections are filed with the Court prior to the hearing.
8. State statute allows the Petitioner to apply to the District Court to amend the existing Declaration, by Court order, after Petitioner has taken the following steps:

- (a) a proposed amendment to the existing Declaration has been prepared;
  - (b) all Owners have been sent at least two notices (by any means consistent with the Colorado Revised Nonprofit Corporation Act) of the proposed amendments from the Association;
  - (c) Petitioner has held at least one meeting (called and held in accordance with the Petitioner's governing documents: the Declaration, Articles of Incorporation and Bylaws) to discuss the proposed amendments; and
  - (d) more than half the Owners required under the existing Declaration have voted for the Proposed Amended and Restated Declaration and the Proposed Limited Amendment to the Declaration (i.e., with an existing approval requirement of Owners of at least 2/3 of the Lots in the Subdivision currently required to amend the Declaration, the procedure of petitioning the Court for approval of the Proposed Amended and Restated Declaration and the Proposed Limited Amendment to the Declaration could begin once Owners representing at least 33.5% of the Lots in the Subdivision have voted for the Proposed Amended and Restated Declaration and the Proposed Limited Amendment to the Declaration).
9. The Petitioner has obtained approval of the Proposed Amended and Restated Declaration from 270 of the 704 Lot Owners, which is approximately 38% of the Lot Owners. The Association has obtained approval of the Proposed Limited Declaration Amendment from 251 of the 704 Lot Owners, which is approximately 36% of the Lot Owners. These approvals are over half of the existing Declaration's required approval of Owners of at least 2/3 of the Lots in the Subdivision.
10. Petitioner has complied with all other requirements of the statute, allowing Petitioner to file its Petition with this Court.
11. A copy of the Petition without exhibits, as filed April 10, 2026, is attached and incorporated by reference as **Exhibit A**.

12. By this Notice, Petitioner gives notice of the Petition.
13. After the Petition was filed, the Court set a hearing date on the Petition to be held on June 9, 2026, at 8:30 a.m., in Division 17 of the El Paso District Court at 270 South Tejon Street, Colorado Springs, CO 80903.
14. By this Notice, Petitioner gives notice of this scheduled hearing.
15. Within 10 days after the hearing date was set, the Petitioner has sent this Notice of Petition and Hearing, to all Owners by first-class mail, and to other interested parties, as set forth in a Certificate of Mailing filed with the Court.
16. Owners and other interested parties (as allowed by statute) have a right to object to the Court's proposed approval of the Proposed Amended and Restated Declaration and the Proposed Limited Amendment to the Declaration.
17. Petitioner seeks court approval of the Proposed Amended and Restated Declaration and the Proposed Limited Amendment to the Declaration.

Dated this 22<sup>nd</sup> day of April, 2026.

Respectfully submitted,  
ALTITUDE COMMUNITY LAW P.C.  
*Original signature of Jeremy Brett Daz Fletcher is  
on file with the law offices of Altitude Community  
Law P.C. pursuant to C.R.C.P. 121, §1-26(7).*

S/Jeremy Brett Daz Fletcher

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ATTORNEYS FOR PETITIONER Gleneagle  
Civic Association

**EXHIBIT A**  
**COPY OF FILED PETITION WITHOUT EXHIBITS**

Attached.

DISTRICT COURT, EL PASO COUNTY, STATE OF COLORADO

Court Address: 270 South Tejon Street  
Colorado Springs, CO 80903  
Court Phone: 719-452-5000

**PETITIONER: GLENEAGLE CIVIC ASSOCIATION**

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Our File No.: 8690.0003

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COURT USE ONLY

Case No.:

Div:

**PETITION FOR COURT APPROVAL OF (1) PROPOSED AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR GLENEAGLE CIVIC ASSOCIATION; AND (2) LIMITED AMENDMENT TO RESTATED DECLARATION OF COVENANTS, RESTRICTIONS AND CHARGES FOR GLENEAGLE, PURSUANT TO C.R.S. §38-33.3-217(7)**

COMES NOW Gleneagle Civic Association, a Colorado nonprofit corporation (the "Association"), by and through its attorneys, Altitude Community Law P.C., and requests that the District Court for El Paso County, Colorado, grant and approve the following petition pursuant to Colorado Revised Statute, Section §38-33.3-217(7)(e).

**INTRODUCTION**

1. The Association is a single family owners' association established and presently governed by:

- (a) the Restated Declaration of Covenants, Restrictions and Charges for Gleneagle, recorded in the real property records of El Paso County, Colorado, at Reception No. 00972835 in Book 3714 at Page 599 on May 2, 1983, as amended and supplemented by multiple documents of record (collectively, the "Declaration");
- (b) the Bylaws of Gleneagle Civic Association; and
- (c) the Articles of Incorporation of Gleneagle Civic Association, filed with the Colorado Secretary of State on January 20, 1995.

all of which are attached hereto and incorporated by reference in Exhibit "A".

- 2. The Association is a common interest community as defined by the Colorado Common Interest Ownership Act, C.R.S. §38-33.3-103(8).
- 3. The Petition process of §38-33.3-217(7) is applicable to the Association and the Gleneagle Civic Association community.
- 4. The Association seeks Court approval of a proposed Amended and Restated Declaration of Covenants, Conditions and Restrictions for Gleneagle Civic Association (the "Proposed Amended and Restated Declaration") and a proposed Limited Amendment to the Restated Declaration of Covenants, Restrictions and Charges for Gleneagle (the "Proposed Limited Amendment to the Declaration") pursuant to C.R.S. §38-33.3-217(7) because it has been unable to obtain the Owner approval for the amendments required by its governing documents. The Association has obtained approval of the Proposed Amended and Restated Declaration from Owners of 38% of all Lots in the Subdivision, and from Owners of 36% of all Lots in the Subdivision for the Proposed Limited Amendment to the Declaration, which approval is over half of the current Declaration's required approval of Owners of at least 2/3 of the Lots in the Subdivision, and which approval meets one of the criteria under C.R.S. §38-33.3-217(7).
- 5. The Colorado Common Interest Ownership Act, C.R.S. §38-33.3-101 *et seq.* ("CCIOA"), establishes a petition process by which the Association may petition the District Court for the County in which the common interest community is located for approval of proposed amendments to the Declaration. The process of the statute requires the Association to submit a summary of the following information to the Court:

- (a) the amendment process required by the existing Declaration;
- (b) the proposed amendments to the existing Declaration;
- (c) the effect of and reason for the proposed amendments, including circumstances which make the amendments necessary or advisable;
- (d) the results of any vote taken with respect to the proposed amendments; and
- (e) any other matters that will be useful to the Court in deciding whether to grant the petition.

See C.R.S. §38-33.3-217(7)(b)(I).

6. Additionally, the Association must submit to the Court the following exhibits:

- (a) The existing Declaration as originally recorded and any amendments to the existing Declaration; (See a portion of Exhibit "A")
- (b) The text of the proposed amendments; (See Exhibit "B")
- (c) Copies of the prior notices required to be sent; (See Exhibit "C"), and
- (d) Any other documents that the Association believes will be useful to the Court in deciding whether to grant the petition (See Exhibit "D").

See C.R.S. §38-33.3-217(7)(b)(II).

7. Within three days of filing of this Petition, the Court is required to schedule a hearing no less than 45 days and no more than 60 days after the filing of the Petition. See C.R.S. §38-33.3-217(7)(c).

8. No later than 10 days after the date for hearing a petition is set, the Association is required to provide notice to all Owners, lenders (if they are entitled to vote on the proposed amendment), the Federal Housing Administration and the Veterans Administration (if they are entitled to vote on the proposed amendment), and any declarant. The Association must then file with the Court the list of names and addresses of the persons and entities who have been notified of the Petition and a copy of the notice.
9. At the hearing, the Court is required to grant the Petition if:
  - (a) No more than 33% of the Owners or lenders entitled by the Declaration to vote have filed written objections to the proposed amendments with the Court prior to the hearing;
  - (b) Neither the Federal Housing Administration nor the Veterans Administration filed written objections to the proposed amendments with the Court prior to the hearing, if they are entitled to approve the proposed amendments;
  - (c) No declarant has filed written objections to the proposed amendments with the Court prior to the hearing;
  - (d) The proposed amendments do not terminate the Declaration; and
  - (e) The proposed amendments do not change the allocated interests of the Owners (percentage ownership of Common Area, percentage share of the common expense liability, and votes allocated to each Lot).

See C.R.S. §38-33.3-217(7)(e).

### **SUMMARY PURSUANT TO SECTION 217(7)(b)(I)**

#### **Process for Amending the Declaration**

10. Section §38-33.3-217(7)(b)(I)(A) requires the Association to summarize the amendment procedures required by the existing Declaration, including a statement of the circumstances that make the amendments necessary or advisable.

11. The existing Declaration ("Declaration"), see a portion of Exhibit "A", provides, in Section 309, that the Declaration may be amended by a by an instrument signed by the Owners of at least two-thirds (2/3) of the lots in the Subdivision.

Proposed Amendments and Effect and Reason for the Proposed Amendments

12. Sections §38-33.3-217(7)(b)(I)(B) and §38-33.3-217(7)(b)(1)(C) require the Association to summarize the proposed amendments and explain the effect and reason for the amendments.
13. The reasons and purposes of the Proposed Amended and Restated Declaration and Proposed Limited Amendment to the Declaration are to remove unreasonable restrictions on the Community, remove developer "boilerplate" language that is no longer applicable to the Community, add leasing and short term occupancy restrictions and other additional restrictions, remove provisions that do not allow the Board to efficiently operate the community or deal with community concerns, remove provisions that do not comply with current state law, add provisions that provide the proper tools for the Association to effectively solve problems, add provisions to provide the Association with sufficient power to create and successfully enforce Rules and Regulations, and add provisions that reflect beneficial state law provisions.
14. The Association has proposed, and the effect of the Proposed Amended and Restated Declaration would be, that the provisions contained within the Proposed Amended and Restated Declaration and the Proposed Limited Amendment to the Declaration would replace in its entirety and supersede the existing Declaration. A copy of the Proposed Amended and Restated Declaration and Proposed Limited Amendment to the Declaration are attached as Exhibit "B" hereto and incorporated by reference.
15. The Proposed Amended and Restated Declaration and Proposed Limited Amendment to the Declaration reflect a number of proposed, significant changes. These changes include the following:
  - (a) The Association's documents would be brought into compliance with the Colorado Common Interest Ownership Act.

- (b) The Declarant's rights and voting classes would be removed because the Declarant no longer owns any Lots and, by claim of the Association, is no longer entitled to exercise these rights.
- (c) Leasing and short term occupancy restrictions would be added.
- (d) Additional restrictions would be added to address common areas of concern within the Community.
- (e) The assessment provisions would be updated to be consistent with Colorado law.
- (f) Maintenance responsibilities would be clarified.
- (g) The proposed amendments would update and clarify insurance provisions.
- (h) The Owner consent requirement for future amendments would be lowered from Owners of 2/3 of the Lots in the Subdivision to Owners holding at least 51% of the total Association vote.

16. The amendments are advisable as the Owners desire the amendments to remove unreasonable restrictions on the Community, remove developer "boilerplate" language that is no longer applicable to the Community, add leasing and short term occupancy restrictions and other additional restrictions, remove provisions that do not allow the Board to efficiently operate the community or deal with community concerns, remove provisions that do not comply with current state law, add provisions that provide the proper tools for the Association to effectively solve problems, add provisions to provide the Association with sufficient power to create and successfully enforce Rules and Regulations, and add provisions that reflect beneficial state law provisions.

#### The Results of the Vote Taken

17. Section 309 of the Declaration currently requires that Owners of at least 2/3 of the Lots in the Subdivision approve amendments to the Declaration.

18. The Association obtained approval of the Proposed Amended and Restated Declaration from 270 of the 704 Lot Owners, which is approximately 38% of the Lot Owners. The Association has obtained approval of the Proposed Limited Amendment to the Declaration from 251 of the 704 Lot Owners, which is approximately 36% of the Lot Owners.

### CONCLUSION

19. The Association has complied with the notice, meeting and other requirements set forth in Section §38-33.3-217(7)(a). The Association notified its Owners of the Proposed Amended and Restated Declaration and Proposed Limited Amendment to the Declaration on August 11, 2025, September 2, 2025, October 9, 2025, and October 15, 2025. See Exhibit C" attached hereto and incorporated by reference.
20. The Proposed Amended and Restated Declaration and Proposed Limited Amendment to the Declaration was presented to the Owners and discussed at length at informational meetings of the Association held on August 12, 2025, September 10, 2025, and October 15, 2025. See minutes contained in Exhibit "D" attached hereto and incorporated by reference.
21. Members holding at least 50% of the votes required pursuant to Section §38-33.3-217(7)(a)(III) have approved the Proposed Amended and Restated Declaration and the Proposed Limited Amendment to the Declaration. The Association obtained approval of the Proposed Amended and Restated Declaration from 270 of the 704 Lot Owners, which is approximately 38% of the Lot Owners. The Association has obtained approval of the Proposed Limited Declaration Amendment from 251 of the 704 Lot Owners, which is approximately 36% of the Lot Owners. Section 309 of the Declaration requires approval from Owners of at least 2/3 of the Lots in the Subdivision for amendments.
22. Neither the Federal Housing Administration nor the Veterans Administration are required to approve the Proposed Amended and Restated Declaration and Proposed Limited Amendment to the Declaration.

23. The period of Declarant control has expired, and therefore, Declarant approval of the Proposed Amended and Restated Declaration and Proposed Limited Amendment to the Declaration is not required. Further, the Declarant is a dissolved Colorado limited liability company in the State of Colorado according to the records of the Colorado Secretary of State, and therefore cannot be notified of the Proposed Amended and Restated Declaration and Proposed Limited Amendment to the Declaration.
24. The Proposed Amended and Restated Declaration and Proposed Limited Amendment to the Declaration do not terminate the Declaration or change the allocated interests of the Owners.

WHEREFORE, the Association respectfully requests that this Court:

1. Set a date, within three days of the filing of this Petition, for a hearing, at least 45 days but not more than 60 days from the date of the filing of the Petition, as required by Section §38-33.3-217(7)(c);
2. Conduct a hearing on the date set by the Court, or as continued or reset, to determine:
  - (a) Whether the Association has complied with the requirements of Section §38-33.3-217(7);
  - (b) Whether more than 33% of the Owners within the Association have objected to the petition as required in Sections §38-33.3-217(7)(e)(II) and (V); and
  - (c) Whether any other party with a right has filed a written objection to the Petition pursuant to Section §38-33.3-217(7)(e).
3. After the hearing, enter an Order in favor of the Association approving the Proposed Amended and Restated Declaration and Proposed Limited Amendment to the Declaration and requiring the Association to record the court approved Amended and Restated Declaration of Covenants, Conditions and Restrictions for Gleneagle Civic Association and Limited Amendment to the Restated Declaration of Covenants, Restrictions and Charges for Gleneagle to the in the real property records of El Paso County, Colorado as required pursuant to Section §38-33.3-217(7)(f).

Dated this 10th day of April, 2026.

Respectfully submitted,

ALTITUDE COMMUNITY LAW P.C.

*Original signature of Jeremy Brett Daz Fletcher is on file with the law offices of Altitude Community Law P.C. pursuant to C.R.C.P. 121, §1-26(7).*

S/Jeremy Brett Daz Fletcher

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