

**RESOLUTION OF THE BOARD OF DIRECTORS OF
HERITAGE TODD CREEK METROPOLITAN DISTRICT
AMENDING CERTAIN FEES**

Effective June 1, 2023

WHEREAS, Heritage Todd Creek Metropolitan District (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, pursuant to § 32-1-1001(1)(j), C.R.S., the District is authorized to fix and impose fees, rates, tolls, charges and penalties for services or facilities provided by the District which, until such fees, rates, tolls, charges and penalties are paid, shall constitute a perpetual lien on and against the property served; and

WHEREAS, on April 15, 2015, the District adopted a Fourth Amended and Restated Resolution of the Board of Directors of Heritage Todd Creek Metropolitan District Concerning the Imposition of a Development Fee, General Operations Fee and a Working Capital Fee (Recorded in Adams County on April 20, 2015, at Reception No. 2015000028172) (the “2015 Fee Resolution”); and

WHEREAS, on January 22, 2018, the District adopted a Resolution Regarding Amendment to the 2015 Fee Resolution and Adoption of Certain Fees (recorded in Adams County on January 31, 2018, at Reception No. 2018000009227), regarding provisions for the District’s Common Area Maintenance and Management Fee and updating its fee schedule; and

WHEREAS, effective January 1, 2019, the District adopted a Resolution Regarding Amendment to the 2018 Fee Resolution and Adoption of Certain Fees (recorded in Adams County on March 29, 2019, at Reception No. 2019000022976), regarding provisions for the District’s Common Area Maintenance and Management Fee (“M&M Fee”) and updating its fee schedule; and

WHEREAS, effective April 1, 2022, the District adopted a Resolution Amendment Certain Fees (recorded in Adams County on February 1, 2022 at Reception No. 2022000009455), regarding updates to the District’s fee schedule (the 2015 Amendment as amended in 2018, 2019 and 2022 is referred to herein as the “Amended Fee Resolution”); and

WHEREAS, on June 1, 2023, the Board engaged Advanced HOA to provide District management services to the District, to replace its prior management services contractor; and

WHEREAS, the Board desires to adjust certain District fees to align with the disclosure services expenses charged to the District;

NOW, THEREFORE, be it resolved by the Board of Directors of the District as follows:

1. 2023 Fee Schedule. The District’s fee schedule attached as **Exhibit A** to the Amended Fee Resolution, reflecting the adjustments in certain District disclosure services fees, shall be replaced in its entirety with the updated 2023 Fee Schedule attached hereto as **Exhibit A**, which may be revised from time to time by the Board.

2. Effective Date. The effective date of the increase in the M&M Fee shall be June 1, 2023.

3. The Property. This Resolution shall apply to all property within the boundaries of the Heritage Todd Creek Metropolitan District and any additional property included into the District after the date of this Resolution.

4. Fees Constitute a Lien. The fees imposed hereunder shall, until paid, constitute a statutory, perpetual lien on and against the property served, and any such lien may be foreclosed in the manner as provided by the laws of the State of Colorado for the foreclosure of mechanic's liens, pursuant to § 32-1-1001(1)(j), C.R.S., such lien being a charge imposed for the provision of Services and Facilities to the property. Said lien may be foreclosed at such times as the District, in its sole discretion, may determine. The lien shall be perpetual in nature (as defined by the laws of the State of Colorado) on the property and shall run with the land. This Resolution shall be recorded in the offices of the Clerk and Recorder of Adams County, Colorado.

5. Definitions. Unless otherwise defined herein, capitalized terms shall have the meanings ascribed by the Amended Fee Resolution.

6. Effect of this Resolution. This Resolution shall not affect any provision of the Amended Fee Resolution except as specifically set forth herein. All other provisions of the Amended Fee Resolution shall remain in full force and effect.

APPROVED and ADOPTED this 25th day of July, 2023.

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[Signature Page to 2023 Resolution Amending Certain Fees]

**HERITAGE TODD CREEK METROPOLITAN
DISTRICT**, a quasi-municipal corporation and
political subdivision of the State of Colorado



President

ATTEST:



Secretary

EXHIBIT A

2023 Fee Schedule (Effective June 1, 2023)

Common Area Maintenance and Management Fee (“M&M Fee”):

a. *Residential Unit.* Upon each Residential Unit at a rate of \$65.00 per month (\$195.00 per quarter) due and collected on the first day of each calendar quarter after the Residential Unit is Transferred to an End User.

b. *Vacant Lot.* Upon each Vacant Lot at a rate of \$16.25 a month. The monthly Vacant Lot fee is due on the first day of each calendar month and shall be collected until the month the Residential Unit M&M Fee amount is due.

Working Capital Fee:

a. The Working Capital Fee shall be \$560.

Development Fee:

a. *Development Fee.* Upon each Lot in the amount of \$3,500.00. Such Development Fee rate shall be automatically increased by 5% on January 1 of each year commencing in 2007 until the Development Fees have been paid on each Lot within the District.

b. All Development Fees shall be due not later than the date a building permit is obtained by the owner of any Lot within the District upon which a Residential Unit may be constructed. The amount of each Development Fee due hereunder shall be at the rate in effect at the time of such payment.

c. After the Development Fee is paid, the District shall record a release of lien at the request of the property owner, or shall issue a certificate of prepayment which may be submitted to the District at any time to release the property described in the certificate from all liens arising from the Development Fee. When presented with a certificate of payment the District shall promptly release the liens on the property described therein.

Late Fee:

a. *Late Fee.* A Late Fee of \$15.00 shall be assessed to each Property for any M&M Fee if such fee remains delinquent and unpaid 15 calendar days after its due date.

Collection Services Fees:

a. *Collection Policy.* The District provides services related to the collection of delinquent accounts in connection with its fees, rates, tolls and charges. By separate resolution, the District has established a collection policy (“**2018 Collection Policy**”) to ensure the fair, orderly, and timely collection of the District’s M&M Fee. The delinquent account

collection services fees are described in detail in the District’s Collection Policy (“**Collections Services Fees**”).

b. *Collections Services Fees.* The Collections Services Fees shall be imposed on a per event basis, due immediately, and charged to the property owner and assessed against the property for which a delinquent fee is owed, in accordance with the 2018 Collections Policy and pursuant to the rate schedule below:

Collection Service	Fee Amount
Reminder Letter	\$20.00
Returned Payment	\$20.00
Warning Letter	\$23.50
Manager Demand Letter	\$60.00
Attorney Transfer	\$75.00
Payment Agreement	\$45.00 + \$10.00/month through payment
Lien Recording / Release Filing Fees	Cost per Clerk & Recorder Rates

Disclosure Services Fees:

a. *Disclosure Services.* The District provides various disclosure-related services to title companies, lenders or property owners who may request certain financial status or other information in connection with the transfer of, foreclosure on or loan against property within the District. The District may incorporate the provisions and details of such disclosure services and fees therefor within the scope of services provided by a management company (“**Disclosure Services Fees**”).

b. *Disclosure Services Fees.* The Disclosure Services Fees shall be imposed on a per transaction basis, charged to the individual or entity requesting such service, in accordance with and pursuant to the rate schedule below:

Disclosure Service	Fee Amount
Resale Administration Fee	\$300.00 per account created / transferred upon change in property ownership, collected by contractor at closing
<u>Title/Resale Document Requests</u>	
Association Document Package	\$105
Status Letter/Document Package	\$150
Premier Lender Questionnaire Package	\$270
Limited Lender Questionnaire Package	\$200
Structural Safety and Soundness Document Package	\$50
Rush/Update Fees	\$50-\$100