

Foxhill Metropolitan District No. 2
Statement regarding Covenant Enforcement and the Foxhill Design Review Committee

The Board of the Foxhill Metropolitan District No. 2 acknowledges that there have been conflicting statements and confusion surrounding covenants and the Design Review Committee. The Board therefore adopts and approves the following statement in order to provide direction and clarification for Foxhill residents:

The Declaration of Covenants, Conditions, Restrictions and Easements for Foxhill Subdivision, dated December 2, 2015, recorded at Reception No. 2016046295, the re-recording at Reception No. 2018053992, and affidavit of scrivener's error recorded at Reception No. 2019022244, collectively, make up the covenants applicable to Foxhill residences ("CC&Rs"). Although all homeowners would have also received a copy of these documents as part of the title when purchasing their property, a copy of the CC&Rs is currently available on the Districts' webpage at: <https://www.foxhillmd.org/district-documents>.

The CC&Rs are a set of legal documents recorded against each property that define the guidelines homeowners must adhere to in the neighborhood. In general, these types of recorded covenants are legally binding and enforceable in Colorado and homeowners must abide by the covenants laid out within the Foxhill CC&Rs. While homeowners still retain individual rights to challenge any determination or rule under the CC&Rs, it is in the best interests of the entire community to reduce confusion and avoid noncompliance with the CC&Rs.

As provided for by the Foxhill CC&Rs, the Design Review Committee ("DRC") is charged with review and approval of landscaping and plans for other property improvements as well as the adoption of Design Guidelines. The current Foxhill Design Guidelines can be found on the Districts' webpage at: <https://www.foxhillmd.org/design-guidelines-00e6e46>.

The DRC consists of members appointed by the "Declarant" as that term is defined in the CC&Rs, and who is the developer of the Foxhill development. While the CC&Rs already provide for a transition period from Declarant control, District No. 2 is seeking a mutually agreeable transition with the Declarant and District No. 1 that would allow District No. 2 to have defined representation on the DRC and to take over control of the DRC at an earlier date than may be otherwise possible under the CC&Rs.

The Board of District No. 2 urges Foxhill residents to review and become familiar with the CC&Rs, especially when completing any landscaping or other improvements to your property. Noncompliance or ignoring the CC&Rs may have serious financial ramifications to you and increase the costs borne by all residents in the community. The DRC has recently received a cease and desist letter from legal counsel for a resident regarding enforcement of the CC&Rs and threatening litigation which has caused District No. 1 to retain separate legal counsel and may result in increased fees to all residents. Please protect your rights and understand that the District will in no way prevent you from bringing appropriate action to contest decisions or actions taken by the DRC.

Adopted and approved at a public meeting held on July 1, 2024 by the Board of the Foxhill Metropolitan District No. 2 by vote: 3 in favor and 0 against, and Directors Howell and Marks abstaining.