



March 15, 2020

Dear Homeowner

In writing this letter, I am asking you to support our subdivision by coming together against the DHPOA misconduct, deceit and dishonesty that has gone on far too long, help dissolve this group from any further harm on homeowners that live in the Druid Hills Subdivision by signing a signature page to disband the DHPOA.

We are a simple majority of people against a group who are committed to governing our lives with policies, by-laws, and liens, operating without a vote from homeowners just the group votes to call their vote unanimous not operating in good faith. Threatening homeowners to join their corrupt organization, get a lien on their properties for non-payment of dues while others, exchange favors do not pay dues, or have a lien on their property. As you sit back and wait, more liens are under discussion by the DHPOA.

Therefore, this group is threatening homeowners that oppose them using them as a scare tactic causing others to join and pay the DHPOA against their will or out of fear of retaliation from the group. Recently, this group announced they want to take concealed weapons classes, possibly to trespass on people's properties to **look for covenant violations and charge assessments** for those violations, seems militant because we do not want this group having the advantage to shoot us on our property, trespassing is against the law.

OLD NEWS FORMATION

- A group tried to form an association but did not get a single vote to do this, but formed anyway. See Teller County Clerk and Recorder Reception # 723312 Affidavit
- This group violated our covenants by not having the needed majority vote to form. See Reception # 210614 Paragraph 7
- The DHPOA sent a letter out in 1986 lying to everyone stating they had the approval to form from the majority.

OLD NEWS DISSOLVED NON- PROFIT AND COVENANTS

- DHPOA was suspended in 1997 and dissolved 1998-2002 See reception # 723312
- DHPOA violated our covenants by passing their covenants while dissolved as a non-profit deemed an unincorporated organization. Moreover, not having the majority vote to pass. See reception # 723313
- DHPOA attempt to rewrite our covenants in 2001 with invalid votes filed with the Clerk and Recorder on June 29, 2001.
- DHPOA was “administratively dissolved”, three times with the Secretary of State as an association, **not** “in good standing.”

- “Even a validly enacted, substantively sound covenant can be nonetheless unenforceable if the POA’s enforcement is procedurally improper, or is conducted inconsistently or for an inappropriate purpose. In general, a board’s exercise of its enforcement powers must be “procedurally fair and reasonable,” and its decisions must be made “in good faith ...reasonable and **not** arbitrary and capricious.”

NEW NEWS

- DHPOA refuses to accept they are not in authority to govern us or put spurious liens on our properties with the support of Judge Sells who refused to listen to what the plaintiffs counsel or anybody had to say against the DHPOA.
- Under the circumstances Judge Sells was biased he favored the DHPOA.
- Unbeknownst to me the judge limited things at my hearing and did not allow the vote that was important to my case concerning the spurious lien and their invalid covenants.
- President David Rusterholtz filed with DORA we have 100 condominiums here in our subdivision, another lie from the DHPOA. Truth is told we have 82 private residential.
- While you own your home, the DHPOA is claiming they own the neighborhood in which your home lives... and all you hold dear.
- 49 homeowners moved out of the DH within 3 years since David Rusterholtz came on board and had his attorney Mr. Payne adopt nine policies, 21 pgs By-laws and David Colt Simmons, now County Assessor, signed the nine liens against homeowners for non-payment of dues.

The term ‘pettifogger’ relates to my attorney’s, they kept me in the dark, did not represent me properly and my evidence was not submitted to the court, so I would lose at the hearing to remove the spurious lien validating the DHPOA.

Therefore, I have filed my evidence with Teller County Clerk and Recorder as a reminder the truth must be known.

- Votes Reception # 723313
- Lien Reception # 723311
- Affidavit Reception # 723312

Cecil Stambaugh was also against the rewrite of our covenants as he resigned as President of this DHPOA in 2000 and later wrote an Affidavit in 2002 stating that when this group formed in 1985 they had “no vote but formed anyway.” He was of sound mind when I was handed the Affidavit.

Furthermore, your **vote** to support us would keep our subdivision from further misconceptions, by signing the “signature page” to disband the DHPOA, I have already filed the “Article of Dissolution” with signatures with the Clerk and Recorder on 4-29-2019 Reception #715344 and I am gathering more signatures at present. The group states they govern our properties, want to raise the dues to \$1500.00 make our subdivision a gated community? We can never let this happen.

Respectively,

Diana Foraci
Druid Hills HomeOwners Association –DHHOA