

Aspen Cove HOA Board Meeting  
Friday April 24, 2020  
Aspen Cove Pavilion 6:30 PM

**In attendance...**Bob Dal Ponte, Jared Edwards, Dan Allen, Allen Rowe, Bob Conner,  
Curtis Steele, Scott Jarrett, Bonnie Seastrand

**Visitors...**Ron Lowe and Mark Schmidt

Ron Lowe is the lot owner that has been most affected by the actions of Mr. Sonny Olsen, his children and possible guests.

Discussion on several complaints from other lot owners regarding Sonny Olsen. The member complaints are regarding Mr. Olsen's children damaging other lot owner's property, disregarding the rules and regulations of the Aspen Cove CC & R's. This has been discussed at several past board meetings. In the past Dan Allen, Jared Edwards and Curtis Steele have been to talk with Mr. Olsen regarding some of these issues. (\* 2016) It was suggested that no one should talk with Mr. Olsen without another adult present.

Dan Allen has assembled info from many lot owners regarding possible injury to persons, property and other items of concerns. It was discussed to talk with Mr. Olsen personally or go with an attorney.

Dan Allen has taken documentation from lot owners on incidents to their property. A letter has been composed by Dan Allen that will be sent to Mr. Olsen in an email regarding the items of concern, including items that need to be addressed and taken care of. These include non-payment of dues, late fees, multiple trailers on property, as well as multiple driveway entrances (\*2016), and damage to other lot owner's property and personal equipment owned by James and Mike Erikkla. A certified letter and an email were sent to Mr. Olsen on April 28.

There are other lot owners with similar infractions that will also receive a letter regarding their personal issues.

Mark Schmidt has spoken with Mr. Olsen regarding some trees that were cut down by Mr. Olsen that were on Mr. Schmidt's property.

There is camera footage of Mr. Olsen pulling a trailer up the dug way during the winter months where it is posted NO TRAILERS!

It was suggested that lot owner's call the Carbon County Sherriff when there is an incident with Mr. Olsen.

## **Request to inspect financial records and meeting notes and agenda items**

**Sonny Olsen <sonny.olsen@gmail.com>**

Fri 5/1/2020 12:38 PM

**To: Aspen Cove HOA Board <board@aspencovehoa.org>**

Consider this a formal request to inspect and review the HOAs agenda and meeting. Idating back to the September 2018. See letter dated April 28, 2018. This request is to address the issues raised in your letter to me. Let me now when an agreeable time is to meet and allow me to make copies of the notes and agenda items. Also, please include any recording, audio or otherwise, reported and/or referenced in your email.

Also, I demand to see the financial records for the purpose of addressing concerns about misappropriation of HOA funds and to determine what if any payments are made to third party security individuals and or security firms. See my email dated May 1, 2020. If I am satisfied with your response to my requests, I will not seek a forensic accounting. If you deny me this right, I will promptly seek an order from the Court enforcing my rights.

As always, please feel free to contact me in person by telephone at 8016029377.

## Re: Letter from Aspen Cove HOA

Sonny Olsen <[sonny.olsen@gmail.com](mailto:sonny.olsen@gmail.com)>

Fri 5/1/2020 12:20 PM

To: Aspen Cove HOA Board <[board@aspencovehoa.org](mailto:board@aspencovehoa.org)>

An individual in his late 60s and driving a white SUV came on my property uninvited and threatened violence against my children. He claimed he is the security for the HOA. We have had similar problems in the past as you recall. I told this individual to leave my property which he would not do and then I threatened to call the police and he left. I have referred the matter to Jeremy Humes at the Carbon County attorneys office. If this individual is sanctioned by you to "police" the area let me know. If he was not there on your behalf let me know. If you continue to ignore my requests to STOP empowering local property owners to stop ATV riders claiming to be "security" then you are willfully continuing to interfere with my rights to the enjoyment and use of my property. Please do not come in my property and let anyone else that claims to have your authority know that if you come in my property again I will defend my rights to protect my children and sue each of you "board members" personally and the HOA notice for the continued harassment of my children and interfering with right to the enjoyment and use of my property.

I do want issues with your Board. You are not the police and you are not representatives of the property owners. If you want to get in the middle of disputes then do so at your own risk of litigation personally and as a board.

Best,

Sonny

On Tue, Apr 28, 2020 at 2:01 PM Sonny Olsen <[sonny.olsen@gmail.com](mailto:sonny.olsen@gmail.com)> wrote:

File a complaint if you must. As an experienced trial attorney I am happy to submit the case to my partners and we will fight whatever action you bring in court.

I paid the assessments. Didn't know they were outstanding.

As for evidence, submit the photos, videos and sworn affidavits to me and I will happily meet with you to discuss but these bald faced accusations fall on deaf ears.

I paid For the damaged equipment.

I am aware of my rights and responsibilities and look forward to recreating here.

Perhaps you should spend your time working on the many issues and problems you have. I hope that litigation isn't a problem we will have but I am tired of this one way approach by you and your board.

Sonny

On Tue, Apr 28, 2020 at 1:22 PM Aspen Cove HOA Board <[board@aspencovehoa.org](mailto:board@aspencovehoa.org)> wrote:  
**Sonny,**

**Attached is a letter from the Aspen Cove HOA Board. Please acknowledge receipt of this and we welcome communication to resolve some issues addressed in the letter.**

**Thanks.**

**Aspen Cove Home Owner's Association  
HC 35 Box 215, Scofield, UT 84526  
[Board@AspenCoveHOA.org](mailto:Board@AspenCoveHOA.org)**

**ASPEN COVE HOMEOWNERS ASSOCIATION**

HC 35 BOX 215  
SCOFIELD, UT 84526

April 28, 2020

Sonny Olsen  
1135 SOUTH EAGLE NEST DRIVE  
WOODLAND HILLS, UT 84653

Via email and registered U.S. mail

Dear Sonny,

In the fall of 2018, you introduced yourself to the Aspen Cove HOA board. You indicated that you were an attorney, had served in the military, and had plans to build on one of the lots you had recently acquired. You asked for the board's assistance in a dispute with another homeowner. You were also apprised of a problem a member of the board had with one of your sons, who was observed doing spins and damaging our roads. You seemed like a very nice person and expressed a willingness to counsel your children about safe and proper conduct on the roads, as well as assuming financial responsibility for any damages.

Since that meeting, the board has fielded from multiple owners, and other stakeholders, many instances of you and members of your family exhibiting a disregard for the rules of the association, property rights of other owners, and a general lack of safe and courteous conduct as members of this community. Specifics will be enumerated below.

In response, the board has chosen to avoid taking administrative action, and has instead encouraged individual owners and contractors to work with you directly to bring issues to your attention and, hopefully influence you toward better citizenship in the community. We have tried to signal that we are not interested in confrontation, levying fines, or other actions to impact your enjoyment of your property and the community. However, rather than the hoped-for trend of compliance, we have concluded that your non-compliance is not only continuing, but increasing.

Your actions have made it no longer possible to hope for change without action by the HOA board. The purpose of this letter is to make you aware of the concerns that need to be addressed.

The following sets forth the rights of the association pertaining to rules and enforcement:

**SECTION 2.3 Powers and Duties of the Association.**

**(b) Right of Enforcement.** The Association in its own name and on its own behalf, or on behalf of any Owner who consents, can commence and maintain actions for damages or to restrain and enjoin any actual or threatened breach of any provisions of this Declaration or of the Articles or Bylaws, or of the Association rules or any resolutions of the Board of Directors, and to enforce by mandatory injunction, or otherwise, all of those provisions.

The following sets forth some, but not all of the alleged violations of association rules by you or members of your family:

**Multiple Entrances and Exits**

Reported by numerous individuals that Sonny cut three separate entrances from Aspen Cove Drive into lot 68.

Also observed that Sonny had also cut a 2<sup>nd</sup> entrance to his lot #91.

(SECTION 11.14 Entrance/Exit. There shall be only one entrance/exit to and through each lot, except those that obtain a special variance in writing by the Architectural Control Committee, from the main subdivision road to minimize damage to the natural surroundings).

As you know, this same issue was addressed with you by the board in 2016.

**Trespass**

Received report that Sonny Olsen had driven a Kubota tractor across lots below his (97 or 98), taken as a shortcut to Sonny's lot 68. (Fall 2019)

Received a photo of snow machine tracks from Olsen home descending across lower lots on to Pelican Circle (2/10/20)

Received a copy of video surveillance, showing Olsen boys driving onto lot 81 and driveway with ATV's, and doing spins (4/15/20).

Received reports from three additional owners with similar reports, each involving trespass and damage to property (4/15 and 4/24/20).

While trespass is not specifically mentioned in the CC&R's, it is a serious violation of private property rights and falls in the category of **SECTION 11.25 Offensive Conduct; Nuisances**. We have advised community members to contact you directly, and if necessary, to contact the Carbon County sheriff.

**No Trailers November 1 – April 1**

Received a text from a board member saying he observed Sonny Olsen pulling a trailer to his house. Later confirmed by a second board member: "I pulled this photo for (board member) on Saturday when he saw Sonny Olsen fly up the hill in his truck and trailer. This truck was at his cabin later that day also." (1/25/20)

The restriction on pulling trailers into the subdivision during winter months is clearly posted at the entrance gate and here: **SECTION 11.18 Intended Seasonal Use of Property**. ... During the time period of November 1<sup>st</sup> until April 1<sup>st</sup> there shall be no trailers permitted to travel on the roadways

### **Roads – Speeding and Spinning**

Numerous reports have been received regarding excessive speed by your boys on the roads as well as the repetition of the pattern of doing spins and thus damaging the roads. This issue has been raised with you multiple times, and yet it persists. This is an issue of safety as well as the destruction of roads and other owners' driveways.

**SECTION 11.30 Roads and Water Usage.** The Association owns and maintains the roads throughout the Association. Speed limits are posted throughout the Association property at 20 mph. Members should seek to enforce the speed limits personally and by reminder to any who appear to be in violation of the post speed... Members should seek to make sure that Owners and guests do not use ATVs or other vehicles such that the turning of tight circles (doughnuts) dig into or cause displacement of the Mag Chloride material in the roadway.

### **Multiple Trailers Stored on Lot**

As of this date you have multiple trailers stored on your lot. You are permitted a single trailer, which is to be kept "behind your cabin or in as obscure location on the property as is feasible." (**SECTION 11.11 Commercial Vehicles, Campers, Trailers, or Motor Homes.**)

### **Exterior Appearance**

**SECTION 9:1 The Owner of each Lot shall maintain the structures built on any building lot and any landscaping thereof in a neat and attractive manner.** Your lot and deck area do not have an appearance that reflects well on the community. There is loose trash, a ladder that has been open at the front of your house for months, etc.

### **Lock on Back Gate**

This is an issue with no direct proof, but good reason to be suspicious.

Email from board member to HOA Board (1/16/20):

Just heard from James that someone has cut the lock on the back gate. That lock needs to be replaced now. From what it appears is that someone had an old combination to the gate lock and when it didn't open, they busted the lock off. There were no contractors around, only snowmobilers. James said the past 2 days only Sonny Olsen's group has been up in Aspen Cove snowmobiling. No proof it was them though.

Juxtaposed with this report is the following reported exchange, which gives the above suspicion extra credibility:

(Summer 2019) (A board member) was at the cabin by himself...someone pulled into the driveway. The person charged up to the door of the cabin and pounded on it. When (the board member) got to the door, he opened it and there stood Mr. Olsen. Mr. Olsen asked, what is the code to the back gate? (The board member) could not remember what it was....and he guessed 5293 or something. There was no other conversation between the two of them. As Mr. Olsen turned to walk away, he stated... "it better work or I am going to shoot the lock off."

### **Non-Payment of Assessments**

As of this date you have past due assessments and late fee assessments on all three of your lots.

**SECTION 6.9 Effect of Nonpayment of Assessments: Remedies of the Association.** Any assessments, which are not paid when due, shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency at the rate of 18 percent per annum, and all costs that are incurred by the Board of Directors or its authorized representatives in the collection of the amounts, including reasonable attorney's fees, shall be a lien against such property.

### **Stakeholder Issues**

We have valued contractors serving the Aspen Cove community who have also been impacted by your actions. We have been well-apprised of the incident in January where you took the Erkkila's equipment without permission, damaged it, and owned up to it only when confronted. You promised to pay for the damages, which you have not done as of this writing. Additionally, you slid into a utility box near the foot of your driveway. You have apparently not reported this to CentraCom, as the box is still lying on its side.

### **Association Remedies**

Each of the above violations is subject to remedies outlined in the CC&R's, including fines, denial of use of association facilities and resources, including common areas, water service to your cabin, etc. Should legal action be required, attorney's fees and other collection costs may be added. All unpaid balances become a lien against your properties and must be cleared in closing if the property is sold. This is where this is headed unless you make the choice to begin to comply with the common sense rules we all voluntarily agree to when we become members of the community.

As stated at the beginning, the association does not have an interest in assessing fines or restricting your rights and privileges or those of any of its members. However, the association is also obligated to protect the safety and rights of its members from dangerous behavior on the part of a few who choose to flaunt the rules.

The association is willing to open a window until May 31, allowing you to remedy some of the issues and to commit to not engage in the others in the future. You may also wish to respond to this letter and state your position. It is likely that you may see things differently. We are open to having a dialog.



You may respond via email: [board@aspencovehoa.org](mailto:board@aspencovehoa.org)

Or U.S. mail: HC 35 Box 215, Scofield, UT 84526

In fairness, in spite of the list of negative items above, we have also heard that you have rendered assistance to our members in distress on occasion. We thank you for this service. Our most sincere hope is that we can put the past behind us and move forward in a positive way.

Aspen Cove is a beautiful, comfortable retreat for those who have invested here. Members take turns serving without any compensation on the board. We are all busy. We want everyone to enjoy Aspen Cove and to respect and, hopefully enhance the value of our property. We would hope you would want the same.

Respectfully,

Aspen Cove HOA Board