



**MAYBERRY, COLORADO SPRINGS
METROPOLITAN DISTRICT CAB and NOS. 1-8**
Regular Board Meeting
614 N. Tejon St., Colorado Springs, CO 80903
Tuesday, August 22, 2023 – 8:00 AM
Or

**** Please join the meeting from your computer, tablet or smartphone****

<https://video.cloudoffice.avaya.com/join/725613070>

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BOARD OF DIRECTORS

Board of Director	Title	Term Expiration
John Mick	President	Term Expires May 2025 (1 & 3-8)/ May 2027 (2)
Jason Kvols	Treasurer	Term Expires May 2025 (1 & 3-8)/ May 2027 (2)
Lee Merritt	Secretary	Term Expires May 2027 (1 & 3-8)/ May 2025 (2)
Haleigh Kvols	Assistant Secretary	Term Expires May 2027 (1 & 3-8)
Roger Kowash	Assistant Secretary	Term Expires May 2027 (1 & 3-8)

AGENDA

- 1. ADMINISTRATIVE MATTERS:**
 - a. Call to order/Declaration of Quorum
 - b. Approval of Agenda
 - c. Approval of Minutes from July 28, 2023 (enclosure)

- 2. FINANCIALS:**
 - a. Public Hearing on 2022 Budget Amendment
 - i. Consider the Adoption of CAB Resolution Amending the 2022 Budget (enclosure)
 - b. Review and consider approval of the 2022 Audit and presentation (under separate cover)
 - c. Acceptance of Unaudited Financial Statements and the schedule of cash position through July 31, 2023 (enclosure)
 - d. Ratification of Approved Payables (enclosure)

- 3. MANAGEMENT MATTERS**

- 4. BUSINESS MATTERS**
 - a. Discussion of Billing/Fee Progress
 - b. Review and Approve the Mayberry Design Guidelines

- 5. LEGAL MATTERS**
 - a. Service Plan – Mill Levy Updates

- 6. PUBLIC COMMENT AND SIGN-IN SHEET:**
(Limited to 3 minutes and only for items not on the agenda)

- 7. OTHER BUSINESS**
 - a. Next meeting September 26, 2023, at 8:00 AM

- 8. ADJOURNMENT**



RESOLUTION
MAYBERRY COMMUNITY AUTHORITY BOARD

A RESOLUTION SUMMARIZING REVENUES AND EXPENDITURES, ADOPTING AN AMENDED BUDGET, AND APPROPRIATING SUMS OF MONEY TO THE FUNDS AND IN THE AMOUNTS SET FORTH HEREIN FOR THE MAYBERRY COMMUNITY AUTHORITY BOARD (THE “BOARD”), EL PASO COUNTY, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2022 AND ENDING ON THE LAST DAY OF DECEMBER 2022.

WHEREAS, the Board of Directors of the Board has authorized its consultants to prepare and submit a proposed amended budget to said governing body at the proper time; and

WHEREAS, Mayberry Community Authority Board is a vehicle to issue debt but which does not encompass any real property and thus will have budgets but will not certify mill levies; and

WHEREAS, the proposed amended budget has been submitted to the Board of Directors of the District for its consideration;

WHEREAS, upon due and proper notice, published or posted in accordance with the law, said proposed amended budget was open for inspection by the public at a designated place, a public hearing was held on August 22, 2023 and interested electors were given the opportunity to file or register any objections to said proposed budget; and

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budgets remain in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF MAYBERRY COMMUNITY AUTHORITY BOARD, EL PASO COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF COLORADO:

Section 1. Budget Revenues. That the estimated revenues for each fund as more specifically set out in the amended budget attached hereto are accepted and approved.

Section 2. Budget Expenditures. That estimated expenditures for each fund as more specifically set out in the amended budgets attached hereto are accepted and approved.

Section 3. Adoption of Amended Budgets. That the amended budget as submitted and attached and incorporated herein by this reference is hereby approved and adopted for the year stated above.

Section 4. Property Tax and Fiscal Year Spending Limits. That, being fully informed, the Board finds that the foregoing amended budget does not result in a violation of any applicable property tax or fiscal year spending limitation.

Section 5. Appropriations. That the amounts set forth as expenditures and balances remaining, as specifically allocated in the amended budget attached hereto, are hereby appropriated from the revenues of each fund, to each fund, for the purposes stated and no other.

ADOPTED AND APPROVED this 22nd day of August 2023.

DISTRICT
BOARD OF DIRECTORS

By: _____

ATTEST:

Secretary



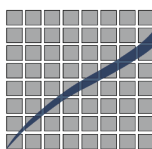
**MAYBERRY, COLORADO SPRINGS COMMUNITY
AUTHORITY
EL PASO COUNTY, COLORADO**

**FINANCIAL STATEMENTS
DECEMBER 31, 2022**

DRAFT

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BiggsKofford

CERTIFIED PUBLIC ACCOUNTANTS

INDEPENDENT AUDITOR'S REPORT

Board of Directors

Mayberry, Colorado Springs Community Authority

El Paso County, Colorado

We have audited the accompanying financial statements of the governmental activities and each major fund of Mayberry, Colorado Springs Community Authority ("Authority"), as of and for the year ended December 31, 2022, and the related notes to the financial statements, which collectively comprise the Authority's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the Authority as of December 31, 2022, the respective changes in financial position, and the budgetary comparison for the general fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of the report. We are required to be independent of the Authority and to meet our other ethical responsibilities in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Authority's ability to continue as a going concern within one year after the date that the financial statements are available to be issued.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes

our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with auditing standards generally accepted in the United States of America, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Authority's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control related matters that we identified during the audit.

Other Matters

Required Supplementary Information

Management has omitted management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board which considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinions on the basic financial statements are not affected by this missing information.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Authority's basic financial statements. The supplementary information, as identified in the table of contents, is presented for purposes of additional analysis and is not a required part of the basic financial

statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the supplementary information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

DRAFT ONLY, NOT FOR DISTRIBUTION

Colorado Springs, Colorado

[REPORT DATE PENDING]

DRAFT

MAYBERRY, COLORADO SPRINGS COMMUNITY AUTHORITY
STATEMENT OF NET POSITION
DECEMBER 31, 2022

	Governmental Activities
<u>ASSETS</u>	
Cash and investments	\$ 330,641
Cash and investments - restricted	3,691,547
Intergovernmental pledges receivable from District No. 2	812
Intergovernmental pledges receivable from District No. 3	8,395
Construction in progress	10,689,750
Total assets	14,721,145
<u>LIABILITIES</u>	
Accounts payable	738,821
Retainage payable	57,795
Accrued interest	468,247
Noncurrent liabilities:	
Due in more than one year	15,777,885
Total liabilities	17,042,748
<u>DEFERRED INFLOWS OF RESOURCES</u>	
Deferred property taxes from District No. 2	5,102
Deferred property taxes from District No. 3	338
Total deferred inflows of resources	5,440
<u>NET POSITION</u>	
Restricted for:	
Capital projects	1,723,494
Debt service	1,918,161
Emergency reserve	1,200
Unrestricted	(5,969,898)
Total net position	\$ (2,327,043)

The accompanying notes and independent auditor's report
should be read with these financial statements.

MAYBERRY, COLORADO SPRINGS COMMUNITY AUTHORITY

STATEMENT OF ACTIVITIES

DECEMBER 31, 2022

		Program Revenues			Net (Expenses) Revenues and Changes in Net Position
	Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities
<u>FUNCTIONS / PROGRAMS</u>					
Primary government					
Government activities:					
General government	\$ 37,600	\$ -	\$ -	\$ -	\$ (37,600)
Interest and related costs on long-term debt	844,739	-	-	-	(844,739)
Total government activities	\$ 882,339	\$ -	\$ -	\$ -	(882,339)
<u>GENERAL REVENUES</u>					
Intergovernmental revenues - taxes from District 2					474
Intergovernmental revenues - taxes from District 3					3,293
Investment income					116,429
Total general revenues					120,196
Change in net position					(762,143)
Net position, beginning of year					(1,564,900)
Net position, end of year					\$ (2,327,043)

The accompanying notes and independent auditor's report
should be read with these financial statements.

MAYBERRY, COLORADO SPRINGS COMMUNITY AUTHORITY

BALANCE SHEETS - GOVERNMENTAL FUNDS

DECEMBER 31, 2022

	General Fund	Debt Service Fund	Capital Projects Fund	Total Governmental Funds
ASSETS				
Cash and investments	\$ 330,641	\$ -	\$ -	\$ 330,641
Cash and investments - restricted	-	1,914,394	1,777,153	3,691,547
Intergovernmental pledges receivable from District No. 2	-	812	-	812
Intergovernmental pledges receivable from District No. 3	-	8,395	-	8,395
Total assets	\$ 330,641	\$ 1,923,601	\$ 1,777,153	\$ 4,031,395
LIABILITIES				
Accounts payable	\$ 685,162	\$ -	\$ 53,659	\$ 738,821
Total liabilities	685,162	-	53,659	738,821
DEFERRED INFLOWS OF RESOURCES				
Deferred property taxes from District No. 2	-	5,102	-	5,102
Deferred property taxes from District No. 3	-	338	-	338
Total deferred inflows of resources	-	5,440	-	5,440
FUND BALANCES				
Restricted for:				
Capital projects	-		1,723,494	1,723,494
Debt service	-	1,918,161	-	1,918,161
Emergency reserve	1,200	-	-	1,200
Unassigned:				
Unrestricted	(355,721)	-	-	(355,721)
Total fund balances	(354,521)	1,918,161	1,723,494	3,287,134
Total liabilities, deferred inflows of resources, and fund balances	\$ 330,641	\$ 1,923,601	\$ 1,777,153	
Amounts reported in governmental activities in the statement of net position are different because:				
Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds:				
Construction in progress				10,689,750
Long-term liabilities are not due and payable in the current period and, therefore, are not reported in the funds:				
Retainage payable				(57,795)
Accrued interest on bonds payable				(468,247)
Bonds payable				(15,777,885)
Net position of governmental activities				\$ (2,327,043)

The accompanying notes and independent auditor's report should be read with these financial statements.

MAYBERRY, COLORADO SPRINGS COMMUNITY AUTHORITY
STATEMENTS OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS
DECEMBER 31, 2022

	<u>General Fund</u>	<u>Debt Service Fund</u>	<u>Capital Projects Fund</u>	<u>Total Governmental Funds</u>
REVENUES				
Intergovernmental revenues - taxes from District 2	\$ -	\$ 474	\$ -	\$ 474
Intergovernmental revenues - taxes from District 3	-	3,293	-	3,293
Investment income	-	4,747	111,682	116,429
Total revenues	-	8,514	111,682	120,196
EXPENDITURES				
Current:				
Bank charges	5,354	-	-	5,354
Dues and subscriptions	4,431	-	-	4,431
Insurance	3,216	-	-	3,216
Legal services	1,625	-	-	1,625
Management fees	22,109	-	-	22,109
Debt service:				
Bond interest payments	-	591,750	-	591,750
Paying agent fees	-	3,000	-	3,000
Capital projects:				
Bond issuance costs	-	-	865	865
Capital outlay	-	-	7,287,317	7,287,317
Construction management fees	-	-	240,141	240,141
Total expenditures	36,735	594,750	7,528,323	8,159,808
Excess of revenues over expenditures	(36,735)	(586,236)	(7,416,641)	(8,039,612)
OTHER FINANCING SOURCES AND USES				
Transfer between funds	(316,529)	33,465	283,064	-
Total other financing sources and uses	(316,529)	33,465	283,064	-
Net change in fund balances	(353,264)	(552,771)	(7,133,577)	(8,039,612)
Fund balances, beginning of year	(1,257)	2,470,932	8,857,071	11,326,746
Fund balances, end of year	\$ (354,521)	\$ 1,918,161	\$ 1,723,494	\$ 3,287,134

The accompanying notes and independent auditor's report should be read with these financial statements.

MAYBERRY, COLORADO SPRINGS COMMUNITY AUTHORITY
RECONCILIATION OF THE STATEMENTS OF REVENUES, EXPENDITURES, AND CHANGES IN FUND
BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES
DECEMBER 31, 2022

Net change in fund balances \$ (8,039,612)

Amounts reported for governmental activities in the statement of activities are different because:

Governmental funds report capital outlays as expenditures. In the statement of activities capital outlay is not reported as an expenditure. However, the statement of activities will report as depreciation expense the allocation of the cost of any depreciable assets over the estimated useful lives of the assets. Capital outlay, the conveyance of capital assets to other governments, and depreciation expense in the current period are as follows:

<u>Capital outlay</u>	7,345,112
<u>Construction management fees</u>	240,141
<u>Retainage payable</u>	(57,795)

Some items in the statement of activities do not provide or require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.

<u>Change in accrued interest on bonds payable</u>	(279,254)
<u>Amortization of bond premium</u>	29,265

Change in net position \$ (762,143)

The accompanying notes and independent auditor's report
should be read with these financial statements.

MAYBERRY, COLORADO SPRINGS COMMUNITY AUTHORITY
GENERAL FUND - STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
(BUDGET AND ACTUAL)
DECEMBER 31, 2022

	<u>Original and Final Budget</u>	<u>Actual</u>	<u>Variance</u>
<u>EXPENDITURES</u>			
Bank charges	\$ -	\$ 5,354	\$ (5,354)
Dues and subscriptions	-	4,431	(4,431)
Insurance	-	3,216	(3,216)
Legal services	-	1,625	(1,625)
Management fees	-	22,109	(22,109)
Total expenditures	-	36,735	(36,735)
Excess of revenues over expenditures	-	(36,735)	(36,735)
<u>OTHER FINANCING SOURCES AND USES</u>			
Transfer between funds	-	(316,529)	(316,529)
Total other financing sources and uses	-	(316,529)	(316,529)
Net change in fund balance	<u>\$ -</u>	<u>(353,264)</u>	<u>\$ (353,264)</u>
Fund balance, beginning of year		(1,257)	
Fund balance, end of year		<u>\$ (354,521)</u>	

The accompanying notes and independent auditor's report
should be read with these financial statements.

MAYBERRY, COLORADO SPRINGS COMMUNITY AUTHORITY

NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2022

1. DEFINITION OF REPORTING ENTITY

Mayberry, Colorado Springs Community Authority ("Authority"), a political subdivision and public corporation of the state of Colorado, was formed in March 2021, and was duly created and exists as a separate legal entity under the Constitution and laws of the state, including Title 29, Article 1, Part 2 of the Colorado Revised Statutes. The Authority was organized for the purposes of incurring financial obligations and providing services on behalf of members of the Authority.

The Authority entered into an establishment agreement with the Mayberry, Colorado Springs Metropolitan District Nos. 1 - 8 (collectively, the "Districts"). The agreement named the Districts the initial members of the Authority.

The Authority follows Governmental Accounting Standards Board ("GASB") accounting pronouncements which provide guidance for determining which governmental activities, organizations, and functions should be included within the financial reporting entity. GASB pronouncements set forth the financial accountability of a governmental organization's elected governing body as the basic criterion for including a possible component governmental organization in a primary government's legal entity. Financial accountability includes, but is not limited to, appointment of a voting majority of the organization's governing body, ability to impose its will on the organization, and potential for the organization to provide specific financial benefits or burdens and fiscal dependency.

The Authority is not financially accountable for any other organization nor is the Authority a component unit of any other primary governmental entity.

The Authority has no employees and all operational and administrative functions are contracted.

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Government-wide and fund financial statements

The government-wide financial statements include the statement of net position and the statement of activities. These financial statements include all of the activities of the Authority. Material interfund activity has been removed from these statements. Governmental activities are normally supported by taxes and intergovernmental revenues.

The statement of net position reports all financial and capital resources of the Authority. The difference between the assets plus deferred outflows of resources and the liabilities plus deferred inflows of resources is reported as net position.

The statement of activities demonstrates the degree to which the direct and indirect expenses of a given function or segment are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment; and grants and contributions that are restricted to meet the operational or capital requirements of a particular function or segment. Taxes and other items are properly excluded from program revenues and are reported as general revenues.

Measurement focus, basis of accounting, and financial statement position

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized when they are both measurable and available. Revenues are considered to be available when they are collectable within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the Authority considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. The major sources of revenue susceptible to accrual are property taxes. All other revenue items are considered to be measurable and available only when cash is received by the Authority. Expenditures, other than interest on long-term obligations, are recorded when the liability is incurred or the long-term obligation is due.

See independent auditor's report.

MAYBERRY, COLORADO SPRINGS COMMUNITY AUTHORITY

NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2022

The Authority reports the following major governmental funds:

The *general fund* accounts for all financial resources of the Authority except those required to be accounted for in another fund.

The *debt service fund* accounts for the servicing of general long-term debt and revenues generated and received by the Authority that are required to be used for repayment of debt.

The *capital projects fund* accounts for financial resources to be used for the acquisition and construction of capital equipment and facilities.

Budgets

In accordance with state budget law, the Authority holds public hearings in the fall each year to approve the budget and appropriate funds for the ensuing year. The appropriation is at the total fund expenditures, fund balance remaining, and other financing uses level, and lapses at year end. The Authority's board of directors can modify the budget by line item within the total appropriation without notification. The appropriation can only be modified upon completion of notification and publication requirements. The budget includes each fund on its basis of accounting unless otherwise indicated.

The Authority amended its annual budget for the year ended December 31, 2022.

The Authority incurred expenditures in excess of appropriations for the year ended December 31, 2022 in the general fund and capital projects fund, which may be a violation of state budget law.

Pooled cash and investments

The Authority follows the practice of pooling cash and investments of funds to maximize investment earnings. Except when required by trust or other agreements, cash is deposited to and disbursed from a single bank account. Cash in excess of immediate operating requirements is pooled for deposit and investment flexibility. Investment earnings are allocated periodically to the participating funds based upon each fund's average balance.

Property taxes

Property taxes are levied by Mayberry, Colorado Springs Metropolitan District No. 2 ("District No. 2") and Mayberry, Colorado Springs Metropolitan District No. 3 ("District No. 3") (collectively, the "Pledge Districts"). The levies are normally set by December 15 and attach as enforceable liens as of January 1 of the following year. The County Treasurer collects the determined taxes during the ensuing calendar year. The taxes are payable by April or, at the taxpayer's election, in February and June in equal installments. Delinquent taxpayers are notified in August and sales of the tax liens on delinquent properties are generally held in November or December. The County Treasurer remits the taxes collected to the Pledge Districts monthly.

Intergovernmental pledge revenues, net of estimated uncollectable amounts, are recorded initially as deferred intergovernmental pledge revenues in the year they are levied and measurable. The deferred intergovernmental pledge revenues are recorded as revenues in the year they are available or collected.

Capital assets

Capital assets, which include property, equipment, and infrastructure assets (e.g., roads, sidewalks, and similar items), are reported in the applicable governmental activities column in the government-wide financial statements. Capital assets are defined by the Authority as assets with an initial individual cost of more than \$5,000 and a useful life greater than one year. Such assets are recorded at cost or estimated cost if purchased or constructed. Contributed capital assets are recorded at estimated acquisition value at the date of contribution.

See independent auditor's report.

MAYBERRY, COLORADO SPRINGS COMMUNITY AUTHORITY

NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2022

Maintenance and repairs are charged to expense as incurred. At the time of retirement or disposition of depreciable assets, the related cost and accumulated depreciation are removed from the accounts, and the resulting gain or loss, if any, is reflected in revenues or expenses.

Capital assets which are anticipated to be conveyed to other governmental entities are not depreciated or included in the calculation of net investment in capital assets component of the Authority's net position.

Deferred inflows of resources

In addition to liabilities, the statement of net position reports a separate section for deferred inflows of resources. This separate financial statement element represents an acquisition of net position that applies to a future period and so will not be recognized as an inflow of resources (revenues) until that time. Accordingly, property taxes are deferred and recognized as an inflow of resources in the period that the amounts become available.

Interfund balances and transactions

The Authority reports interfund balances and transfers that are representative of lending and borrowing arrangements between funds in the fund financial statements as due to other funds and due from other funds, respectively. The interfund balances have been eliminated in the government-wide statements.

Net position and fund balances

Net position

For government-wide presentation purposes, when both restricted and unrestricted resources are available for use, it is the Authority's practice to use restricted resources first, then unrestricted resources as they are needed.

Fund balances

Fund balances for governmental funds are reported in classifications that comprise a hierarchy based on the extent to which the government is bound to honor constraints on the specific purposes for which spending can occur. Governmental funds report up to five classifications of fund balance. Because circumstances differ among governments, not every government or every governmental fund will present all of these components. The following classifications describe the relative strength of the spending constraints:

The *nonspendable fund balance* is the portion of fund balance that cannot be spent because it is either not in spendable form (such as prepaid amounts or inventories) or is legally or contractually required to be maintained intact.

The *restricted fund balance* is the portion of fund balance that is constrained to being used for a specific purpose by external parties (such as bondholders), constitutional provisions, or enabling legislation.

The *committed fund balance* is the portion of fund balance that can only be used for specific purposes pursuant to constraints imposed by formal action of the government's highest level of decision-making authority, the board of directors. The constraint may be removed or changed only through formal action of the board of directors.

The *assigned fund balance* is the portion of fund balance that is constrained by the government's intent to be used for specific purposes, but is neither restricted nor committed. Intent is expressed by the board of directors to be used for a specific purpose. Constraints imposed on the use of assigned amounts are more easily removed or modified than those imposed on amounts that are classified as committed.

The *unassigned fund balance* is the residual portion of fund balance that does not meet any of the criteria described above.

For fund presentation purposes, if more than one classification of fund balance is available for use when an expenditure is incurred, it is the Authority's policy to use the most restrictive classification first.

See independent auditor's report.

MAYBERRY, COLORADO SPRINGS COMMUNITY AUTHORITY
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 2022

Deficit

The general fund reported a deficit in the fund financial statements as of December 31, 2022.

3. CASH AND INVESTMENTS

Cash and investments as of December 31, 2022, are classified in the accompanying financial statements as follows:

Statement of net position:

Cash and investments	\$ 330,641
Cash and investments - restricted	<u>3,691,547</u>
	<u>\$ 4,022,188</u>

The carrying amounts of cash and investments, which equal estimated fair value, as of December 31, 2022, are as follows:

Deposits with financial institutions	\$ 330,641
Investments	<u>3,691,547</u>
	<u>\$ 4,022,188</u>

Deposits with financial institutions

The Colorado Public Deposit Protection Act ("PDPA") requires that all units of local government deposit cash in eligible public depositories. Eligibility is determined by state regulators. Amounts on deposit in excess of federal insurance levels must be collateralized. The eligible collateral is determined by the PDPA. The PDPA allows the institution to create a single collateral pool for all public funds. The pool for all the uninsured public deposits as a group is to be maintained by another institution or held in trust. The market value of the collateral must be 102% of the aggregate uninsured deposits.

The state commissioners for banks and financial services are required by statute to monitor the naming of eligible depositories and reporting of the uninsured deposits and assets maintained in the collateral pools.

As of December 31, 2022, the Authority's cash deposits had a bank balance of \$855,693 and a carrying balance of \$330,641.

Investments

The District has not adopted a formal investment policy; however, the Authority follows state statutes regarding investments.

The Authority generally limits its concentration of investments to those below which are believed to have minimal credit risk, minimal interest rate risk, and no foreign currency risk. The Authority is not subject to concentration risk disclosure requirements or subject to investment custodial credit risk for investments that are in the possession of another party.

Colorado revised statutes limit investment maturities to five years or less unless otherwise formally approved by the board of directors. Such actions are generally associated with a debt service reserve or sinking fund requirements.

Colorado statutes specify investment instruments meeting defined rating and risk criteria in which local governments may invest which include:

- Obligations of the US and certain US government agency securities
- Certain international agency securities
- General obligation and revenue bonds of US local government entities
- Bankers' acceptances of certain banks
- Commercial paper
- Written repurchase agreements collateralized by certain authorized securities

See independent auditor's report.

MAYBERRY, COLORADO SPRINGS COMMUNITY AUTHORITY

NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2022

- Certificates of deposit in Colorado PDPA approved banks or savings banks
- Certain money market funds
- Guaranteed investment contracts
- Local government investment pools

As of December 31, 2022, the Authority had the following in investments:

Investment	Maturity	Amount
Liquid Asset Trust (COLOTRUST)	Weighted average under 60 days	<u>\$ 3,691,547</u>

COLOTRUST

The Authority invested in the Colorado Local Government Liquid Asset Trust ("COLOTRUST" or "Trust"), an investment vehicle established for local government entities in Colorado to pool surplus funds. The State Securities Commissioner administers and enforces all state statutes governing the Trust. The Trust offers three portfolios: COLOTRUST, PRIME, COLOTRUST PLUS+, and COLOTRUST EDGE.

COLOTRUST PRIME and COLOTRUST PLUS+, which operate similarly to a money market fund in which each share is equal in value to \$1, offer daily liquidity. Both portfolios may invest in US Treasury securities and repurchase agreements collateralized by US Treasury securities. COLOTRUST PLUS+ may also invest in certain obligations of US government agencies, highest rated commercial paper, and any security allowed under CRS 24-75-601.

COLOTRUST EDGE, a variable net asset value ("NAV") local government investment pool, offers weekly liquidity and is managed to approximate a \$10 transactional share price. COLOTRUST EDGE may invest in US Treasury securities, repurchase agreement collateralized by US Treasury securities, certain obligations of US government agencies, and highest rated commercial paper.

A designated custodial bank serves as custodian for the Trust's portfolios pursuant to a custodian agreement. The custodian acts as safekeeping agent for the Trust's investment portfolios and provides services as the depository in connection with direct investments and withdrawals. The custodian's internal records segregate investments owned by the Trust. COLOTRUST PRIME and COLOTRUST PLUS+ are rated AAAM by Standard & Poor's. COLOTRUST EDGE is rated AAf/S1 by FitchRatings. COLOTRUST records its investment at fair value and the Authority records its investment in COLOTRUST at NAV as determined by fair value. There are no unfunded commitments, the redemption frequency is daily or weekly, and there is no redemption notice period.

4. CAPITAL ASSETS

Capital asset activity for the year ended December 31, 2022, is as follows:

	Balance 01-01-22	Additions	Dispositions	Reclassifications	Balance 12-31-22
Capital assets, not depreciable:					
Construction in progress	\$ 3,104,497	\$ 7,585,253	\$ -	\$ -	\$ 10,689,750
Capital assets, not depreciable	<u>\$ 3,104,497</u>	<u>\$ 7,585,253</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 10,689,750</u>

See independent auditor's report.

MAYBERRY, COLORADO SPRINGS COMMUNITY AUTHORITY

NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2022

5. LONG-TERM OBLIGATIONS

The following is a summary of long-term debt of the District during the year ended December 31, 2022:

	Balance 01-01-22	Additions	Repayments / Amortization	Balance 12-31-22	Due Within One Year
<u>Governmental activities</u>					
Bonds payable:					
Series 2021A Bonds	\$ 11,835,000	\$ -	\$ -	\$ 11,835,000	\$ -
Unamortized portion of premium	621,150	-	29,265	591,885	-
Series 2021B(3) Bond	3,351,000	-	-	3,351,000	
Total long-term obligations	<u>\$ 15,807,150</u>	<u>\$ -</u>	<u>\$ 29,265</u>	<u>\$ 15,777,885</u>	<u>\$ -</u>

Series 2021 Special Revenue Bonds

On June 23, 2021, the Authority issued Series 2021A and Series 2021B(3) special revenue bonds (collectively, "Series 2021 Bonds") for the purpose of financing or reimbursing certain public improvements related to development.

A portion of the Series 2021A Senior Bonds ("Series 2021A Bonds") will also be used to fund: (i) an initial deposit in the surplus fund; (ii) a portion of the interest to accrue on the bonds; and (iii) the costs of issuing the bonds. The Series 2021A Bonds were issued in the amounts as follows: (a) \$4,750,000, plus an original issue premium of \$633,994, maturing on December 1, 2041; and (b) \$7,085,000 maturing on April 15, 2051. The Series 2021A Bonds bear interest at 5.00% per annum; payable to the extent of pledged revenues available on June 1 and December 1 of each year.

The Series 2021B(3) Subordinate Bonds ("Series 2021B(3) Bonds") were issued in the amount of \$3,351,000; bearing interest at 8.00% per annum; payable to the extent of pledged revenues available on each December 15; and maturing on April 15, 2051.

Pledged revenues

The Series 2021A Bonds are secured by a first lien on the pledged revenue consisting of monies derived by the Pledge Districts from the following sources, net of any collection costs: (i) property tax revenues; (ii) all specific ownership tax revenues; (iii) any other legally available monies which the Pledge Districts determine to transfer to the trustee for credit to the bond fund under the senior indenture. The tax revenues consist generally consist of monies derived from the Pledge Districts' required mill levies. Required mill levies mean an ad valorem mill levy imposed upon all taxable property within the Pledge Districts each year in an amount sufficient to pay the principal, premium, and interest on the bonds as they become due. The mill levy is adjusted for changes in the ratio of actual to assessed value of property within the Pledge Districts.

Optional redemption

The Series 2021 Bonds are subject to redemption prior to maturity, at the option of the Authority, as a whole or in integral multiples of \$1,000, in any order of maturity and in whole or partial maturities, on June 1, 2026, and on any date thereafter, upon payment of par, accrued interest, and a redemption premium of a percentage of the principal amount redeemed, as follows:

Date of Redemption	Redemption Premium
June 1, 2026 to May 31, 2027	3.00%
June 1, 2027 to May 31, 2028	2.00%
June 1, 2028 to May 31, 2029	1.00%
June 1, 2029 and thereafter	0.00%

See independent auditor's report.

MAYBERRY, COLORADO SPRINGS COMMUNITY AUTHORITY

NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2022

The District's long-term obligations on the Series 2021A Bonds mature as follows:

<u>Year Ending December 31,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2023	\$ -	\$ 591,750	\$ 591,750
2024	-	591,750	591,750
2025	-	591,750	591,750
2026	90,000	591,750	681,750
2027	165,000	587,250	752,250
2028 - 2032	1,095,000	2,795,000	3,890,000
2033 - 2037	1,620,000	2,471,000	4,091,000
2038 - 2042	2,310,000	2,000,750	4,310,750
2043 - 2047	3,180,000	1,340,750	4,520,750
2048 - 2052	3,375,000	406,401	3,781,401
Total	<u>\$ 11,835,000</u>	<u>\$ 11,968,151</u>	<u>\$ 23,803,151</u>

The Series 2021B(3) Bonds are subordinate to the Series 2021A Bonds and are structured as cash flow bonds, meaning that no regularly scheduled payments of principal are due prior to the maturity date of April 15, 2051. Accordingly, a maturity schedule is not provided for these amounts. In the event that any amount of principal or interest on the subordinate bonds remain unpaid after the application of all subordinate pledged revenue available on December 15, 2061, the subordinate bonds shall be deemed to be discharged and paid in full.

Events of default

The occurrence of any one or more of the following events or the existence of any one or more of the following conditions constitutes an event of default under the bond indentures:

- i. Failure to deposit with the trustee all pledged revenue as required by the indenture.
- ii. Default in the performance or observance of any of the covenants, agreements, or conditions on the part of the Authority in the indentures or the bond resolutions, and such default continues for 30 days after written notice specifying such default and requiring the same to be remedied is given to the Authority by the owners of 25% in aggregate principal amount of the bonds then outstanding.
- iii. The Authority files a petition under the federal bankruptcy laws or other applicable bankruptcy laws seeking to adjust the obligation represented by the bonds.

It is acknowledged that, due to the limited nature of the pledged revenue, the failure to pay the principal or interest on the bonds when due does not, in itself, constitute an event of default under the indentures.

Upon the occurrence and continuance of an event of default, the trustee has the following rights and remedies which may be pursued:

- i. Receivership: Upon the filing of a bill in equity or other commencement of judicial proceedings to enforce the rights of the trustee and of the owners, the trustee is entitled to as a matter of right to the appointment of a receiver or receivers of the trust estate, and of the revenues, income, product, and profits thereof pending such proceedings, subject however, to constitutional limitations inherent in the sovereignty of the Authority; but notwithstanding the appointment of any receiver or other custodian, the trustee is to be entitled to the possession and control of any cash, securities, or other instruments at the time held by, or payable or deliverable under the provisions of the indentures to, the trustee.
- ii. Suit for judgment: The trustee may proceed to protect and enforce its rights and the rights of the owners by such suit, action, or special proceedings as the trustee, being advised by counsel, deems appropriate.

See independent auditor's report.

MAYBERRY, COLORADO SPRINGS COMMUNITY AUTHORITY

NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2022

iii. Mandamus or other suit: The owner may proceed by mandamus or any other suit, action, or proceeding at law or in equity, to enforce its rights.

Notwithstanding the foregoing or anything else herein to the contrary, acceleration shall not be an available remedy for an event of default.

6. NET POSITION

The Authority has net position consisting of restricted and unrestricted.

Restricted net position includes balances with external restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or imposed by law through constitutional provisions or enabling legislation. The Authority had a restricted net position as of December 31, 2022 as follows:

Restricted net position:

Capital projects (Note 4)	\$ 1,723,494
Debt service (Note 5)	1,918,161
Emergency reserve (Note 10)	<u>1,200</u>
	<u>\$ 3,642,855</u>

The Authority's unrestricted net position as of December 31, 2022, totaled a deficit of \$5,969,898.

7. CAPITAL PLEDGE AGREEMENT

To provide for the payment of the Series 2021 Bonds, the Pledge Districts each entered into separate capital pledge agreements with the Authority and the trustee dated as of the date of issuance of the bonds on June 23, 2021. The Pledge Districts agree to remit to the trustee, or as otherwise directed by the Authority, as soon as practicable upon receipt, and in no event later than the 15th day of the calendar month immediately succeeding the calendar month in which such revenue is received by the Pledge Districts. In accordance with the capital pledge agreements, only taxable property within the Pledge Districts will generate the pledged revenue (as described in Note 5).

8. RELATED PARTIES

The developer of the property within the Authority is Colorado Springs Mayberry, Inc. The members of the board of directors are officers, employees, or associated with the developer and may have conflicts of interest in dealing with the Authority.

9. RISK MANAGEMENT

The Authority is exposed to various risks of loss related to torts, thefts of, damage to, or destruction of assets; errors or omissions; injuries to employees; or acts of God.

The Authority is a member of the Colorado Special Districts Property and Liability Pool ("Pool"). The Pool is an organization created by intergovernmental agreement to provide property, liability, public officials' liability, boiler and machinery, and workers' compensation coverage to its members. Settled claims have not exceeded this coverage in any of the past three fiscal years.

The Authority pays annual premiums to the Pool for liability, property, and public officials' liability coverage. In the event aggregated losses incurred by the Pool exceed amounts recoverable from reinsurance contracts and funds accumulated by the Pool, the Pool may require additional contributions from the Pool members. Any excess funds which the Pool determines are not needed for purposes of the Pool may be returned to the members pursuant to a distribution formula.

See independent auditor's report.

MAYBERRY, COLORADO SPRINGS COMMUNITY AUTHORITY

NOTES TO FINANCIAL STATEMENTS

DECEMBER 31, 2022

10. TAX, SPENDING, AND DEBT LIMITATIONS

Article X, Section 20 of the Colorado Constitution, commonly known as the Taxpayer's Bill of Rights ("TABOR"), contains tax, spending, revenue, and debt limitations which apply to the state of Colorado and all local governments within the state of Colorado.

Spending and revenue limits are determined based on the prior fiscal year spending adjusted for allowable increases based upon inflation and local growth. Fiscal year spending is generally defined as expenditures plus reserve increases with certain exceptions. Revenues in excess of the fiscal year spending limit must be refunded unless the voters approve retention of such revenues.

TABOR requires local governments to establish emergency reserves. These reserves must be at least 3% of fiscal year spending (excluding bonded debt service). Local governments are not allowed to use the emergency reserves to compensate for economic conditions, revenue shortfalls, or salary or benefit increases.

Authority management believes the Authority is in compliance with the provisions of TABOR. However, TABOR is complex and subject to interpretation. Many of the provisions, including the interpretation of how to calculate fiscal year spending limits, will likely require judicial interpretation.

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See independent auditor's report.

SUPPLEMENTARY INFORMATION

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MAYBERRY, COLORADO SPRINGS COMMUNITY AUTHORITY
DEBT SERVICE FUND - SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
(BUDGET AND ACTUAL)
DECEMBER 31, 2022

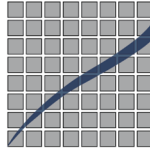
	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual</u>	<u>Variance</u>
<u>REVENUES</u>				
Intergovernmental revenues - taxes from District 2	\$ -	\$ -	\$ 474	\$ 474
Intergovernmental revenues - taxes from District 3	323	-	3,293	3,293
Investment income	1,500	68,000	4,747	(63,253)
Total revenues	1,823	68,000	8,514	(59,486)
<u>EXPENDITURES</u>				
Dues and subscriptions	1,000	542	-	542
Insurance	-	54,675	-	54,675
Management fees	-	11,376	-	11,376
Bond interest payments	591,750	591,750	591,750	-
Paying agent fees	4,000	3,000	3,000	-
Total expenditures	596,750	661,343	594,750	66,593
Excess of revenues over expenditures	(594,927)	(593,343)	(586,236)	7,107
<u>OTHER FINANCING SOURCES AND USES</u>				
Transfer to other fund	(5,352,495)	(6,215,882)	33,465	6,249,347
Total other financing sources and uses	(5,352,495)	(6,215,882)	33,465	6,249,347
Net change in fund balance	\$ (5,947,422)	\$ (6,809,225)	(552,771)	\$ 6,256,454
Fund balance, beginning of year			2,470,932	
Fund balance, end of year			\$ 1,918,161	

See independent auditor's report.

MAYBERRY, COLORADO SPRINGS COMMUNITY AUTHORITY
CAPITAL PROJECTS FUND - SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND
BALANCE (BUDGET AND ACTUAL)
DECEMBER 31, 2022

	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual</u>	<u>Variance</u>
<u>REVENUES</u>				
Investment income	\$ -	\$ -	\$ 111,682	\$ 111,682
Total revenues	-	-	111,682	111,682
<u>EXPENDITURES</u>				
Bond issuance costs	-	-	865	(865)
Capital outlay	5,352,495	6,215,882	7,287,317	(1,071,435)
Construction management fees	-	-	240,141	(240,141)
Total expenditures	5,352,495	6,215,882	7,528,323	(1,312,441)
Excess of revenues over expenditures	(5,352,495)	(6,215,882)	(7,416,641)	(1,200,759)
<u>OTHER FINANCING SOURCES AND USES</u>				
Transfer from other fund	5,352,495	6,215,882	283,064	(5,932,818)
Total other financing sources and uses	5,352,495	6,215,882	283,064	(5,932,818)
Net change in fund balance	<u>\$ -</u>	<u>\$ -</u>	(7,133,577)	<u>\$ (7,133,577)</u>
Fund balance, beginning of year			8,857,071	
Fund balance, end of year			<u>\$ 1,723,494</u>	

See independent auditor's report.



BiggsKofford

CERTIFIED PUBLIC ACCOUNTANTS

July 10, 2023

Mayberry, Colorado Springs Community Authority
El Paso County, Colorado
Board of Directors

We have audited the financial statements of Mayberry, Colorado Springs Community Authority (“Authority”). Professional standards require that we provide you with information about our responsibilities under auditing standards generally accepted in the United States of America (“US GAAS”), as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated May 24, 2023. Professional standards also require that we communicate to you the following related to our audit.

Significant Audit Matters

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Authority are described in Note 2 to the financial statements. No new accounting policies were adopted, and the application of existing policies was not changed during the year ended December 31, 2022. We noted no transactions entered into by the Authority during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management’s knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the financial statements related to:

- Intergovernmental pledges receivable

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosure affecting the financial statements was:

- The disclosure of debt balances

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. The attached schedule summarizes misstatements detected as a result of audit procedures. The adjusting journal entries include those corrected by management.

Disagreements with Management

For purposes of this letter, a disagreement with management is a disagreement on a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the Authority's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards with management each year prior to retention as the Authority's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

Supplementary Information

We were engaged to report on the supplementary information as identified in the table of contents to the financial statements ("SI"), which accompany the financial statements but are not RSI. With respect to this SI, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

Internal Controls

In planning and performing our audit of the financial statements of the Authority as of and for the year ended December 31, 2022, in accordance with US GAAS, we considered the Authority's internal control over financial reporting ("internal control") as a basis for designing audit procedures that are appropriate in the circumstances and for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control. Accordingly, we do not express an opinion on the effectiveness of the Authority's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the Authority's financial statements will not be prevented, or detected and corrected, on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described above and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and, therefore, material weaknesses or significant deficiencies may exist that were not identified.

We consider the following to be significant deficiencies:

- *Segregation of Duties:* As expected in smaller organizations, due to the limited number of people performing work for the Authority, many critical duties are combined and assigned to the available employees. To the extent possible, duties should be segregated to serve as a check and balance on employee integrity and to maintain the best control system possible. We suggest that the segregation of duties be reviewed and adjusted where possible to strengthen the system of internal controls. At a minimum, we recommend that members of the board of directors be provided with monthly bank statements including check images directly from the bank (or via direct online access), to enable them to verify that all disbursements were made for approved expenditures. Ideally a record of the board members' regular review would be maintained (e.g., printed statements with their initials and the date of their review).
- *Management Override of Controls:* Our audit procedures revealed that management has the ability to override internal controls. Internal controls are designed and implemented in order to prevent and detect errors and fraud in financial reporting. The ability of management to override and circumvent certain controls increases the risks to the Authority for errors to exist in the financial statements, whether by mistake or fraud. Those charged with governance should be aware of this possibility in performing their role in overseeing the Authority.

This information is intended solely for the use of the board of directors and is not intended to be, and should not be, used by anyone other than the specified party.

Sincerely,

BiggsKofford, P.C.

BiggsKofford, P.C.

Adjusting Journal Entries

Adjusting Journal Entries

Adjusting Journal Entries JE # 1

ADJUSTING: To roll-forward equity from the prior year.

	6200	Fees & Licenses	3,889.00		
	3000	Retained Earnings			3,889.00
Total			3,889.00		3,889.00

Adjusting Journal Entries JE # 2

ADJUSTING: To record interest expense on Series 2021B Bonds.

	6077	Bond Expense:Bond Interest	279,254.00		
	2023	Interest Payable - Series 2021B			279,254.00
Total			279,254.00		279,254.00

Adjusting Journal Entries JE # 3

ADJUSTING: To record amortization of premium on Series 2021A Bonds.

	2520	Accum Amort Series 2021A Prem	29,265.00		
	6077	Bond Expense:Bond Interest			29,265.00
Total			29,265.00		29,265.00

Adjusting Journal Entries JE # 4

ADJUSTING: To accrue for pledge receivables in accordance with the pledge agreement.

	1202-BK	Property Tax Receivable Due from District No. 3	8,395.00		
	1203-BK	Property Tax Receivable Due from District No. 2	812.00		
	2002-BK	Deferred Property Tax Revenue Due from District No. 3			338.00
	2003-BK	Deferred Property Tax Revenue Due from District No. 2			5,102.00
	4980-BK	Pledged property tax revenue from District No. 2			474.00
	4990-BK	Pledged property tax revenue from District No. 3			3,293.00
Total			9,207.00		9,207.00

Adjusting Journal Entries JE # 5

ADJUSTING: To accrue for construction in progress as of December 31, 2022.

	1750	Construction in Progress:Asphalt	53,659.00		
	2000	Accounts Payable			53,659.00
Total			53,659.00		53,659.00

Adjusting Journal Entries JE # 6

ADJUSTING: To record retainage at year end.

	1700	Construction in Progress	57,795.00		
	2500-BK	Retainage Payable			57,795.00
Total			57,795.00		57,795.00

Adjusting Journal Entries JE # 7

ADJUSTING: To record capital outlay as construction in progress.

1700	Construction in Progress	301,539.00	
6020	Capital Improvements		8,044.00
6100	Construction Management		240,141.00
6270	Insurance		53,354.00
Total		<u>301,539.00</u>	<u>301,539.00</u>

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MAYBERRY, COLORADO SPRINGS COMMUNITY AUTHORITY

BiggsKofford, P.C.
630 Southpointe Court, Suite 200
Colorado Springs, CO 80906

This representation letter is provided in connection with your audit of the financial statements of Mayberry, Colorado Springs Community Authority (“Authority”), which comprise the respective financial position of the governmental activities and each major fund as of December 31, 2022, and the respective changes in financial position, the respective budgetary comparison for the general fund for the year then ended, and the related notes to the financial statements, for the purpose of expressing opinions as to whether the financial statements are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America (“US GAAP”).

Certain representations in this letter are described as being limited to matters that are material. Items are considered material, regardless of size, if they involve an omission or misstatement of accounting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would be changed or influenced by the omission or misstatement. An omission or misstatement that is monetarily small in amount could be considered material as a result of qualitative factors.

We confirm, to the best of our knowledge and belief, the following representations made to you during your audit. These representations are effective as of the date of your report.

General

1. Regarding the non-attest services performed by you; we have—
 - a. Assumed all management responsibilities.
 - b. Designated an individual (within senior management) with suitable skill, knowledge, or experience to oversee the services.
 - c. Evaluated the adequacy and results of the services performed.
 - d. Accepted responsibility for the results of these services.

Financial Statements

2. We have fulfilled our responsibilities, as set out in the terms of the audit engagement letter dated October 13, 2022, including our responsibility for the preparation and fair presentation of the financial statements in accordance with US GAAP and for preparation of the supplementary information in accordance with the applicable criteria.
3. The financial statements referred to above are fairly presented, in all material respects, in conformity with US GAAP and include all properly classified funds and other financial information

of the primary government and all component units required by US GAAP to be included in the financial reporting entity.

4. We acknowledge our responsibility for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.
5. We acknowledge our responsibility for the design, implementation, and maintenance of internal control to prevent and detect fraud.
6. Significant assumptions we used in making accounting estimates, including those measured at fair value, are reasonable.
7. Related party relationships and transactions, including revenues, expenditures/expenses, loans, transfers, leasing arrangements, and guarantees, and amounts receivable from or payable to related parties have been appropriately accounted for and disclosed in accordance with US GAAP.
8. Adjustments or disclosures have been made for all events, including instances of noncompliance, subsequent to the date of the financial statements that would require adjustment to or disclosure in the financial statements.
9. We are not aware of any pending or threatened litigation, claims, or assessments or unasserted claims or assessments that are required to be accrued or disclosed in the financial statements in accordance with US GAAP, and we have not consulted a lawyer concerning litigation, claims, or assessments.
10. Guarantees, whether written or oral, under which the Authority is contingently liable, if any, have been properly recorded or disclosed.
11. We are in agreement with the adjusting and reclassifying entries you have proposed, and the adjusting journal entries have been posted to the internal accounts. A list of adjusting and reclassifying entries is as follows:

Adjusting Journal Entries			
Adjusting Journal Entries JE # 1			
ADJUSTING: To roll-forward equity from the prior year.			
6200	Fees & Licenses	3,889.00	
3000	Retained Earnings	<u>3,889.00</u>	<u>3,889.00</u>
Total		<u>3,889.00</u>	<u>3,889.00</u>
Adjusting Journal Entries JE # 2			
ADJUSTING: To record interest expense on Series 2021B Bonds.			
6077	Bond Expense: Bond Interest	279,254.00	
2023	Interest Payable - Series 2021B	<u>279,254.00</u>	<u>279,254.00</u>
Total		<u>279,254.00</u>	<u>279,254.00</u>

Adjusting Journal Entries JE # 3			
ADJUSTING: To record amortization of premium on Series 2021A Bonds.			
2520	Accum Amort Series 2021A Prem	29,265.00	
6077	Bond Expense:Bond Interest		29,265.00
Total		29,265.00	29,265.00
Adjusting Journal Entries JE # 4			
ADJUSTING: To accrue for pledge receivables in accordance with the pledge agreement.			
1202-BK	Property Tax Receivable Due from District No. 3	8,395.00	
1203-BK	Property Tax Receivable Due from District No. 2	812.00	
2002-BK	Deferred Property Tax Revenue Due from District No. 3		338.00
2003-BK	Deferred Property Tax Revenue Due from District No. 2		5,102.00
4980-BK	Pledged property tax revenue from District No. 2		474.00
4990-BK	Pledged property tax revenue from District No. 3		3,293.00
Total		9,207.00	9,207.00
Adjusting Journal Entries JE # 5			
ADJUSTING: To accrue for construction in progress as of December 31, 2022.			
1750	Construction in Progress:Asphalt	53,659.00	
2000	Accounts Payable		53,659.00
Total		53,659.00	53,659.00
Adjusting Journal Entries JE # 6			
ADJUSTING: To record retainage at year end.			
1700	Construction in Progress	57,795.00	
2500-BK	Retainage Payable		57,795.00
Total		57,795.00	57,795.00
Adjusting Journal Entries JE # 7			
ADJUSTING: To record capital outlay as construcion in progress.			
1700	Construction in Progress	301,539.00	
6020	Capital Improvements		8,044.00
6100	Construction Management		240,141.00
6270	Insurance		53,354.00
Total		301,539.00	301,539.00

Information Provided

12. We have provided you with:
 - a. Access to all information, of which we are aware, that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, and other matters.
 - b. Additional information that you have requested from us for the purpose of the audit.
 - c. Unrestricted access to persons within the Authority from whom you determined it necessary to obtain audit evidence.
 - d. Minutes of meetings of the Authority's directors or summaries of actions of recent meetings for which minutes have not yet been prepared.
13. All material transactions have been recorded in the accounting records and are reflected in the financial statements.
14. We have disclosed to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.
15. We have no knowledge of any fraud or suspected fraud that affects the Authority and involves:
 - a. Management,
 - b. Employees who have significant roles in internal control, or
 - c. Others where the fraud could have a material effect on the financial statements.
16. We have no knowledge of any allegations of fraud or suspected fraud affecting the Authority's financial statements communicated by employees, former employees, analysts, regulators, or others.
17. We have no knowledge of instances of noncompliance or suspected noncompliance with provisions of laws, regulations, contracts, or grant agreements, or abuse, whose effects should be considered when preparing financial statements.
18. We have disclosed to you all known actual or possible litigation, claims, and assessments whose effects should be considered when preparing the financial statements.
19. We have disclosed to you the names of the Authority's related parties and all the related party relationships and transactions of which we are aware.

Government—specific

20. There have been no communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices.
21. We have identified to you any previous audits, attestation engagements, and other studies related to the audit objectives and whether related recommendations have been implemented.
22. We have identified to you any investigations or legal proceedings that have been initiated with respect to the period under audit.
23. The Authority has no plans or intentions that may materially affect the carrying value or classification of assets, deferred outflows of resources, liabilities, deferred inflows of resources, fund balance or net position, as applicable.
24. We are responsible for compliance with the laws, regulations, and provisions of contracts and grant agreements applicable to us, including tax or debt limits and debt contracts, and legal and contractual provisions for reporting specific activities in separate funds.
25. We have identified and disclosed to you all instances, which have occurred or are likely to have occurred, of fraud and noncompliance with provisions of laws and regulations that we believe have a material effect on the financial statements or other financial data significant to the audit objectives, and any other instances that warrant the attention of those charged with governance.
26. We have identified and disclosed to you all instances of identified and suspected fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements that we believe have a material effect on the financial statements.
27. There are no violations or possible violations of budget ordinances, laws and regulations (including those pertaining to adopting, approving, and amending budgets), provisions of contracts and grant agreements, tax or debt limits, and any related debt covenants whose effects should be considered for disclosure in the financial statements, or as a basis for recording a loss contingency, or for reporting on noncompliance.
28. As part of your audit, you assisted with the preparation of the financial statements and related notes. We acknowledge our responsibility as it relates to those non-audit services, including that we assume all management responsibilities; oversee the services by designating an individual, preferably within senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of the services performed; and accept responsibility for the results of the services. We have reviewed, approved, and accepted responsibility for those financial statements and disclosures.
29. The Authority has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets nor has any asset been pledged as collateral.
30. The Authority has complied with all aspects of contractual agreements that would have a material effect on the financial statements in the event of noncompliance.

31. The financial statements include all component units as well as joint ventures with an equity interest, and properly disclose all other joint ventures and other related organizations.
32. The financial statements properly classify all funds and activities in accordance with GASB Statement No. 34, as amended, and GASB Statement No. 84.
33. All funds that meet the quantitative criteria in GASB Statement Nos. 34 and 37 for presentation as major are identified and presented as such and all other funds that are presented as major are particularly important to financial statement users.
34. Components of net position (net investment in capital assets; restricted; and unrestricted), and components of fund balance (nonspendable, restricted, committed, assigned, and unassigned) are properly classified and, if applicable, approved.
35. Provisions for uncollectible receivables have been properly identified and recorded.
36. Expenses have been appropriately classified in or allocated to functions and programs in the statement of activities, and allocations have been made on a reasonable basis.
37. Revenues are appropriately classified in the statement of activities within program revenues, general revenues, contributions to term or permanent endowments, or contributions to permanent fund principal.
38. Interfund, internal, and intra-entity activity and balances have been appropriately classified and reported.
39. Deposits and investment securities and derivative instruments are properly classified as to risk and are properly disclosed.
40. Capital assets, including infrastructure and intangible assets, are properly capitalized, reported, and, if applicable, depreciated or amortized.
41. We have appropriately disclosed the Authority's policy regarding whether to first apply restricted or unrestricted resources when an expense is incurred for purposes for which both restricted and unrestricted net position is available and have determined that the net position is properly recognized under the policy.
42. We are following our established accounting policy regarding which resources (that is, restricted, committed, assigned, or unassigned) are considered to be spent first for expenditures for which more than one resource classification is available. That policy determines the fund balance classifications for financial reporting purposes.
43. The financial statement disclosures related to insurance coverage are accurate for all periods presented.
44. We acknowledge that Management's Discussion and Analysis is required supplementary information which has been omitted from the financial statements and that your report will be modified accordingly.

45. With respect to the supplementary information as identified in the table of contents:

- a. We acknowledge our responsible for presenting the supplementary information in accordance with US GAAP, and we believe the supplementary information, including its form and content, is fairly presented in accordance with US GAAP. The methods of measurement and presentation of the supplementary information have not changed from those used in the prior period, and we have disclosed to you any significant assumptions or interpretations underlying the measurement and presentation of the supplementary information.
- b. If the supplementary information is not presented with the audited financial statements, we will make the audited financial statements readily available to the intended users of the supplementary information no later than the date we issue the supplementary information and the auditor's report thereon.

Mayberry, Colorado Springs Community Authority

Board Member Signature

Printed Name

Title

Manager Signature

Printed Name

Title



Mayberry Colorado Springs Community Authority Board
BOND DRAW
8/15/2023

Company	Invoice	Date	Amount	Comments
Bailey Land Solutions	18237	7/10/2023	\$ 3,315.00	
Biggs Kofford	112001	7/24/2023	\$ 9,325.00	
Centennial Land Surveying	2485	7/30/2023	\$ 1,080.00	
Development Services, Inc	2593	8/12/2023	\$ 8,019.40	
DNB Grading INC	365	7/22/2023	\$ 11,499.00	
Freedom Ranch Excavating	230801	8/2/2023	\$ 6,940.00	
Martin Marietta	39769797	7/13/2023	\$ 133,860.13	
MJS Services	1384	7/21/2023	\$ 1,567.50	
My Simple ISP, LLC	29	8/1/2023	\$ 3,365.71	
Pate Construction Co	2202-12	8/11/2023	\$ 34,828.06	
Raw Land Detailing	34946	7/20/2023	\$ 350.00	
WSDM District Managers	7617	7/31/2023	\$ 1,612.50	
		TOTAL	\$ 215,762.30	

Mayberry Colorado Springs Community Authority

Project Fund Balance 7/24/23	40,920.31
8/22 Draw	<u>(215,762.30)</u>
Project Fund Balance After Draw	(174,841.99)

Mayberry Colorado Springs Metropolitan District No. 1
GENERAL FUND ACCOUNT
8/15/2023

Company	Invoice	Date	Amount	Comments
WSDM District Managers	7618	7/31/2023	\$ 1,087.50	
		TOTAL	\$ 1,087.50	

Balance Per Bank 7/24/23	22,093.55	
June Payable	(11,843.50)	
July Payable	(2,452.50)	Mayberry Colorado Springs MD#1 Director
August Payable	(1,087.50)	
Balance After Payables	6,710.05	_____



DESIGN GUIDELINES
for the
MAYBERRY, COLORADO SPRINGS
METROPOLITAN DISTRICT NOS. 1-8
as set forth by the
Design Review Committee and the
Mayberry Metropolitan District

ADOPTED _____

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ARTICLE I GENERAL INFORMATION

Section 1.1 The Purpose.

Early in the planning process for this community, the Developers of the Mayberry Community, in El Paso County, Colorado, hereinafter (“Mayberry”) recognized the natural beauty of this site and commissioned a development plan that conserves many of its distinctive features. To ensure that a quality environment is both created and maintained, these Design Guidelines (the “Design Guidelines”) have been adopted. The Design Guidelines are a tool to be used by the designated Design Review Committee (referred to as the “DRC” hereafter) to guide development in a sensible, managed process while still allowing for individual freedom of expression.

The Design Guidelines pertain to all site and building development and have been adopted to provide a basis for consistency of development. As such, these guidelines are just that—guidelines; clear and concise enough to give a strong direction, yet flexible enough to be adapted to different sites and different development programs. It will be the express purpose of the DRC to interpret these guidelines consistently and reasonably.

The Design Guidelines provide a framework for site development and architectural appearance, with the goal to minimize harsh contrasts in the landscape, to conserve pleasing and significant natural systems, and to encourage unassuming architecture appropriate to this unique environment.

Section 1.2 Legal Authority.

Authority for design review is grounded in the governing documents for this community, specifically the Service Plan for the Mayberry, Colorado Springs Metropolitan District Nos. 1-8 (the “MMD”) which shall have the authority to enforce any covenants or design criteria for the community. Property owners should refer to the recorded plat and development plans, the Articles, Bylaws, Design Guidelines, Rules, and Regulations (if any) and Resolutions adopted by the Board of the MMD. Under the terms of this document, the Board of the MMD hereby adopts these Design Guidelines as the basis for all design review. Should these guidelines be revised, such revisions shall then take precedence over previous versions of the guidelines. The MMD shall govern should any discrepancies occur between these Guidelines and other recorded documents.

Section 1.3 Supplemental Guidelines to City, County & State Regulations.

These Design Guidelines are supplemental to regulations normally in effect for this property, including the applicable federal and state regulations as well as pertinent building codes. All construction shall comply with these Design Guidelines and all other applicable regulations including but not limited to the Pikes Peak Regional Building Department (PPRBD).

Section 1.4 Recommendation for Professional Guidance.

It is strongly recommended that all persons proposing any construction subject to review under these Design Guidelines seek the assistance of a qualified design professional with skills appropriate to the task at hand, such as an architect, landscape architect, civil engineer, surveyor, etc.

Section 1.5 Non-liability.

DRC approval pursuant to these Design Guidelines does not approve or guarantee engineering design or compliance with law and applicable governmental ordinances or regulations (such as zoning or building ordinances), and does not reflect any representation by the DRC, its members, the Board, the Association or the Declarant to assume any liability or responsibility for an applicant's engineering design compliance with any applicable laws, governmental ordinances or regulations, or any other matter relating thereto, other than these Design Guidelines. All applicants are encouraged to contact the El Paso County Planning and Community Development Department and the PPRBD for information regarding applicable governmental requirements, regulations, and permit matters. Neither the DRC, its members, the Board, the Association, the Declarant, nor any of their successors, assigns, agents, employees, or officers, shall be liable to any Owner or other person for any damage, loss, or prejudice suffered or claimed on account of:

1. approval or disapproval of any plans,
2. performance of any work, whether or not pursuant to approved plans, drawings, and specifications; or
3. development of any property within the subdivision.

Section 1.6 Aesthetic Considerations.

Aesthetic considerations relating to any improvement or other matter that is addressed in these Design Guidelines are within the scope of the design review process, and the DRC may deny or condition any application or request before it on the basis of aesthetic considerations, including the design theme for the development and specific areas within the development as well as the aesthetic consistency of a proposed improvement or other matter with the surrounding landscape.

Section 1.7 Administration of the Design Guidelines.

In order to maximize aesthetic benefits to the neighborhood and to bolster property values, all proposed exterior home improvements and site improvements will be evaluated by the DRC using these Design Guidelines. It is the responsibility of the DRC to ensure that all proposed improvements meet or exceed the requirements of these Design Guidelines and to promote the highest quality design for this neighborhood. The DRC will aid the Builder and Owner in meeting these standards.

ARTICLE II DESIGN REVIEW PROCEDURES

Section 2.1 Submission of Drawings and Plans.

All Builders, Owners, contractors, subcontractors and/or their designated representatives shall comply with the following Design Review Procedures in order to gain approval for any improvement to property within the Mayberry Community. All construction that is to be undertaken in these neighborhoods, whether new residential construction, subsequent exterior renovations, remodels, or home site improvements, including but not limited to, walks, driveways, drainage, fencing, lighting, landscape

planting or other exterior improvements, is subject to review and approval under these Design Guidelines. Unless otherwise specifically stated herein, drawings or plans for a proposed improvement must be submitted to the DRC and the written approval of the DRC must be obtained before the improvements are made. The DRC shall not charge any fees for review however any reasonable engineering, consulting or other fee incurred by the DRC for reviewing any proposed improvement will be assessed to the Owner requesting approval.

Section 2.2 Architectural Plan Review.

For new building construction or major improvements, such as room additions, remodels or structural changes, the Builder or Owner shall submit to the DRC one (1) set of construction documents to include the following:

1. One set of architectural plans at a scale of 1/4" = 1'0", including:
 - a. Architectural elevations (front, sides, and rear).
 - b. Floor plans, including square footage for each floor.
 - c. Roof plans indicating pitches, ridges, valleys, and location of mounted equipment.
 - d. Indication of all proposed exterior materials including proposed colors.
 - e. Exterior details, including items such as chimneys, exterior stairs and decks, and railings.
 - f. Any other proposed improvements (i.e., decks, awnings, hot tubs, etc.)
2. Site Plan of the lot, at a scale of 1" = 20' or 1" = 30', including:
 - a. Lot lines and dimensions, building setbacks, street right-of-way, curb lines and easements.
 - b. Existing and proposed contour lines at 2' intervals extending to all property lines, existing or proposed street elevations, finish grade at building corners, and drainage swales may be required. Finish floor, and garage slab elevations also may be required.
 - c. Building footprint, including finish floor and garage elevation.
 - d. Walks, driveways, decks, accessory structures, dog runs or privacy fencing, retaining walls with top and bottom of wall elevations.
3. Upon a Builder receiving approval from the DRC for a particular Master Plan model, subsequent submissions to the DRC for the same model shall require the

DRC to only consider the location of the improvements upon the lot, compatibility of the model to the particular lot and proximity to the same model on other lots. Further, subject to the review set forth in this Section, 2.2, a Builder may seek pre-approval from the DRC for a particular model or models.

Section 2.3 Landscape Plan and Other Site Improvements Review.

Approval shall be obtained prior to installation, modification, removal or replacement of any landscaping or any other site improvements including, but not limited to, pet enclosures, play & sports equipment, fencing, deck or patio additions, and site lighting. In most cases, the materials to be submitted will not have to be professionally prepared by an architect, landscape architect, or drafters, but at a minimum shall be drawn to scale and shall have sufficient detail to permit a comprehensive review by the DRC. The following guidelines should be utilized in preparing drawings or plans:

The drawing or plan should be done at a scale of 1" = 20' or 1" = 30' and should depict the property lines of the lot and the "footprint" of the home as located on the lot. Existing improvements, in addition to the home, should be shown on the drawing and identified. Such existing improvements include driveways, walkways, decks, trees, and shrubs.

1. All proposed plant locations, types, quantities, and sizes; location of artificial turf and other ground cover materials should be shown on the plan and labeled. The plan should exhibit grading and layout of all additional landscape improvements such as berms, walks and structures not covered under the approved Plot Plan Review.
2. Plans for any other site improvements, such as play/sports equipment, dog runs, hot tubs, trellises, retaining walls, lighting, gazebos, etc. should be shown on the plan with a description of the proposed improvement, including the materials and colors to be used. In the case of structural improvements (trellises, gazebos, etc.), an elevation drawn to scale of the proposed improvement is required.
3. In addition to lot specific landscape plans, builders may provide and receive advanced approval for lot typical plan. Due to the varied size and types of lots, a "typical plan" must cover the different conditions that will be encountered such as "Narrow front/wide rear," Wide Front/Narrow Rear," and "Corner Lots."

Section 2.4 Revisions and Additions to Approved Plans.

Any revisions and/or additions to the approved architectural or landscape plans made by either the Builder or Owner must be resubmitted for approval by the DRC. The revised plans must follow the requirements outlined above. The DRC will then review the plans and provide a written response no later than 30 days after the submittal.

Section 2.5 Action by the DRC.

The DRC will meet as needed to timely review all plans submitted for approval. The DRC may require submission of additional materials and may postpone action until all required materials have been

submitted. The DRC will contact the applicant, in writing or by phone, if additional materials are necessary or if the DRC needs additional information or has any suggestions for change. The DRC will approve or disapprove the plans in writing within sixty (60) days after receipt of all materials required by the DRC (unless the time is extended by agreement). If a written response by the DRC is not received within the 60-day period, the application will be deemed disapproved.

Section 2.6 Certification of Accuracy.

The DRC, in its sole discretion, may require the Builder to provide a Certificate of Accuracy from a registered licensed surveyor (hired by the Builder) attesting to the accuracy of the following:

1. The building foundation is located as approved (+/- 6" tolerance) by the DRC in the final approved plans.
2. The building foundation elevation is as approved (+/- 6" tolerance) by the DRC in the final approved plans.
3. The certificate must be in the form of an improvement survey showing dimensions of foundation to property lines and elevations (related to USGS datum or equivalent benchmark) of top of foundation walls. Points at which elevations are taken must be clearly identified and correlate with location of top of foundation as shown on the final approved plans.

Section 2.7 Review of Work in Progress.

The DRC shall have primary authority to enforce the provisions of these Design Guidelines. The DRC may review all work in progress to the extent required to ensure that the construction or work complies with any and all approved plans and construction procedures. Absence of such reviews or notification during the construction period does not constitute either approval by the DRC of work in progress or compliance with these Design Guidelines. The DRC may withdraw approval of any project and require all activity at such project to be stopped if deviations from the approved plan or approved construction practices are not corrected or reconciled within ten (10) days after written notification to the Builder or Owner specifying such deviations or such longer period as the DRC may specify. Any DRC visits are in addition to standard inspections required by other jurisdictions throughout the construction process.

Section 2.8 Rights of Appeal.

Any Builder or Owner aggrieved by a decision of the DRC may appeal the decision to the Board of the MMD in accordance with procedures to be established by the Board. Such appeal shall be in writing and shall be filed within 30 days after the decision of the DRC. If the decision of the DRC is overruled by the Board on any issue or question, the prior decision of the DRC shall be deemed modified to the extent specified by the Board and such decision, as so modified, shall thereafter be deemed the decision of the DRC. If not appealed, or as so modified or affirmed, the decision of the DRC shall be conclusive and binding on all interested parties.

Section 2.9 Effect of Governmental and Other Regulations.

Approval of plans by the DRC shall not be deemed to constitute compliance with the requirements of any local, zoning, safety, health, or fire codes, and it shall be the responsibility of the Builder, Owner or duly authorized representative submitting plans to assure compliance with all applicable rules and regulations. Nor shall any approval waive any requirements on the part of the Builder, Owner, or their representative to comply with setbacks, height restrictions, or other requirements unless such waiver or variance is specifically requested at the time of submittal and provided that the waiver or variance may properly be granted by the DRC, where applicable.

Section 2.10 Period of Plan Validation.

Final approval of plans is valid for twelve (12) months unless otherwise agreed to by the DRC and the Builder or Owner in writing. Construction must begin within this period. If not, plans must be resubmitted for review by the DRC. A submittal proposing a different dwelling for the same home site requires resubmittal of plans following the requirements as outlined above.

ARTICLE III IMPROVEMENT STANDARDS

Section 3.1 Building Setbacks.

Building setbacks shall comply with the site-specific setbacks shown on the Development Plan for each specific filing. Where lot terrain dictates, the DRC may consider the Development Plan setback requirement as the minimum standard for any structure.

Section 3.2 Maximum Building Coverage.

In conformance with the applicable Development Plan for Mayberry, the maximum coverage of the Lot by structure(s) shall comply with local development standards.

Section 3.3 Home Size.

The following minimum standards must be met for house size (i.e., square footage of ground floor or footprint exclusive of open porches, basements, and garages)

Two story	600 square feet
Ranch	1000 square feet

Additionally, some filings may include minimum width requirements for the front elevation.

Section 3.4 Streetscape Variety.

Model Repetition: Within the development, repetition of models is permitted, subject to the requirements set forth by local municipality.

Exterior Color Repetition: Within the development, repetition of colors is permitted subject to the requirements set forth in this Section. In order to maintain architectural variety within the neighborhoods, the same body color may not be on two adjacent homes, left or right, nor may the same body color be on a home across the street if the lots overlap by more than 50%.

Section 3.5 Grading and Drainage.

All buildings must be designed to fit the finish contours of the lot without altering the established drainage which exists at the time final grading of a Lot by the Declarant, or by a Builder, is completed. In the event that it is necessary to change the established drainage over any Lot, the Owner shall submit a plan to the DRC for its review and approval. No grading shall extend beyond existing property lines of the home site without expressed written permission of the DRC and the adjacent property owner.

Section 3.6 Erosion Control.

During all site construction, techniques for controlling erosion within the home site and onto other sites shall be mandatory and strictly enforced by the DRC. Techniques include the use of sedimentation basins, filtration materials such as straw bales or permeable geotextiles, and slope stabilization fabrics or tackifiers.

Section 3.7 Parking.

Parking on public streets shall be controlled by the governmental entity to which the same have been dedicated. Garages on the Lots must be used for parking of vehicles and may not be used for storage or other uses that prevents the parking of vehicles in the garage. Boats, trailers, campers (on or off supporting vehicles), tractors, commercial vehicles, mobile homes, motor homes, or recreational vehicle/truck shall not be parked or stored on any Lot unless approved by the DRC. The foregoing may be parked as a temporary expedience (herein defined as 'no longer than 48 hours') for loading or delivery of goods, services, or equipment.

The activity such as, but not limited to, maintenance, repair, rebuilding, or repainting of vehicles, boats, trailers, motor homes, etc. may be performed on any Lot unless done so within a fully enclosed garage or other building which screens the sight and sound of said activity from the street and from adjoining Lots.

Section 3.8 Garage Doors.

Garage doors shall be kept closed except when being used to permit ingress and egress to or from the garage in an effort to deter unwanted neighborhood theft and maintain a pleasing appearance at the front of the residence unless the garage is being actively attended for cleaning.

Ancillary Improvement Standards

All of the following ancillary improvements require DRC approval unless specifically noted otherwise:

Section 3.9 Accessory Structures.

Accessory structures such as storage sheds, gazebos, and greenhouses shall be located in the rear yard or in a location not prominently visible to the street or adjacent homes and shall adhere to the standards of site development and architectural standards provided herein or otherwise by the MMD. Carports are prohibited. Requests for approval for accessory structures will be reviewed on a case-by-case basis, taking into consideration the exterior finish, colors, lot size, square footage of the home and proposed location of the accessory structure, etc. Gazebos must be an integral part of the landscape plan. Accessory structures are limited to one story as defined by PPRBD and shall not exceed 10' without DRC approval.

Section 3.10 Air Conditioning Equipment.

Ground level and window air conditioning units, including swamp coolers, must be installed on the main level of the home only (unless otherwise approved), located only in a side or rear yard behind privacy fencing, and must be substantially screened from adjacent properties.

Section 3.11 Awnings/Patio Covers/Shutters.

Awnings, patio covers, and shutter colors must be complementary to the exterior color of the home. Patio covers must be constructed of wood or material generally complementary to the home and be similar or complimentary in color. Where utilized, support posts for patio covers must be a minimum of 4"x 4" in size. Unacceptable awning treatments include thin wood lattice, metal, plastic, and untreated or striped fabric. Awnings must be maintained in like-new condition.

Section 3.12 Exterior Lighting.

DRC approval is required to change or add any exterior lighting. In reviewing lighting requests, the DRC will consider the visibility, style, location, and quantity of the light fixtures. Exterior lighting for security and/or other uses must be directed towards the ground and house whereby the light cone stays within the property boundaries and the light source does not cast glare onto adjacent properties.

Section 3.13 Fencing.

For Mayberry Metropolitan Districts Nos. 1-8, all solid rear yard fencing shall be six (6) feet tall cedar wood fencing, unless otherwise specified in the development plan. Individual lot owners are responsible for the maintenance of their lot fencing and the inside of Community walls on their Lot.

Section 3.14 Hot Tub/Jacuzzi.

Installation of hot tubs and Jacuzzis require prior DRC approval. They should be designed as an integral part of the deck or patio area and must be located in the side or rear yard area. It must be installed in such a way that it is at least partially screened from adjacent properties.

Section 3.15 Painting/Repainting.

DRC approval is required for all exterior painting or repainting of the home and accessory improvements, except repainting in the same colors. The submittal must contain the manufacturer's paint chips with name and code number. Approval will take into consideration, but not be limited to, the color tone and brightness, the home's architecture, stone or brick accents, roofing color, compatibility with other body/trim colors, and the colors of neighboring properties. All exterior finishes should be subdued earth tones such as gray, green, brown, muted blues or other similar colors. White, primary colors, and other bright colors shall be permitted as accent colors only. Downspouts must be painted to match the body or trim color of the home.

Section 3.16 Play and Sports Equipment.

All play structures and equipment, both permanent and portable, are required to be approved by the DRC for design, size, and placement prior to installation. All play/sports equipment (i.e., trampolines, swing sets, basketball hoop and backboards, etc.) is to be placed to minimize its visual impact from adjacent properties. Play equipment should typically be located in rear yard areas and set back a minimum of ten (10) feet from property lines unless otherwise approved by the DRC.

Consideration shall be given to the location of play equipment so as not to create an undue disturbance on neighboring properties. Play equipment shall be of predominantly muted, earth tone colors (brown, black, dark green) and shall not exceed eight (8) feet in height unless otherwise approved by the DRC. Play equipment or items used for front or unenclosed rear or side yard play should be stored out of view when not in use. Out of view shall be defined as within the confines of the home or garage or within the confines of a fenced back yard.

Any type of play set, swing set or trampoline must be properly screened as a condition of approval in order to ensure that no unauthorized access is permitted. Properly screened shall be defined as within a completely fenced yard where the fencing is in compliance with the Association's design guidelines. Trampolines must be installed at grade level to minimize visual and auditory impact on neighboring Lots. No color, other than black or dark green shall be permitted on any play set, swing set or trampoline unless the color is screened from neighboring lots by a privacy fence around the back yard.

Requests for free standing, pole mounted backboards will be considered by the DRC in the front yard along the side of the driveway only or inside and rear yards areas subject to the following considerations: Proximity to the property lines, proximity to adjoining homes, landscaping, and vehicles. Portable freestanding basketball backboards are permitted only with DRC approval and may not be stored in the street.

Basketball backboards located in front yards must be permanently mounted on a pole on the exterior side of the driveway approximately halfway between the sidewalk and the front of the residence with a minimum setback of five (5) feet from property lines. Backboards may not be located along any sidewalk or street. Backboards attached to a residence are not permitted. Backboards are not permitted inside front yards. Backboards located in rear yards must be set back a minimum of 10' from property lines.

Pole supports shall be black in color (or as approved by the DRC on a case -by-case basis.) No radical or neon colors on backboards shall be permitted. Acceptable backboard colors are considered as white or clear for the backboard, white for the net and orange or black for the rim.

Section 3.17 Satellite Dishes/Antennae.

In compliance with the Telecommunications Act of 1996, one satellite dish/antennae may be installed on a residential lot subject to the following conditions:

1. Intent of installation shall be registered with the DRC prior to installation (see Registration form in the Appendix).
2. The satellite dish/antennae measure one meter or less in diameter.
3. To the extent feasible, the satellite dish/antennae shall be placed in the rear or side yard in such a manner that it is screened from adjacent street(s) and neighboring properties.
4. The satellite dish/antennae shall be installed at the lowest possible placement, utilizing ground level sitting (unless a signal is unattainable).

Section 3.18 Screen/Security Doors and Windows.

DRC approval is not required for the addition of screen doors or storm windows added to a home if the material and color matches or is similar to existing doors and windows on the home. The DRC must approve security treatments (but not security systems) for doors and windows.

Section 3.19 Signs/Address Numbers.

One (1) temporary sign advertising the real property for sale which is no more than 3' x 4' in size, the style of which is compatible with the appearance of Mayberry, may be installed on the Lot without DRC approval. At no time may such signage be installed upon any common area or fencing.

All trade signs, which include, but are not limited to, landscaping, painting, remodeling, etc., may only be displayed while work is in progress and must be removed upon completion of the job. The DRC, on a case-by-case basis, shall consider a request for placement of one additional temporary sign due to unique circumstances. The DRC must approve all other signs, including address numbers and nameplate signs. The DRC, on a case-by-case basis, will consider lighted signs.

Section 3.20 Solar Equipment/Skylights.

DRC approval is required for installation of all solar equipment and skylights. Solar equipment and skylights shall be incorporated onto the exterior of the home and be architecturally compatible with the home.

Section 3.21 Swimming Pools.

Requests for swimming pools will be reviewed on a case-by-case basis by the DRC with consideration given to, but not necessarily limited to, the size of the yard area, setback from impact on neighboring properties and size of pool enclosure.

Section 3.22 Trash Receptacles.

Owners are to store their trash containers in the garage, or secured and screened behind privacy fencing, except for the day of collection services. All containers are to have attached lid and be secured to prevent them from blowing away. Recycling containers must be maintained in a likewise manner.

Section 3.23 Yard Ornaments.

Yard ornaments, including but not limited to, birdbaths, birdhouses, fountains, sculptures, statues, flags, and banners require DRC approval. Location of yard ornaments in the front yard is discouraged. Flagpoles shall be considered on a case-by-case basis. The patriotic display of a single flag in accordance with the Federal Flag Code and not exceeding 4' x 6' in size shall be permitted. Owners may not display more than one (1) political sign per ballot issue or office and not earlier than 45 days before and seven days after any election.

Architectural Standards

Section 3.24 Architectural Style.

It is the intent of these standards to create an aesthetically cohesive landscape for the Mayberry Metropolitan District. These listed standards, implementation of standards, and review of standards are delegated to an elected Design Review Committee. The Design Review Committee is to be appointed by the Mayberry Metropolitan District and shall consist of three (3) regular members and up to two (2) alternate members, each of whom shall have the right to attend all meetings of the DRC. The Design Review Committee can recommend design guidelines to the Mayberry Metropolitan District Board and any plans of improvement in the Mayberry Community must be submitted to the Design Review Committee for approval. Each approval application has 60 days once submitted to be decided on by the Design Review Committee, in which the committee uses the design guidelines to decide upon each application without prior decisions for precedent. If approved, the improvement plan has must be commenced within twelve (12) months of the approval unless otherwise stated and must be completed within 90 days unless an extension is granted by the Design Review Committee. Once the improvement plan is completed, the Design Review Committee must be notified within five days, or a withdrawal of approval could be implemented. Throughout this process the Design Review Committee has no liability for damages, negligence, nonfeasance, or failure to comply with community, city, county, or state regulations accrued by the owner.

Section 3.25 Massing.

In reviewing the forms of a proposed building, careful scrutiny will be given to the massing, proportions, and overall scale of the building in relation to the building site. The DRC will encourage designs that reduce building scale and increase individuality and diversity.

The walls of a building are an important part of its overall visual impact and should be carefully detailed. Exterior materials should be consistently used throughout the building. The connection from the walls to the foundation should be treated such that the foundation becomes a very minor element. Location, type, and size of window openings should be carefully considered for effect on proportions, continuity, and illumination. Entries should be well articulated. Covered entries and recessed openings

at doors and windows are strongly encouraged. Homes situated on highly exposed sites (i.e., corner lot, double fronted lot) may require additional architectural features on the elevations that are highly visible.

Section 3.26 Architectural Detailing.

In order to add definition and break up flat planes of walls, the use of architectural elements to create shadow lines is encouraged to be incorporated in the design of the home. Architectural elements to accomplish this definition include recessed windows, deep eaves and offset wall planes window shutters, well-proportioned porches with brackets, trellises and arbors, decks, detailed fascia, belly bands, etc.

Section 3.27 Maximum Building Height.

Building height and profile should be in scale with the surrounding structures and topography. The maximum building height shall be in conformance with local development standards.

Section 3.28 Exterior Materials.

Use of bright, unfinished, colored, and reflective or mirrored surfaces or glass is not permitted. Exposed concrete foundation walls shall be minimized by grading, retaining walls or landscaping. The maximum width of masonry or wood lap siding is nine inches (9").

Section 3.29 Roof Form & Material.

The roof form is the most prominent visual element of a home and central to define its architectural character. Therefore, the form and materials used to create a building's roof will be carefully reviewed by the DRC. Styles such as gable, hip and shed roofs will generally be acceptable for residential construction, while mansard, gambrel, flat and A-frame roofs are strongly discouraged. Care must be given when combining roof forms to maintain the integrity of the architectural forms. Well-detailed fascia and eaves treatment serve to frame the roof as a strong design element. Roofing materials must be considered with respect to harmony of color and texture with other materials on the home and adjacent properties.

Concrete tile or slates and composition shingles are acceptable roofing materials.

All extensions from the roof, such as chimneys, flues, roof vents, gutters, skylights, etc. must be carefully located and finished to complement other elements of the design.

Unfinished and exposed metal detailing should be painted. When possible, flues and vents should be located out of view of the front of the home.

Section 3.30 Decks.

Decks must maintain the overall form and be a natural extension of the architecture. Deck supports must have a substantial scale that visually anchors them to the ground and should be a minimum of 4"x 4" in size.

Section 3.31 Patios, Decks and Paving Materials.

Outdoor living areas are encouraged. Patios, decks, and other paving materials should be compatible and harmonious in color and texture with the structure and surrounding neighborhood and must be an integral part of the landscape architectural design.

Section 3.32 Retaining Walls.

Retaining walls may be used to accommodate or create changes in grade. Walls must be properly anchored to withstand overturning forces and should incorporate weep holes into the wall design to permit water to be released behind them. Walls should not exceed four feet in height unless specifically approved and should be located so as to not alter existing drainage patterns.

The use of rock boulders, stone, and/or masonry is required.

Section 3.33 Vegetable Gardens.

Vegetable gardens must be located in the fenced area of the home site so that both the garden and its accessory operating areas are substantially screened from view of adjacent homes and public areas.

Section 3.34 Landscaping.

The District shall repair and maintain landscaping and supply irrigation water (which may be non-potable) for all landscaped areas outside of the fencing, whether the property is private or within a recorded easement or public right-of-way. Each owner shall not damage or degrade the front yard landscaping in any manner.

All portions of a Lot located within the Lot's fencing (referred to as the unimproved area of a Lot) shall be landscaped by the Owner; provided, however, that this obligation shall not apply to any Lots landscaped by Declarant, Builders, or their assignees. All landscaping shall be installed in accordance with landscaping plans submitted to and approved by the DRC, which plans shall be drawn to scale and shall set forth the location of landscaping, type of landscape materials, and be in accord with the requirements of this section. The DRC may impose a fee for review of homeowner changes, including modification to landscaping plan. The front and back yards of each Lot improved with a Home shall be fully landscaped no later than six (6) months (weather permitting) after the date of conveyance from a Builder or its assignee to an Owner.

The quantity of rear yard bushes, ornamental grasses or perennials is at the discretion of the builder or homeowner so long as the installation or replacement of more than five percent (5%) of the total organic landscaped area on said Lot with non-organic landscape materials has been reviewed and approved by the DRC.

The Metro District and/or the DRC, if it is elected, has the right to enforce the landscape requirements and may fine Owner an amount set by the Metro District or DRC, who fail to comply after thirty (30) days written notice that they are in violation of the landscape requirements. Owners may ask for a weather exemption to last no more than 6 months, if the time of year, such as winter, would not be appropriate for planting.

Section 3.35 Landscape Maintenance.

All landscaping installed within an Owner's fenced portion of Lot shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, removal, and replacement of dead or dying plant material, elimination of weeds and undesirable grasses and removal of trash.

Miscellaneous Other Restrictions

Section 3.36 Concrete Equipment.

Concrete equipment cleaning or dumping shall be prohibited, except where provided (See Sect. 4.11)

Section 3.37 Pets.

Domesticated birds or fish and other small domestic animals permanently confined indoors will be allowed. No other animals, except an aggregate of not more than four (4) pets consisting of not more than two (2) dogs, not more than two (2) cats, or any combination of other common household pets per Lot (which must be fenced or restrained at all times within the Lot), will be permitted within the Property. No animal of any kind shall be permitted which, in the opinion of the DRC, makes any unreasonable amount of noise or odor is a nuisance and as further outlined in the MMD.

Section 3.38 Animals.

No animals shall be kept, bred, or maintained within the Property for any commercial purposes. Pets are not to be allowed to run freely throughout the community, whether unattended or under the direct control of its owner. When off an Owner's Lot, all Pets must be leashed with the leash in the hands of a responsible individual. Dogs, cats, and other animals found off the owner's or keeper's property are called strays and may be impounded. The owner or keeper may also be fined pursuant to the District's Covenants.

Section 3.39 Pet Waste.

Pet owners are expected to pick up and properly dispose of any feces deposited by their dogs within the Community Area. Additional fines may be imposed according to the schedule of fines for each failure of a member (or any of their family, guests, or invitees) to pick up and properly dispose of any feces left in the Community Area by any dog owned by them or under their control. This assessment is intended to defray the actual cost incurred by the District in removing dog feces from the Community Area and to repair damaged caused to landscaping, etc.

Section 3.40 Subdividing of Lots.

No lot may be subdivided into two or more lots.

Section 3.41 Maintenance Equipment.

All maintenance equipment shall be stored in an enclosed structure or otherwise adequately screened so as not to be visible from neighboring properties or adjoining streets.

Section 3.42 Structure Encroachments.

Encroachments of structures or any other item onto a District Property will not be allowed.

Section 3.43 Encroachments.

Encroachments onto District Properties will not be allowed.

ARTICLE IV
CONSTRUCTION PERIOD REGULATIONS

In the interest of all Builders and Owners, the following regulations shall be enforced during the construction period. These regulations shall be a part of the construction documents contract for each residence, and all Builders and Owners shall abide by these regulations.

Section 4.1 OSHA.

All applicable OSHA regulations and guidelines must be strictly observed at all times.

Section 4.2 Construction Hours.

Construction hours shall be between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday.

Section 4.3 Construction Access.

Declarant or the DRC may designate specific access points for exclusive and limited use by construction vehicles.

Section 4.4 Excavation.

Excess excavation material shall be removed from the property and shall not be placed in common areas or on roads. Excavation, except for utility trenching, shall be on the Owner's home site only. Contractors are prohibited from spreading excess debris or material over the remainder of the home site, roadway, other property, or any other home site without approval. Extreme care shall be taken by Builders and Owners to protect and preserve existing vegetation and other natural features on their lots.

Section 4.5 Debris and Trash Removal.

Regular cleanup of the construction home site is mandatory. All trash and debris shall be stored in a commercial trash container and shall be removed from the trash disposal area on a weekly basis or

when full. All soil and debris flowing into the street(s) or open spaces from the construction home site shall be cleaned as needed. All trash must be disposed of off home site on a weekly basis. A fine may be imposed by the DRC for noncompliance with these requirements.

Section 4.6 Vehicles and Parking.

All vehicles must be parked so as not to inhibit traffic or damage surrounding natural landscape. Construction worker vehicles and/or equipment shall not be left on community roads overnight. The DRC may designate, at time of plan review or during construction, specific areas for parking of construction workers vehicles and/or equipment.

Section 4.7 Pets on Construction Sites.

Contractors, subcontractors, and employees are prohibited from bringing dogs and other pets to the construction site.

Section 4.8 Blasting.

If any blasting is to occur, the contractor shall be responsible for informing all resident in the proximity of the blasting home site.

Section 4.9 Restoration and Repair.

Damage to any property other than the Lot Owner's shall be promptly repaired at the expense of the person or entity causing the damage.

Section 4.10 Dust, Noise and Odor.

Every effort shall be made to control dust, noise (including the personal use of radios, CD, and tape players), and odor emitted from a construction area. The contractor will be responsible for watering, screening or oiling dust problem areas as well as controlling noise and offensive odors from the home site.

Section 4.11 Prohibited Uses and Activities.

The following items are prohibited in this community:

1. Concrete equipment cleaning or concrete dumping shall be confined to the home site and shall be removed prior to completion of home or a designated wash out area.
2. Removing any rocks, trees, plants, or topsoil from any portion of the property.
3. Careless use of cigarettes or flammable items.
4. Driving across any open space or non-designated construction areas.



Mayberry Architectural Submission/Application Form

Homeowner (applicant): _____ Account #: _____

Property Address: _____ Zip: _____

Tenant/ Renter (if applicable): _____

Other Homeowner (if applicable): _____

Homeowner Contact Information:

Day Time Phone: _____ Nighttime Phone: _____

Mailing Address (if different than property address): _____

State: _____ City: _____ Zip: _____

Email address: _____

Tenant Contact Information (if applicable):

Day Time Phone: _____ Nighttime Phone: _____

Email address: _____

Contractor Information (if applicable):

Contractor Name/ Company: _____

Contractor Phone: _____ Contractor Email: _____

Project Start Date: ___/___/_____ Project End Date: ___/___/_____

Modification or Addition Requesting (check all that apply):

<input type="checkbox"/> Detached Structure/ Building	<input type="checkbox"/> Fence	<input type="checkbox"/> New Construction
<input type="checkbox"/> Paint	<input type="checkbox"/> Play Equipment	<input type="checkbox"/> Retaining Wall
<input type="checkbox"/> Satellite Dish	<input type="checkbox"/> Solar Panels	<input type="checkbox"/> Exterior Modification Patio/ Arbor/ Deck
<input type="checkbox"/> Landscaping	<input type="checkbox"/> Ornamentation	<input type="checkbox"/>
<input type="checkbox"/> Pool/ Spa	<input type="checkbox"/> Shed	<input type="checkbox"/>

Legal Description of Modification:

Make sure you have attached/ included all of the following information:

- A completed Submission Form (including signature below the Owner Acknowledgement notice on next page)
- A description of the project, including; height, width, depth, materials, colors, etc.
- A complete materials list of the project, including; paint samples and/or stain color

- A picture or drawing of the intended/ existing project (sketches, clippings, catalog illustrations and other data or links to websites)
- A site plan showing the location of the house along with any other structures on your lot and the proposed structure (including dimensions from the property line or other structures)

Please send your request to:

Mayberry Metropolitan District

C/o Walker Schooler District Managers
614 North Tejon St
Colorado Springs, CO 80903

Phone: (719) 447-1777

Website: <https://mayberrycospringsmd1-8.colorado.gov/>

Email: adam.n@wsdistricts.co

****For Office/ Committee Use Only:**

Date submission received: ___/___/___

Committee Approval/ Denial Date: ___/___/___

APPROVED

APPROVED W/
STIPULATIONS

DENIED

DENIED – INSUFFICIENT

INFORMATION

Stipulations/ Comments/ Suggestions:

Authorized By:

Owners Acknowledgements:

I understand:

- That no work on this request shall commence until I have received approval of the Design Review Committee (DRC)
- Any construction or alteration to the subject property prior to approval of the Design Review Committee is strictly prohibited. If I have commenced or completed any construction or alteration to the subject property and any part of this application is disapproved, I may be required to return the subject property to its original condition at MY OWN EXPENSE. If I refuse to do so and the District incurs any legal fees related to my construction and/or application, I will reimburse the District for all such legal expenses incurred.
- That any approval is contingent upon construction or alterations being completed in a neat and orderly manner
- That there are architectural requirements covered by the Covenants and a board review process as established by the Board of Directors
- All proposed improvements to the property must comply with city, county, state, and local codes. I understand that applications for all required building permits are my responsibility. Nothing herein shall be construed as a waiver of modification of any codes. My signature indicates that these standards are met to the best of my knowledge.
- That any variation from the original application must be resubmitted for approval
- That if approved, said alteration must be maintained per the Declaration of Covenants, Conditions and Restrictions for the Mayberry Community.
- This alteration will not detrimentally affect the proper drainage of any common areas or surrounding lots. I will be responsible at my expense to correct any drainage problems to such areas that may occur because of this work or alteration.

- *The Builder/Applicant acknowledges and agrees that the Committee and District assume no liability resulting from the approval or disapproval of any plans submitted. The Committee and the District assume no liability and make no representations regarding the adequacy or quality of any submitted plans or whether such plans comply with any or all governing authority requirements. The Committee's review, comments, and/or approvals do not relieve the Builder/Applicant of their responsibility and obligation to comply with the Master Declaration, Master Design Guidelines, or Subdivision Guidelines as applicable. The Builder/Applicant agrees to grant the District accesses to property at any reasonable hour to inspect for compliance issues.*
- *It is the duty of the owner and the contractor employed by the owner to determine that the proposed improvement is structurally, mechanically, and otherwise safe and that it is designed and constructed in compliance with applicable building codes, fire codes, other laws or regulations and sound practices. Your District, the DRC and any employee or member thereof, shall not be liable in damages or otherwise because of the approval or non-approval of any improvement.*

I certify that the above information is an accurate representation of the proposed improvements and that the work will conform to applicable codes, covenants, and standards. I also certify that the improvements will be completed in accordance with the approved application. I understand that construction is not to begin until approval has been received from the Design Review Committee. The Design Review Committee has permission to enter the property to make inspections, as they deem necessary.

Owner/Applicant Signature: _____ **Date:** ___/___/___
Co-Owner/Applicant Signature: _____ **Date:** ___/___/___

Informational Addendum:

REVIEW PROCESS – Your District's governing documents stipulate the amount of time the DRC may take to render a decision. However, the DRC will make every reasonable effort to expedite the review process. Applications will be reviewed during the timeframe for completeness and the DRC may request additional information to help clarify your proposal.

APPLICATION – The application must be accompanied with necessary documents, photos, drawings, brochures, and information necessary to present to the DRC. Property owners must sign the application. Contractor’s signatures for property owners will not be accepted. Modifications are not permitted to commence until the modification has been reviewed and approved by the DRC.

NOTIFICATION - All owners will be notified in writing by mail (USPS) once the request has been approved or denied.

APPEALS – If your District allows appeals of a DRC decision, requests must be based on the District documents and timeframes stated by the documents.

LANDSCAPE PLAN CHECKLIST:

- _____ **Landscape Plan at 1'=20' or 1'=30' scale**
- _____ Lot lines, setbacks, easements, no-build areas
- _____ Building location, driveway, walks, patios, decks, stairs
- _____ Lawn or turf (type and location)
- _____ Proposed trees (types, sizes, and locations)
- _____ Proposed shrubs and live groundcover (types, sizes, quantity, and locations)
- _____ Mulch (type, size, and location)
- _____ Retaining walls (height, material, and location)
- _____ Berms or any other grade alterations

ANCILLARY IMPROVEMENTS CHECKLIST:

- _____ Privacy fencing (height, material, and location)
- _____ Dog run / Doghouse (size, materials, and location)
- _____ Play equipment (type, material, color, and location)
- _____ Sports equipment (type and location)
- _____ Accessory Structures – gazebo, storage shed, hot tub, etc. (elevation, size, and location)
- _____ Exterior lighting (type, size, and location)
- _____ Other (specify)

ARTICLE V
Establishment of Schedule for Fines, Penalties and Charges

Section 5.1 – Establishment of Fines, Penalties and Charges

To facilitate compliance with the Declaration and these Design Guidelines, the DRC establishes the following list of Fines, Penalties and Charges that they may apply and collect to Owners who are in violation of the Declaration and Design Guidelines:

1st Notice of Violation (Courtesy Notice): Written notice to Homeowner giving nature of the alleged violation and request for compliance within thirty (30) days.

2nd Notice of Violation (First Fine): Written notice to Homeowner that the alleged violation has not been corrected, the imposition of a fine of \$50, and request for compliance within thirty (30) days.

3rd Notice of Violation (Second Fine): Written notice to Homeowner that the alleged violation has not been corrected, the imposition of a fine of \$75, and request for compliance within thirty (30) days.

4th Notice of Violation (Third Fine): Written notice to Homeowner that the alleged violation has not been corrected, the imposition of a fine of \$100, and request for compliance within thirty (30) days.

5th Notice of Violation (Continuous Monthly Fine): Written notice to Homeowner that the alleged violation has not been corrected, the imposition of a fine of \$100/month, and request for compliance within thirty (30) days.

Section 5.2 – Update and Publication

The DRC may from time-to-time update, modify, change, add to, or eliminate this list and will publish and advertise this list for general distribution to all Owners.