



Creating Community, Enhancing Health, Inspiring Play

December 22, 2010

Mesa View Estates Homeowners' Association
9250 W 5th Avenue
Lakewood, CO 80226

Dear Board of Directors,

This letter is in response to your letter dated November 16, 2010. The Foothills Park & Recreation District's Board of Directors considered your proposal and has authorized me to accept. The District's acceptance is subject to the following understanding.


First, Mesa View Estates and the individual board members of the HOA must dismiss the current lawsuit, with prejudice. Once an order is entered by the Court, the District agrees to participate in a mediation session (maximum duration of one full day) with a mutually agreed upon mediator from JAG.

The District's Board members had different viewpoints regarding mediation. The Board's ultimate agreement to mediate was based upon the following:

1. The mediation will be non-binding, with the goal of the mediator to facilitate settlement between the parties. If no settlement is agreed upon, however, the mediation will end without agreement.
2. Representatives of the District attending the mediation will be authorized to settle the matter within certain parameters. The Board will attempt to anticipate the various terms of potential settlement. The District believes, however, that it is possible that mediation may result in discussion of terms that are not anticipated within the established parameters. In that event, the Board will have to approve any agreed upon terms. The representatives attending mediation will use their best efforts to support those terms to the entire Board.
3. The expense of mediation will be split 50/50 between the parties.

I believe that the above understanding is fully consistent with your November 16, 2010 letter. The additional clarification is merely to be certain that we are discussing the same terms.

Thank you,


Ronald Hopp, Executive Director
Foothills Park & Recreation District

C: Foothills Board of Directors
Paul Rufien, Legal Counsel

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