



STATE OF  
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

---

## Borrow Sites for Bennett Crossing Parcels 1 and 2, Application Numbers M-2019-029 and M-2019-030

---

Sonnenshein, Jed <jsonnenshein@foxrothschild.com>

Thu, Jun 6, 2019 at 3:39 PM

To: "Ebert - DNR, Jared" <jared.ebert@state.co.us>, Kacy Flemons <kacy.flemons@lgihomes.com>

Cc: "Tim Bruggman (tim.bruggman@lgihomes.com)" <tim.bruggman@lgihomes.com>

Jared,

Attached please find the following:

1. Response to Adequacy Review for Parcel 1
2. Response to Adequacy Review for Parcel 2
3. Cover letters, draft agreement forms and proof of mailing for property owners within 200 feet
4. Properly executed affidavit.

Thank you.

Jed

**Jed Sonnenshein**

**Fox Rothschild LLP**

(303) 383-7675 - direct

[jsonnenshein@foxrothschild.com](mailto:jsonnenshein@foxrothschild.com)

**From:** Ebert - DNR, Jared <jared.ebert@state.co.us>

**Sent:** Friday, May 31, 2019 1:37 PM

**To:** Kacy Flemons <kacy.flemons@lgihomes.com>

**Cc:** Sonnenshein, Jed <jsonnenshein@foxrothschild.com>

**Subject:** [EXT] Borrow Sites for Bennett Crossing Parcels 1 and 2, Application Numbers M-2019-029 and M-2019-030

Hello Mr. Flemons,

[Quoted text hidden]

[Quoted text hidden]

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**4 attachments**



**96251799\_1\_DRMS - Parcel 1 Letter-C3.PDF**  
65K



**96251822\_1\_DRMS - Parcel 2 Letter-C3.PDF**  
65K



**Certified Return Receipt Mailing Re Permit-C3.PDF**  
6204K



**Newly signed Affidavit-Bennett Crossing-C3.pdf**  
272K



Fox Rothschild LLP  
ATTORNEYS AT LAW

1225 17th Street  
Suite 2200  
Denver, CO 80202  
Tel (303) 292-1200 Fax (303) 292-1300  
www.foxrothschild.com

JED SONNENSHEIN  
Direct No: 303.383.7675  
Email: JSonnenshein@FoxRothschild.com

June 6, 2019

**VIA EMAIL**

Colorado Division of Reclamation, Mining and Safety  
Attention: Jared Ebert  
1313 Sherman Street, Room 215  
Denver, CO 80203

**Re: Borrow Site For Bennett Crossing Filing 2 (Parcel 2), 111(1)(b) Application No. M-2019-030, Adequacy Review No. 1**

Dear Mr. Ebert:

On behalf of the applicant, LGI HOMES – COLORADO, LLC, I am responding to your May 31, 2019 correspondence.

**Mining Plan – Exhibit C, Rule 6.3.3**

1. The applicant anticipates the average range of topsoil to be salvaged at the site will be six to eight inches.
2. The applicant will comply with all requirements of the Colorado Discharge Permit System General Permit, and the Grading Erosion and Sediment Control Plans approved by the Town of Bennett. The applicant provided the Division with a copy of the General Permit and the Plans when it delivered its “Is it Mining?” questionnaire to the Division.

**Reclamation Plan – Exhibit D, Rule 6.3.4**

3. The applicant acknowledges that the Division’s performance standard is defined by Rule 3.1.10(1).

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California Colorado Connecticut Delaware District of Columbia Florida Illinois  
Minnesota Nevada New Jersey New York Pennsylvania Texas Washington

Jared Ebert, DRMS

June 6, 2019

Page 2

4. The proposed topsoil replacement depth is six to eight inches.

**Reclamation Plan – Exhibit D, Rule 6.3.4**

5. The phone number for the Town of Bennett is (303) 644 – 3249.

**Permanent Man – Made Structures – Exhibit L, Rule 6.3.12**

6. Copies of the requested materials are attached to the email that includes this correspondence.

**Financial Warranty**

7. The applicant's chief financial officer has now signed the Affidavit of Authority. A copy is attached to the email that includes this correspondence and the original will be delivered to you.

Very truly yours,



Jed Sonnenshein

JS:dm

cc: Tim Bruggman  
Kacy Flemons



1225 17th Street  
Suite 2200  
Denver, CO 80202  
Tel (303) 292-1200 Fax (303) 292-1300  
www.foxrothschild.com

JED SONNENSHEIN  
Direct No: 303.383.7675  
Email: JSonnenshein@FoxRothschild.com

June 6, 2019

**VIA CERTIFIED RETURN RECEIPT MAIL**

Elizabeth J. and Rick Mitchell  
5479 South Uravan Court  
Centennial, Colorado 80015-2651

**Re: LGI Homes – Colorado, LLC**

Dear Elizabeth and Rick:

This firm represents LGI Homes – Colorado, LLC. LGI Homes – Colorado, LLC has applied for a permit from the Division of Reclamation, Mining and Safety in connection with LGI using the dirt and earthen fill from property owned by Rick and Elizabeth Mitchell.

The Division is requiring LGI to contact property owners within 200 feet of the perimeter of the Mitchell's property and to attempt to obtain an agreement from you in the form attached to this letter.

Notwithstanding the content of the attached form, LGI has already obtained a professional opinion from an engineer that its operations on the Mitchell property will not adversely affect the stability of your structure.

Please note that the attached form is not a binding agreement, and contact me to discuss further. Thank you.

Very truly yours,

Jed Sonnenshein

Enclosures

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota  
Nevada New Jersey New York North Carolina Pennsylvania South Carolina Texas Washington

An example Structure Agreement which meets the requirements of the Statutes is shown below.

\*\*\*\*\*

### **Structure Agreement**

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

- a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

*The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.*

**The following structures are located on or within 200 feet of the proposed affected area:**

1. Home owned by Rick and Elizabeth Mitchell
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

*(Please list additional structures on a separate page)*

**CERTIFICATION**

The Applicant, LGI Homes - Colorado, LLC (print applicant/company name),  
by \_\_\_\_\_ (print representative's name), as \_\_\_\_\_ (print  
representative's title), does hereby certify that \_\_\_\_\_ (structure owner) shall  
be compensated for any damage from the proposed mining operation to the above listed structure(s)  
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation  
Permit Application for Borrow Site for Bennett Crossing Filing 2 (Parcel 2) (operation name),  
File Number M-\_\_\_\_-\_\_\_\_.

***This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its  
authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and  
the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations.  
Any alteration or modification to this form shall result in voiding this form.***

**NOTARY FOR PERMIT APPLICANT**

ACKNOWLEDGED BY:

Applicant LGI Homes - Colorado, LLC Representative Name \_\_\_\_\_

Date \_\_\_\_\_ Title \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_ as \_\_\_\_\_ of LGI Homes - Colorado, LLC.

\_\_\_\_\_  
Notary Public My Commission Expires: \_\_\_\_\_

**NOTARY FOR STRUCTURE OWNER**

ACKNOWLEDGED BY:

Structure Owner \_\_\_\_\_ Name \_\_\_\_\_

Date \_\_\_\_\_ Title \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.

COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public My Commission Expires: \_\_\_\_\_



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Return Receipt (Hardcopy)	\$	2.80
Return Receipt (Electronic)	\$	
Certified Mail Restricted Delivery	\$	
Postage	\$	
Total Postage and Fees	\$	

Postmark  
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Sent to:

Elizabeth J. & Rick Mitchell  
5479 South Uravan Court  
Centennial, CO 80015-2651  
US

Reference Information

134509.00018-3786



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1. Article Addressed to:

Elizabeth J. & Rick Mitchell  
5479 South Uravan Court  
Centennial, CO 80015-2651  
US

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2121 7382 25

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent

X

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type:

☒ Certified Mail

☐ Certified Mail Restricted Delivery

Reference Information

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*package id*

00468964

*ship date*

Thu, Jun 06 2019

*to*

Elizabeth J. & Rick Mitchell  
5479 South Uravan Court  
Centennial, CO 80015-2651 US  
3032921200

*residential address*

No

*return label*

No

*from*

Jed Sonnenshein (3786)  
Fox Rothschild LLP  
1225 17th Street  
Suite 2200  
Denver, CO 80202 US  
817-7675

*billing*

LGI HOMES, LLC.BENNETT  
CROSSING  
(134509.00018)

*operator*

Kristine Chambers  
817-3865  
KChambers@FoxRothschild.com

*create time*

06/06/19, 10:09AM

*vendor*

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1225 17th Street  
Suite 2200  
Denver, CO 80202  
Tel (303) 292-1200 Fax (303) 292-1300  
www.foxrothschild.com

JED SONNENSHEIN  
Direct No: 303.383.7675  
Email: JSonnenshein@FoxRothschild.com

June 6, 2019

**VIA CERTIFIED RETURN RECEIPT MAIL**

Colorado Department of Transportation  
2829 West Howard Place  
Denver, Colorado 80204

**Re: LGI Homes – Colorado, LLC**

To Whom It May Concern:

This firm represents LGI Homes – Colorado, LLC. LGI Homes – Colorado, LLC has applied for a permit from the Division of Reclamation, Mining and Safety in connection with LGI using the dirt and earthen fill from property owned by Rick and Elizabeth Mitchell.

The Division is requiring LGI to contact property owners within 200 feet of the perimeter of the Mitchell's property and to attempt to obtain an agreement from you in the form attached to this letter.

Notwithstanding the content of the attached form, LGI has already obtained a professional opinion from an engineer that its operations on the Mitchell property will not adversely affect the stability of your structure.

Please note that the attached form is not a binding agreement, and contact me to discuss further. Thank you.

Very truly yours,

Jed Sonnenshein

Enclosures

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota  
Nevada New Jersey New York North Carolina Pennsylvania South Carolina Texas Washington

An example Structure Agreement which meets the requirements of the Statutes is shown below.  
\*\*\*\*\*

### **Structure Agreement**

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

- a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

*The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.*

**The following structures are located on or within 200 feet of the proposed affected area:**

- 1. CO State Highway 26
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

*(Please list additional structures on a separate page)*

**CERTIFICATION**

The Applicant, LGI Homes - Colorado, LLC (print applicant/company name),  
by \_\_\_\_\_ (print representative's name), as \_\_\_\_\_ (print  
representative's title), does hereby certify that \_\_\_\_\_ (structure owner) shall  
be compensated for any damage from the proposed mining operation to the above listed structure(s)  
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation  
Permit Application for Borrow Site for Bennett Crossing Filing 2 (Parcel 1) (operation name),  
File Number M-\_\_\_\_-\_\_\_\_.

*This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its  
authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and  
the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations.  
Any alteration or modification to this form shall result in voiding this form.*

**NOTARY FOR PERMIT APPLICANT**

ACKNOWLEDGED BY:

Applicant LGI Homes - Colorado, LLC Representative Name \_\_\_\_\_

Date \_\_\_\_\_ Title \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_ as \_\_\_\_\_ of LGI Homes - Colorado, LLC.

\_\_\_\_\_  
Notary Public My Commission Expires: \_\_\_\_\_

**NOTARY FOR STRUCTURE OWNER**

ACKNOWLEDGED BY:

Structure Owner \_\_\_\_\_ Name \_\_\_\_\_

Date \_\_\_\_\_ Title \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.

COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_ My Commission Expires: \_\_\_\_\_  
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2829 West Howard Place  
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US

2. Certified Mail (Form 3800) Article Number

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A. Signature ☐ Agent ☒ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☒ No  
If YES, enter delivery address below:

3. Service Type:  
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*package id*  
00468960

*ship date*  
Thu, Jun 06 2019

*to*  
Colorado Department  
of Transportation  
2829 West Howard Place  
Denver, CO 80204 US  
3032921200  
jsonnenshein@foxrothschild.com

*residential address*  
No

*return label*  
No

*from*  
Jed Sonnenshein (3786)  
Fox Rothschild LLP  
1225 17th Street  
Suite 2200  
Denver, CO 80202 US  
817-7675

*billing*  
LGI HOMES, LLC.BENNETT  
CROSSING  
(134509.00018)

*operator*  
Kristine Chambers  
817-3865  
KChambers@FoxRothschild.com

*create time*  
06/06/19, 9:57AM

*vendor*  
Certified Mail

*tracking number*  
CERT00468960

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*options*  
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*courtesy quote*  
.00 USD

*There is no value to display until a  
cost is entered in the mailroom  
The courtesy quote does not reflect  
fuel surcharge and does not  
necessarily reflect all accessorial  
charges.*



**Fox Rothschild** LLP  
ATTORNEYS AT LAW

1225 17th Street  
Suite 2200  
Denver, CO 80202  
Tel (303) 292-1200 Fax (303) 292-1300  
www.foxrothschild.com

JED SONNENSHEIN  
Direct No: 303.383.7675  
Email: JSonnenshein@FoxRothschild.com

June 6, 2019

**VIA CERTIFIED RETURN RECEIPT MAIL**

Maria Sanchez  
831 Centennial Drive  
Bennett, Colorado 80102-7869

**Re: LGI Homes – Colorado, LLC**

Dear Maria:

This firm represents LGI Homes – Colorado, LLC. LGI Homes – Colorado, LLC has applied for a permit from the Division of Reclamation, Mining and Safety in connection with LGI using the dirt and earthen fill from property owned by Rick and Elizabeth Mitchell.

The Division is requiring LGI to contact property owners within 200 feet of the perimeter of the Mitchell's property and to attempt to obtain an agreement from you in the form attached to this letter.

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Very truly yours,

Jed Sonnenshein

Enclosures

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota  
Nevada New Jersey New York North Carolina Pennsylvania South Carolina Texas Washington

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- a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. ( *Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

*The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.*

**The following structures are located on or within 200 feet of the proposed affected area:**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. Home owned by Maria Ines Sanchez Rodrigues \_\_\_\_\_
- 5. \_\_\_\_\_

*(Please list additional structures on a separate page)*

**CERTIFICATION**

The Applicant, LGI Homes - Colorado, LLC (print applicant/company name),  
by \_\_\_\_\_ (print representative's name), as \_\_\_\_\_ (print  
representative's title), does hereby certify that \_\_\_\_\_ (structure owner) shall  
be compensated for any damage from the proposed mining operation to the above listed structure(s)  
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation  
Permit Application for Borrow Site for Bennett Crossing Filing 2 (Parcel 1) (operation name),  
File Number M-\_\_\_\_-\_\_\_\_.

*This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its  
authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and  
the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations.  
Any alteration or modification to this form shall result in voiding this form.*

**NOTARY FOR PERMIT APPLICANT**

ACKNOWLEDGED BY:

Applicant LGI Homes - Colorado, LLC Representative Name \_\_\_\_\_

Date \_\_\_\_\_ Title \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_ as \_\_\_\_\_ of LGI Homes - Colorado, LLC.

\_\_\_\_\_  
Notary Public My Commission Expires: \_\_\_\_\_

**NOTARY FOR STRUCTURE OWNER**

ACKNOWLEDGED BY:

Structure Owner \_\_\_\_\_ Name \_\_\_\_\_

Date \_\_\_\_\_ Title \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.

COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public My Commission Expires: \_\_\_\_\_



WALZ  
CERTIFIED  
MAILER®

FROM

WALZ

FORM #45663 VERSION: E0218

U.S. Postal Service®  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

Label #1

Maria Sanchez  
831 Centennial Drive  
Bennett, CO 80102-7869  
US

Label #2

Maria Sanchez  
831 Centennial Drive  
Bennett, CO 80102-7869  
US

Label #3

Jed Sonnenshein  
Fox Rothschild LLP  
1225 17th Street  
Suite 2200  
Denver, CO 80202  
US

TEAR ALONG THIS LINE

USPS® ARTICLE NUMBER

9414 7266 9904 2121 7368 49

Certified Mail Fee	\$	3.50
Return Receipt (Hardcopy)	\$	2.80
Return Receipt (Electronic)	\$	
Certified Mail Restricted Delivery	\$	
Postage	\$	
Total Postage and Fees	\$	

Postmark  
Here

Sent to:

Maria Sanchez  
831 Centennial Drive  
Bennett, CO 80102-7869  
US

Reference Information

134509.00018-3786



PS Form 3800, Facsimile, July 2015

A FOLD AND TEAR THIS WAY → OPTIONAL

B Label #5 (OPTIONAL)

PS Ship Tracking Label

(affix to back of envelope)



CERT00468861

Label #6 - Return Receipt Barcode (Sender's Record)



9590 9266 9904 2121 7368 42

Label #7 - Certified Mail Article Number

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL®



9414 7266 9904 2121 7368 49

FOLD AND TEAR THIS WAY →

C FOLD AND TEAR THIS WAY →

Return Receipt (Form 3811) Barcode



9590 9266 9904 2121 7368 42

1. Article Addressed to:

Maria Sanchez  
831 Centennial Drive  
Bennett, CO 80102-7869  
US

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2121 7368 49

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent

X

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type:

☒ Certified Mail

☐ Certified Mail Restricted Delivery

Reference Information

134509.00018-3786 -



PS Form 3811, Facsimile, July 2015

Domestic Return Receipt

Thank you for using Return Receipt Service

RETURN RECEIPT REQUESTED  
USPS® MAIL CARRIER  
DETACH ALONG PERFORATION

Thank you for using Return Receipt Service



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A Solution of LenderLive Services, LLC.

Walz Certified Mailer™ form #45663  
Version E0218

Used with WCM Plus™ software

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or contact WALZ at:  
Email: [sales@walzpostal.com](mailto:sales@walzpostal.com)  
Toll Free: (800) 381-3811

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Save time whenever you send Certified Mail with a full-cycle mail management system that is quick and easy to implement without extensive training or new equipment (requires the use of CertifiedPro.net).

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WALZ Critical Borrower Communications - full outsourcing solutions for compliant mailings, using Return Receipt, RRE and First-Class Mail services.

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Label 2: Recipient address or optional sender address label

Label 3: Sender address label

Label 4: Sender's record of the Certified Mail Article Number

Label 5: Sender address label or Charge Back information

Label 6: Return Receipt Barcode (for sender's record)

Label 7: PS Form 3800 Certified Mail sticker (affix at the top of the envelope with the perforation mark on the edge)

FRONT

BACK





*package id*

00468961

*ship date*

Thu, Jun 06 2019

*to*

Maria Sanchez  
831 Centennial Drive  
Bennett, CO 80102-7869 US  
3032921200

*residential address*

No

*return label*

No

*from*

Jed Sonnenshein (3786)  
Fox Rothschild LLP  
1225 17th Street  
Suite 2200  
Denver, CO 80202 US  
817-7675

*billing*

LGI HOMES, LLC.BENNETT  
CROSSING  
(134509.00018)

*operator*

Kristine Chambers  
817-3865  
KChambers@FoxRothschild.com

*create time*

06/06/19, 9:59AM

*vendor*

Certified Mail

*tracking number*

CERT00468961

*service*

USPS Certified Mail™

*options*

Return Receipt

*courtesy quote*

.00 USD

*There is no value to display until a  
cost is entered in the mailroom  
The courtesy quote does not reflect  
fuel surcharge and does not  
necessarily reflect all accessorial  
charges.*



**Fox Rothschild** LLP  
ATTORNEYS AT LAW

1225 17th Street  
Suite 2200  
Denver, CO 80202  
Tel (303) 292-1200 Fax (303) 292-1300  
www.foxrothschild.com

JED SONNENSHEIN  
Direct No: 303.383.7675  
Email: JSonnenshein@FoxRothschild.com

June 6, 2019

**VIA CERTIFIED RETURN RECEIPT MAIL**

Town of Bennett  
207 Muegge Way  
Bennett, Colorado 80102

**Re: LGI Homes – Colorado, LLC**

To Whom It May Concern:

This firm represents LGI Homes – Colorado, LLC. LGI Homes – Colorado, LLC has applied for a permit from the Division of Reclamation, Mining and Safety in connection with LGI using the dirt and earthen fill from property owned by Rick and Elizabeth Mitchell.

The Division is requiring LGI to contact property owners within 200 feet of the perimeter of the Mitchell's property and to attempt to obtain an agreement from you in the form attached to this letter.

Notwithstanding the content of the attached form, LGI has already obtained a professional opinion from an engineer that its operations on the Mitchell property will not adversely affect the stability of your structure.

Please note that the attached form is not a binding agreement, and contact me to discuss further. Thank you.

Very truly yours,

Jed Sonnenshein

Enclosures

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota  
Nevada New Jersey New York North Carolina Pennsylvania South Carolina Texas Washington

An example Structure Agreement which meets the requirements of the Statutes is shown below.  
\*\*\*\*\*

### **Structure Agreement**

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

- a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

*The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.*

**The following structures are located on or within 200 feet of the proposed affected area:**

- 1. \_\_\_\_\_
- 2. Custer Street \_\_\_\_\_
- 3. Kiowa Street \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

*(Please list additional structures on a separate page)*

**CERTIFICATION**

The Applicant, LGI Homes - Colorado, LLC (print applicant/company name),  
by \_\_\_\_\_ (print representative's name), as \_\_\_\_\_ (print  
representative's title), does hereby certify that \_\_\_\_\_ (structure owner) shall  
be compensated for any damage from the proposed mining operation to the above listed structure(s)  
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation  
Permit Application for Borrow Site for Bennett Crossing Filing 2 (Parcel 1) (operation name),  
File Number M- \_\_\_\_\_ - \_\_\_\_\_.

*This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its  
authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and  
the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations.  
Any alteration or modification to this form shall result in voiding this form.*

**NOTARY FOR PERMIT APPLICANT**

ACKNOWLEDGED BY:

Applicant LGI Homes - Colorado, LLC Representative Name \_\_\_\_\_

Date \_\_\_\_\_ Title \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_ as \_\_\_\_\_ of LGI Homes - Colorado, LLC.

\_\_\_\_\_  
Notary Public My Commission Expires: \_\_\_\_\_

**NOTARY FOR STRUCTURE OWNER**

ACKNOWLEDGED BY:

Structure Owner \_\_\_\_\_ Name \_\_\_\_\_

Date \_\_\_\_\_ Title \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public My Commission Expires: \_\_\_\_\_



WALZ  
CERTIFIED  
MAILER®

FROM

WALZ

FORM #45663 VERSION: E0218

U.S. Postal Service®  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

Label #1

Town of Bennett  
207 Muegge Way  
Bennett, CO 80102  
US

Label #2

Town of Bennett  
207 Muegge Way  
Bennett, CO 80102  
US

Label #3

Jed Sonnenshein  
Fox Rothschild LLP  
1225 17th Street  
Suite 2200  
Denver, CO 80202  
US

USPS® ARTICLE NUMBER

9414 7266 9904 2121 7368 56

Certified Mail Fee	\$	3.50
Return Receipt (Hardcopy)	\$	2.80
Return Receipt (Electronic)	\$	
Certified Mail Restricted Delivery	\$	
Postage	\$	
Total Postage and Fees	\$	

Postmark  
Here

← TEAR ALONG THIS LINE

Sent to:

Town of Bennett  
207 Muegge Way  
Bennett, CO 80102  
US

Reference Information

134509.00018-3786



PS Form 3800, Facsimile, July 2015

FOLD AND TEAR THIS WAY → OPTIONAL

Label #5 (OPTIONAL)

PS/Ship Tracking Label  
(affix to back of envelope)



CERT00468863

Label #6 - Return Receipt Barcode (Sender's Record)



9590 9266 9904 2121 7368 59

Label #7 - Certified Mail Article Number

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL®



9414 7266 9904 2121 7368 56

FOLD AND TEAR THIS WAY →

FOLD AND TEAR THIS WAY →

Return Receipt (Form 3811) Barcode



9590 9266 9904 2121 7368 59

1. Article Addressed to:

Town of Bennett  
207 Muegge Way  
Bennett, CO 80102  
US

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2121 7368 56

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent  
**X** ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type:  
☒ Certified Mail  
☐ Certified Mail Restricted Delivery

Reference Information

134509.00018-3786 -



Thank you for using Return Receipt Service

RETURN RECEIPT REQUESTED  
USPS® MAIL CARRIER  
DETACH ALONG PERFORATION

Thank you for using Return Receipt Service

PS Form 3811, Facsimile, July 2015

Domestic Return Receipt



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WALZ Critical Borrower Communications - full outsourcing solutions for compliant mailings, using Return Receipt, RRE and First-Class Mail services.

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Label 3: Sender address label

Label 4: Sender's record of the Certified Mail Article Number

Label 5: Sender address label or Charge Back information

Label 6: Return Receipt Barcode (for sender's record)

Label 7: PS Form 3800 Certified Mail sticker (affix at the top of the envelope with the perforation mark on the edge)

Walt Group, LLC  
27798 Via Industria  
Tremonte, CA 92590-3699

3

1334 7411 5142 0002 0023 74

7

0478200670  
\$00.002  
11/02/2004  
Walt Group, LLC  
US POSTAGE

RETURN RECEIPT REQUESTED

1

2

1134 7411 5142 0002 0023 74

01-769901  
Mary Kay Rosner  
370 South Cleveland Ave.  
Westerville, OH 43081-8917

FRONT

Thank you for using Return Receipt Service

RETURN RECEIPT REQUESTED  
CERTIFIED MAIL PERFORATION

1334 7411 5142 0002 0023 74

2

1334 7411 5142 0002 0023 72

PS Form 3800, Facsimile, July 2013

Connecticut Return Receipt

BACK

PEEL BACK TO EDGE

USPS TRACKING #

9590 9266 9904 2121 7368 59

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

DO NOT BEND VERTICAL PERF

UNITED STATES  
Postal Service®

• Sender: Please print your name, address and ZIP+4® below •

1134 7411 5142 0002 0023 74

FOX ROTHSCHILD LLP  
ATTN:  
1225 17TH STREET SUITE 2200  
DENVER CO 80202

DO NOT BEND VERTICAL PERF





U.S. Postal Service  
**CERTIFIED MAIL**

*package id*  
00468963

*ship date*  
Thu, Jun 06 2019

*to*  
Town of Bennett  
207 Muegge Way  
Bennett, CO 80102 US  
3032921200

*residential address*  
No

*return label*  
No

*from*  
Jed Sonnenshein (3786)  
Fox Rothschild LLP  
1225 17th Street  
Suite 2200  
Denver, CO 80202 US  
817-7675

*billing*  
LGI HOMES, LLC.BENNETT  
CROSSING  
(134509.00018)

*operator*  
Kristine Chambers  
817-3865  
KChambers@FoxRothschild.com

*create time*  
06/06/19, 10:05AM

*vendor*  
Certified Mail

*tracking number*  
CERT00468963

*service*  
USPS Certified Mail™

*options*  
Return Receipt

*courtesy quote*  
.00 USD

*There is no value to display until a  
cost is entered in the mailroom  
The courtesy quote does not reflect  
fuel surcharge and does not  
necessarily reflect all accessorial  
charges.*



**Affidavit of Authority to Execute Financial Warranty Documents**

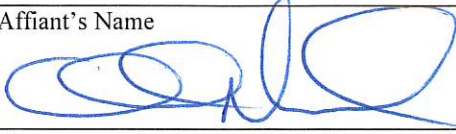
Before me this day, the undersigned Charles Merdian [name of authorized person], in his/her capacity as CFO [title of authorized person] ("Affiant"), personally appeared and, being first duly sworn upon oath said:

1. This affidavit is being executed and submitted on behalf of LGI Homes - Colorado, LLC [name of business organization], a(n) Colorado limited liability company [legal form of business organization, e.g., corporation, partnership, limited liability company, etc.], in good standing in the State of Colorado (the "Company").
2. It is in the interest of the Company to execute certain financial warranty documents associated with file number M-2019 - 029 & 030 (DRMS file number), which are required by the Colorado Mined Land Reclamation Board and Division of Reclamation Mining and Safety pursuant to Colorado law ("Financial Warranty Documents").
3. Affiant is duly authorized to sign such Financial Warranty Documents on behalf of the Company and to bind the Company to the same.
4. Affiant is not prohibited or limited by the Company's governing documents or by any applicable law from executing the Financial Warranty Documents.
5. Affiant will inform the Division of Reclamation Mining and Safety within thirty (30) days in the event that his/her authorization to execute Financial Warranty Documents on the Company's behalf is terminated.

Further, Affiant sayeth not.

Charles Merdian

Affiant's Name



Signature

STATE OF TX )

) ss.:

COUNTY OF Harris )

The foregoing instrument was acknowledged before me this 4th day of June, 2019,  
by Charles Merdian as CFO of LGI Homes - Colorado, LLC.

Notary Public

My Commission Expires

Sandra Lee Byer

