

Jerry Orten
Attorney – Expert Witness – Managing Member

Jerry is a partner at the firm and works with community associations in all areas of law. From community formation and community change and amendment, to governance, collection and enforcement issues, for over 27 years, Jerry's progressive style and approach brings problem resolution and value to owner associations and the communities they govern.

Recognizing the unique qualities of each association and its leadership, Jerry focuses on a balanced approach to complex issues, assisting associations in adding and preserving the value of the properties of members. He delivers creative solutions that enhance community relations.

In addition to practicing law as a community association attorney, Jerry frequently provides expert testimony in lawsuits and on legislation related to covenants, easements, equitable servitudes, common interest communities and the owner associations that govern and operate these common interest or covenant controlled communities.

The content and context of Jerry's testimony includes residential, mixed use, commercial and similar communities.

Jerry continues to have an influential role in Colorado law and in legislation affecting community associations. He assisted in the drafting of the bill that became the Colorado Common Interest Ownership Act (CCIOA) and has been involved in over 20 amendments to that Act. Jerry served on Governor Romer's Task Force on Large Planned Communities. He frequently provides expert counsel to other attorneys, testifies as an expert in court, testifies at the State Capitol and advises legislators and lobbyists.

Expertise

Community Formation
Community Operation, Management, and Governance
Document Amendments
Easements and Equitable Servitudes
Document Interpretation
Policy and Rule Adopting and Drafting
Maintenance, Repair, Replacement, and Improvement Allocations
Assessment Collection
Foreclosure
Litigation, Arbitration and Mediation
Covenant Enforcement
Contract Review and Negotiation
Legislation
Practical Association Counsel
Insurance Reviews
Risk Management

Expert Witness Involvement

Matthews v. Crystal Lakes Road and Recreation Association

Whether covenants and an annexation document granted road access easement rights to the owners of property located in a subdivision, including between 1,580 to 1,660 owners and also including the owners association as the owner of common area within the subdivision.

(2019 –)

Park Hill Village Condominiums Homeowners Association v. Parkhill Residential, LLC; et al.

1. What parking ratios apply to two different communities that were initially planned to be one community;
2. What easement rights are created by parking ratios and/or by approved, recorded plans;
3. What party is entitled to use of disputed parking spaces;
4. Whether parking allocation errors in recorded condominium maps can be corrected as “technical” errors – which are allowed to be corrected under a state statute.

(2019 – 2020)

Tinkelman v. Fritsche

Whether a variance to a subdivision restriction and covenant may be given by the widow of the president of the corporate declarant without a written, recorded assignment from the declarant to the widow.

(2019 – 2020)

Terraces at Sienna Owners Association v. Mojo Properties, LLC; Joseph M. Elio and Mark Scalercio

1. Whether the declarant repaired a condominium community consistent with the maintenance standards in CCIOA;
2. Whether declarant-appointed board members breached fiduciary duties.

(2019 – 2020)

Epic View, LLC v. Starwood Home Owners Association

Whether fines imposed by the Association on an owner are reasonable.

(2018 – 2020)

Ellis v. Bogardus

Whether development rights created by a declaration amendment are valid.

(2018 – 2019)

Randel v. Parkland Homeowners' Association, Inc.

Interpretation of PUD / plat notes and labels.

(2017 –)

Coyote Creek Master Association v. Coyote Creek 66, LLC

Application of the super lien under the Colorado Common Interest Ownership Act.

(2017 – 2018)

Evergreen Meadows HOA v. Suzanne Richards v. Kay Bohan and Liv Sotheby's International Realty

Standard of care of the board and architectural control committee of an HOA.

(2015 – 2016)

Court and Arbitrator Appointed HOA Board Member

Appointed to break deadlock of a master-like community comprised of two HOAs, where each HOA had two members on a four-person board/committee.

(2015 – 2016)

Professional and Community Involvement

Community Associations Institute

- National, Member since 1981
- Rocky Mountain Chapter, Member since 1981, Board Member ('92-'96), Vice President ('94-'96)
- Southern Colorado Chapter, Member since 1994, Board Member ('99-'02)
- Colorado's Legislative Action Committee, Member since 1991, Chair ('98-'03)

College of Community Association Lawyers, Member since 1997

Colorado Common Interest Ownership Act (CCIOA), Drafting Committee Member ('89-'92)

Colorado Revised Nonprofit Corporation Act, Drafting Committee Member ('96-'98)

Governor's Task Force on Large Planned Communities ('94-'95)

Neighborhood Resource Center, Board Member since 2001

Home Builders Association, Member ('94-'03), Associates Member Council, 1999

Colorado Hotel and Lodging Association, Member ('94-'03)

Poet Member since 1986

American Bar Association, Chairman, Homeowners and Community Associations Committee ('91-'95)

Colorado, Denver and Adams County Bar Associations

Board member and president for various community associations since 1990

Continuing Legal Education Speaker

Contributing Editor for CAI publications since 1995

Rocky Mountain Chapter, Common Interests, Letter of the Law Column Editor ('86-'98)

Probate and Property Magazine of the Real Property Probate and Trust Law Section of the American Bar Association – “Successfully Amending Common Interest Community Covenants”

Real Property, Probate and Trust Journal - “Allocation of Damages for Tort Liability in Common Interest Communities”

Colorado Lawyer – Co-Author, “The Colorado Common Interest Ownership Act”
Multi-Housing Quarterly

- Co-Author, “Transition of Developer Control to Homeowners,”
- Author, “Equity Skimming: A Crisis in Residential Real Estate”

Education

University of Colorado-Boulder (J.D., 1981)

University of Colorado-Boulder (B.A., 1978)