



Andy Mowery <pohoaandy@gmail.com>

Garage/Yard Sale

James David Rose <Trout@uwyo.edu>
To: Andy Mowery <pohoaandy@gmail.com>

Tue, Sep 5, 2023 at 10:21 PM

How is this?

September 5, 2023

Poudre
Overlook HOA of Fort Collins
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To
the members of the Board,

I
have been asked by Andy Mowery to comment on the charges you have brought against him and Deb Mowery regarding the allegation of “conducting a commercial business with customer visits.”

My
wife and I live at 1351 Bubbling Brook Court, directly across from the Mowery home. Since we were in a position to observe their sale, Andy has asked me to comment on the points below, which were raised in your letter to him, dated June 1, 2023.

1.
Did I see a "commercial business" on his property vs. a Garage/Yard Sale?

The
answer to that question would depend on an explanation of what constitutes a “commercial business” and what constitutes a “garage sale.” In my experience with many garage sales in Fort Collins and four other states, I would doubtless characterize what the Mowerys were doing constituted a garage sale, with the items for sale arranged on a couple tables in front of their open garage door. It was a very casual arrangement. There were a relatively small number of customers. I didn’t count them, but I would estimate about six or eight cars, with two to three passengers each, a much smaller number than is typical for many garage sales. For a commercial business, I would have expected a more organized format, occurring over a more lengthy period of days.

2.

Did I participate in the sale? What did I buy? How did I pay?

I

didn't buy any of the plants that were for sale, but I did buy two fabric planting bags. These were items that I had discussed with Andy at a previous time, due to our mutual interest in vegetable gardening. These items were not, to my knowledge, part of the garage sale. I paid for these with cash to reimburse his costs for the bags.

3.

Was this sale a nuisance to me?

The sale was in no way a nuisance to me. There was no noise aside from hardly noticeable conversations in front of the garage. There were only a couple of vehicles at most present at a single time. These vehicles were parked near the Mowery home and were not obstructing vehicular movement around the cul de sac.

If

you desire any additional information from me, contact me at 970 631-7943 or trout@uwyo.edu.

I

would add as an aside, in reading your letter to the Mowerys, I was surprised at the many errors it contained (e.g. "You heave the right to request a hearing", "Poudre Oyerlook Board of Directors", "HOA of Forti Collins" and others. I believe that a letter with possible legal implications should have been composed with more care.

Sincerely,

James
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Fort
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