BRADLEY HEIGHTS METROPOLITAN DISTRICT NOS. 1, 2 and 3



Regular Board Meeting Tuesday, August 8, 2023, at 9:00 AM 119 N. Wahsatch Ave. Colorado Springs, Colorado 80903 and Via tele/videoconference <u>https://video.cloudoffice.avaya.com/join/109995525</u> United States: <u>+1 (213) 463-4500</u> Access Code: 109-995-525

Board of Director	Title	Term
Randle W Case II	President	May 2027
Bryan T Long	Vice-President	May 2027
Ray O'Sullivan	Treasurer/ Secretary	May 2025
Robert Case	Assistant Secretary	May 2025
Jim Byers	Assistant Secretary	May 2027 (appointment to May 2025)

AGENDA

- 1. Call to order
- 2. Declaration of Quorum/Director Qualifications/ Disclosure Matters
- 3. Approval of Agenda
- 4. Approval of July 11, 2023, Meeting Minutes (enclosure)
- 5. District Manager Report
 - a. Service Plan Amendment Status
 - b. Right-of-way acquisition update
- 6. President of the Board Report
- 7. Development Status Review
 - a. Engineering Update
 - i. Schedule
 - b. Plan Updates
 - i. Roadway/ Utility/ Storm Water
 - ii. Channel design
 - iii. 24" and 16" water line update
 - c. Construction Schedule/Construction Contracts Approval/Ratify/Pre-approval
 - d. Update on Construction Budget and Assurance
 - e. Redemption Hill Church
 - f. Challenger Homes
 - g. Bradley Ridge
- 8. Financial Matters
 - a. Public Hearing on 2022 Budget Amendment
 - i. Consider the Adoption of District No. 2 Resolution Amending the 2022 Budget (enclosure)
 - ii. Consider the Adoption of District No. 3 Resolution Amending the 2022 Budget (enclosure)
 - b. Approve Unaudited Financial Reports through June 30, 2023 (under separate cover)

- c. Review and Approve Payables through July 11, 2023 (under separate cover)
- d. Update on Drainage Fee
- 9. Legal Matters
- 10. Other Business
 - a. Next Regular Meeting scheduled: September 12, 2023, at 9:00 a.m.
- 11. Adjourn

NOTICE OF REGULAR MEETINGS

NOTICE IS HEREBY GIVEN That the Board of Directors of BRADLEY HEIGHTS

METROPOLITAN DISTRICT NOS. 1, 2 and 3, County of El Paso, State of Colorado, will hold a regular meeting at 9:00 AM on Tuesday, the 8th day of August, 2023, at 119 North Wahsatch Ave., Colorado Springs, CO 80903, and via tele/videoconferencing at the following: <u>https://video.cloudoffice.avaya.com/join/451389423</u> United States: <u>+1 (213) 463-4500</u> Access Code: 451-389-423 for the purpose of conducting such business as may come before the Board including the business on the attached agenda. The meeting is open to the public.

BY ORDER OF THE BOARD OF DIRECTORS: BRADLEY HEIGHTS METROPOLITAN DISTRICT NOS. 1, 2 AND 3



MINUTES OF THE REGULAR BOARD MEETING OF THE BOARD OF DIRECTORS OF THE BRADLEY HEIGHTS METROPOLITAN DISTRICT NOS. 1, 2, AND 3 HELD JULY 11, 2023 AT 9:00 AM

Pursuant to posted notice, the regular meetings of the Board of Directors of the Bradley Heights Metropolitan District Nos. 1, 2 and 3 were held on Tuesday, July 11, 2023, at 9:00 a.m., at 119 N. Wahsatch Avenue, Colorado Springs, CO, and via tele/videoconference: <u>https://video.cloudoffice.avaya.com/join/451389423</u>.

Attendance

In attendance were Directors: Randle Case II, President Bryan Long, Vice President Robert Case, Assistant Secretary Ray O'Sullivan, Treasurer/Secretary Jim Byers, Assistant Secretary (Excused)

Also in attendance were: K. Sean Allen, Esq., White Bear Ankele Tanaka & Waldron Kevin Walker, WSDM District Managers Rebecca Harris, WSDM District Managers Sue Gonzales, WSDM District Managers Eric Smith, Matrix Design Group Braden Hammond, BiggsKofford Ryan Case John

<u>Combined Meeting</u>: The Board of Directors of the Districts have determined to hold a joint meeting of the Districts and to prepare joint minutes of actions taken by the Districts in such meetings. Unless otherwise noted herein, all official action reflected in these minutes shall be deemed to be the action of all Districts. Where necessary, action taken by an individual District will be so reflected in these minutes.

- 1. Call to Order: The meeting was called to order by President Case II at 9:00 AM. Director Byers was excused.
- 2. Declaration of Quorum/Director Qualifications/ Disclosure Matters: President Case II indicated that a quorum of the Boards was present and stated that each Director has been qualified as an eligible elector of the Districts pursuant to Colorado law. The Directors confirmed their qualification. Mr. Allen advised the Boards that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Harris reported that disclosures for those directors with potential or existing conflicts of interest were filed with the Secretary of State's Office and the Boards at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Mr. Allen inquired into whether members of the Boards had any additional disclosures of potential or existing conflicts of interest were noted. The Boards determined that the participation of the meeting. No additional disclosures were noted. The Boards determined that the Boards to act.
- 3. Approval of Agenda: Director O'Sullivan moved to approve the Agenda as presented; seconded by Director Long. Motion passed unanimously.

- 4. Approval of June 13, 2023 Meeting Minutes: Director Long noted a correction to the Service Plan Amendment item that should have been to the City instead of County. After review, Director Robert Case moved to approve the June 13, 2023 Minutes as amended; seconded by Director Long. Motion passed unanimously.
- 5. Review and Consider Approval of the 2022 Audit: Mr. Hammond with BiggsKofford presented the 2022 Audit. Mr. Hammond noted they expect to issue a clean opinion which is the highest level of assurance they can provide. After review, Director O'Sullivan moved to approve the 2022 draft audit as presented to be filed by the deadline of July 31, 2023; seconded by Director Robert Case. Motion passed unanimously.
- 6. District Manager Report
 - a. Service Plan Amendment Status: Mr. Walker reported he has an appointment on July 14, 2023 with the City to discuss the proposed service plan amendment seeking an increase of the O&M mill levy cap from 10 to 20 mills.
 - b. Right-of-way Acquisition Update: Mr. Walker discussed the right-of-way acquisition and noted the Appraiser is moving forward.
- 7. President of the Board Report: President Case II noted the updates will be discussed later in the Agenda.
- 8. Development Status Review
 - a. Engineering Update: The Board reviewed the monthly engineering and construction report provided by Mr. Grundy.
 - i. Schedule: Mr. Smith provided an update on the schedule.
 - b. Plan Updates
 - i. Roadway/ Utility/ Storm Water: Mr. Smith provided an update on utilities, road, and storm plans. The Board discussed the road connection to the west in Aspen View. President Case II requested this issue be elevated.
 - ii. Channel Design: The Board discussed channel design.
 - iii. 24" and 16" Water Line Update: The Board discussed the water main extension project.
 - c. Construction Schedule/Construction Contracts Approval/Ratify/Pre-Approval: The Board discussed the temporary pond that is needed. Director O'Sullivan moved to approve up to \$150,000 of contingency for the conceptual project of doing pond mitigation for stormwater; seconded by Director Long. Motion passed unanimously. Director O'Sullivan moved to ratify the approval of Pay App #3 for \$792,870; seconded by Director Robert Case. Motion passed unanimously. Director O'Sullivan moved to approve Wildcat's Pay App #13 for \$849,589.53; seconded by Director Long. Motion passed unanimously. The Board reviewed Change Orders #001 and #002 from Matrix. Director O'Sullivan moved to approve Change Order #002 for \$210,000; seconded by Director Long. Motion passed unanimously. Director O'Sullivan moved to approve Change Order #001 for \$17,000 for plats 1, 2, and 3; seconded by Director Long. Motion passed unanimously.
 - d. Update on Construction Budget and Assurance: Mr. Smith noted he will present an update on the construction budget at the next meeting.
 - e. Redemption Hill Church: There was no update. President Case II noted there is construction progress.
 - f. Challenger Homes: The Board discussed that permits are being pulled and fees paid for their communities.
 - g. Bradley Ridge: Director O'Sullivan provided an update on Bradley Ridge. The Board discussed the 3,000 yards of blue shale on Bliss Road that needs to be removed. The Board discussed the options of what to do with the removed material. Director O'Sullivan discussed that his property was overfilled by 6' along the road.

9. Financial Matters

- Approve Unaudited Financial Reports through June 30, 2023: Ms. Harris presented the Unaudited Financial Reports through June 30, 2023. After review, Director O'Sullivan moved to approve the Unaudited Financial Reports for Districts 1-3; seconded by Director Robert Case. Motion passed unanimously.
- B. Review and Approve Payables through July 11, 2023: Ms. Harris presented the Payables through July 11, 2023. After review, Director O'Sullivan moved to approve the Payables for District 1; seconded by Director Robert Case. Motion passed unanimously. Ms. Harris presented the requisition request and pay application for District 2. The total requisition is \$899,312.03. Director O'Sullivan moved to approve the requisition request in the amount of \$899,312.03 for District 2; seconded by Director Robert Case. Motion passed unanimously.
- c. Discuss Status of Establishing Platting Fees: Mr. Walker will continue to work on the proposed fee amount and give an update at the next meeting.
- d. Ratify Contract with Appraiser: Director Long moved to ratify the contract with the Appraiser for the condemnation action; seconded by Director O'Sullivan. Motion passed unanimously.
- 10. Legal Matters: There were no legal matters.
- 11. Other Business
 - a. Next Regular Meeting scheduled for August 8, 2023, at 9:00 AM.
- 12. Adjourn: The Board unanimously adjourned the meeting at 10:30 AM.

Respectfully Submitted,

By: Recording Secretary



BRADLEY HEIGHTS METROPOLITAN DISTRICT NO. 2 RESOLUTION TO AMEND 2022 BUDGET

WHEREAS, the Board of Directors of Bradley Heights Metropolitan District No. 2 (the "**District**") certifies that at a regular meeting of the Board of Directors of the District held August 8, 2023 a public hearing was held regarding the 2022 amended budget, and, subsequent thereto, the following Resolution was adopted by affirmative vote of a majority of the Board of Directors:

WHEREAS, the Board of Directors of the District adopted a budget and appropriated funds for fiscal year 2022 as follows:

Debt Service Fund	\$4,014
Capital Project Fund	\$6,112,000

and;

WHEREAS, the necessity has arisen for additional expenditures by the District due to additional costs which could not have been reasonably anticipated at the time of adoption of the budget, requiring the expenditure of funds in excess of those appropriated for fiscal year 2022; and

WHEREAS, funds are available for such expenditure.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the District does hereby amend the adopted budget for fiscal year 2022 as follows:

Debt Service Fund	\$4,883
Capital Project Fund	\$10,034,242

BE IT FURTHER RESOLVED, that such sums are hereby appropriated from the revenues of the District to the funds named above for the purpose stated, and that any ending fund balances shall be reserved for purposes of complying with Article X, Section 20 of the Colorado Constitution.

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ADOPTED AUGUST 8TH, 2023.

DISTRICT:

BRADLEY HEIGHTS METROPOLITAN DISTRICT NO. 2, a quasi-municipal corporation and political subdivision of the State of Colorado

By:

Officer of the District

Attest:

By: _____

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON Attorneys at Law

General Counsel to the District

STATE OF COLORADO COUNTY OF EL PASO BRADLEY HEIGHTS METROPOLITAN DISTRICT NO. 2

I hereby certify that the foregoing resolution constitutes a true and correct copy of the record of proceedings of the Board adopted at a meeting held at 119 N Wahsatch Ave., Colorado Springs, CO and via Teleconference, as recorded in the official record of the proceedings of the District.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 8th day of August, 2022.

BRADLEY HEIGHTS METROPOLITAN DISTRICT NO. 2 2023 BUDGET GENERAL FUND

		2021		2022	2022			2022		2023
	ACTUAL			ACTUAL		AMENDED		BUDGET AS ADOPTED		BUDGET
GENERAL FUND	\$	78.52	\$	78.52	\$	0.00	\$	78.52	\$	335.91
REVENUES										
PROPERTY TAXES SPECIFIC OWNERSHIP TAXES DELINQUENT INTEREST DEVELOPER ADVANCES	\$ \$ \$ \$	319.90 37.57 3.06 1,173.28	\$	198.30 20.64 0.47		198.20 13.87		198.20 13.87		1,565.20 109.56
TOTAL REVENUES	\$	1,533.81	\$	219.41	\$	212.07	\$	212.07	\$	1,674.76
EXPENDITURES INSURANCE TREASURER'S FEES	\$ \$	1,529.00 4.81		(250.00) 3.00		2.97	\$	2.97	\$	23.48
TOTAL EXPENDITURES	\$	1,533.81	\$	(247.00)	\$	2.97	\$	2.97	\$	23.48
TRANSFER TO DISTRICT 1 GENERAL FUND	\$		\$	209.02		209.10	\$	209.10		1,651.29
GENERAL FUND: ENDING BALANCE	\$	78.52	^	335.91		0.00	•	78.52		335.91
EMERGENCY RESERVE: State Required at 3%	\$	46.01	\$	(7.41)	\$	0.09	\$	0.09	2	0.70
ASSESSED VALUATION MILL LEVY - 0&M MILL LEVY - DEBT TOTAL MILL LEVY		31990.00 10.000 30.000 40.000		19820.00 10.000 30.000 40.000		19,820.00 10.000 30.000 40.000		19820.00 10.000 30.000 40.000		156,520.00 10.000 30.000 40.000

BRADLEY HEIGHTS METROPOLITAN DISTRICT NO. 2 2022 BUDGET DEBT SERVICE FUND

	2021 ACTUAL		2022 PROJECTED/ ACTUAL		2022 AMENDED BUDGET	2022 BUDGET AS ADOPTED			2023 BUDGET
DEBT SERVICE BEGINNING BALANCE			\$	-	\$ -	\$	33,997,160.97	\$	0.57
SERIES 2021: REVENUE									
REVENUE SERIES 2021A BONDS	\$	35,000,000.00	\$	-	\$ -	\$	-	\$	-
PROPERTY TAXES	\$	959.70	\$	594.60	\$ 594.60	\$	594.60	\$	4,695.60
SPECIFIC OWNERSHIP TAXES	\$	112.71	\$	61.87	\$ 41.62	\$	41.62	\$	328.69
DELINQUENT TAX AND INTEREST	\$	-	\$	1.40	\$ -				
INTEREST INCOME	\$	3,184.63	\$	-	\$ -	\$	-		
DEVELOPER ADVANCE			\$	4,000.00	\$ 4,000.00	\$	-	\$	-
TRANSFER FROM DISTRICT 3	\$	-	\$	241.10				\$	788.09
FACILITY FEES			\$	-	\$ -	\$	-	\$	119,960.00
IMPACT FEES			\$	-	\$ -	\$	-	\$	-
TOTAL REVENUES	\$	35,004,257.04	\$	4,898.97	\$ 4,636.22	\$	636.22	\$	125,772.38

EXPENDITURES

EXPENDITORES									
TRANSFER TO CAPITAL PROJECT FUND		149,480.92			\$	-			
TRANSFER TO DEBT SERVICE RESERVE FUND			\$	15.62	\$	874.00			1,630.54
COST OF ISSUANCE		1,031,594.91			\$	-			-
DEBT SERVICE		-	\$	873.84	\$	-			-
CO TREASURER'S FEE			\$	8.94	\$	9.00	\$	8.92	70.43
TRUSTEE FEES			\$	4,000.00	\$	4,000.00	\$	-	4,000.00
CONTINGENCY					\$	-	\$	-	
INSURANCE			\$	-	\$	-	\$	-	-
TOTAL EXPENDITURES	\$	1,181,075.83	\$	4,898.40	\$	4,883.00	\$	8.92	5,700.97
TRANSFER TO DISTRICT 1 CAPITAL PROJECT FUND					\$	-	\$	(13,850,000.00)	
TRANSFER TO DISTRICT 2 CAPITAL PROJECT FUND		(33,823,181.21)					\$	-	-
ENDING FUND BALANCE	¢		¢	0.67	¢	(246 70)	¢	20 147 700 27	¢100.071.07
ENDING FUND BALANCE	\$	-	\$	0.57	Ф	(246.78)	Ф	20,147,788.27	\$120,071.97
ASSESSED VALUATION			\$	31,990.00	\$	31,990.00	\$	19,820.00	\$ 156,520.00
MILL LEVY - 0&M				10.000		10.000		10.000	10.000
MILL LEVY - DEBT				30.000		30.000		30.000	30.000
TOTAL MILL LEVY				40.000		40.000		40.000	40.000



1 Page of 2

BRADLEY HEIGHTS METROPOLITAN DISTRICT NO. 2 CAPITAL PROJECTS FUND 2022 BUDGET

	2022 00	DGL	1						
	2021		2022	2022			2022	2023	
	ACTUAL		PROJECTED/ ACUTAL		AMENDED BUDGET		BUDGET AS ADOPTED	BUDGET	
PROJECT/CAPITAL FUND: BEGINNING BALANCE	-		33,823,181.21		33,823,181.21		-	25,817,483.14	
REVENUES - BONDS									
LOAN FROM GENERAL (0&M) FUND									
PROJECT BOND FUND		\$	-	\$	-	\$	-	\$ -	
INTEREST INCOME		\$	499,599.81	\$	440,000.00			\$ 100,000.00	
TOTAL REVENUES		\$	499,599.81	\$	440,000.00	\$	-	\$ 100,000.00	
TOTAL REVENUE & FUND BALANCE		\$	34,322,781.02	\$	34,263,181.21	\$	-	\$ 25,917,483.14	
EXPENDITURES									
CAPITAL CONSTRUCTION		\$	6,911,778.86	\$	8,397,601.00	\$	-	\$ 20,000,000.00	
ENGINEERING/PLANNING	\$ -	\$	1,448,595.12	\$	1,500,000.00		-	\$ 2,000,000.00	
PROJECT MANAGEMENT		\$	99,669.74		99,670.00		-	\$ 250,000.00	
DEVELOPER REIMBURSEMENTS		\$	-	\$	-	\$	-		
CONSTRUCTION MISC		\$	13,366.60	\$	14,000.00	\$	-	\$ 1,000,000.00	
BANK FEES		\$	31,887.56	\$	22,971.00	\$	-	\$ 20,000.00	
TOTAL EXPENDITURES	\$ -	\$	8,505,297.88		10,034,242.00	-	-	\$ 23,270,000.00	
OTHER FINANCING SOURCES									
TRANSFER IN: DEBT SERVICE FUND D2	\$ 33,823,181.21							\$ -	
CAPITAL FUND: ENDING BALANCE	\$ 33,823,181.21	\$	25,817,483.14	\$	24,228,939.21	\$	-	\$ 2,647,483.14	





BRADLEY HEIGHTS METROPOLITAN DISTRICT NO. 3 RESOLUTION TO AMEND 2022 BUDGET

WHEREAS, the Board of Directors of Bradley Heights Metropolitan District No. 3 (the "**District**") certifies that at a regular meeting of the Board of Directors of the District held August 8, 2023 a public hearing was held regarding the 2022 amended budget, and, subsequent thereto, the following Resolution was adopted by affirmative vote of a majority of the Board of Directors:

WHEREAS, the Board of Directors of the District adopted a budget and appropriated funds for fiscal year 2022 as follows:

Debt Service Fund \$242

\$334

and;

WHEREAS, the necessity has arisen for additional expenditures by the District due to additional costs which could not have been reasonably anticipated at the time of adoption of the budget, requiring the expenditure of funds in excess of those appropriated for fiscal year 2022; and

WHEREAS, funds are available for such expenditure.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the District does hereby amend the adopted budget for fiscal year 2022 as follows:

Debt Service Fund

BE IT FURTHER RESOLVED, that such sums are hereby appropriated from the revenues of the District to the funds named above for the purpose stated, and that any ending fund balances shall be reserved for purposes of complying with Article X, Section 20 of the Colorado Constitution.

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ADOPTED AUGUST 8TH, 2023.

DISTRICT:

BRADLEY HEIGHTS METROPOLITAN DISTRICT NO. 3, a quasi-municipal corporation and political subdivision of the State of Colorado

By:

Officer of the District

Attest:

By: _____

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON Attorneys at Law

General Counsel to the District

STATE OF COLORADO COUNTY OF EL PASO BRADLEY HEIGHTS METROPOLITAN DISTRICT NO. 3

I hereby certify that the foregoing resolution constitutes a true and correct copy of the record of proceedings of the Board adopted at a meeting held at 119 N Wahsatch Ave., Colorado Springs, CO and via Teleconference, as recorded in the official record of the proceedings of the District.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 8th day of August, 2022.

BRADLEY HEIGHTS METROPOLITAN DISTRICT NO. 3 2023 BUDGET GENERAL FUND

		2021 Actual		2022 AMENDED	2022 BUDGET	2023 BUDGET
GENERAL FUND	\$	-	\$	66.84	\$ -	-
REVENUES						
PROPERTY TAXES	\$	153.50	\$	77.00	\$ 75.60	249.00
SPECIFIC OWNERSHIP TAXES	\$	18.00	\$	7.87	\$ 5.29	17.43
DELINQUENT INTEREST	\$	0.23	\$	0.08		
TRANSFER FROM DISTRICT 1	\$	1,426.42	\$	-		
TOTAL REVENUES	\$	1,598.15	\$	84.95	\$ 80.89	\$ 266.43
EXPENDITURES INSURANCE COUNTY TREASURES COLLECTION FEE	\$ \$	1,529.00 2.31	\$ \$	(250.00) 1.13	1.13	3.74
TOTAL EXPENDITURES	\$	1,531.31	\$	(248.87)	\$ 1.13	\$ 3.74
TRANSFER TO DISTRICT 1 GENERAL FUND			\$	81.11	\$ 79.76	262.70
GENERAL FUND: ENDING BALANCE	\$	66.84	\$	319.55	\$ -	\$ -
EMERGENCY RESERVE: State Required at 3%	\$	45.94	\$	(7.47)	\$ 0.03	0.11
ASSESSED VALUATION MILL LEVY - 0&M		15340.00 10.000		7560.00 10.000	7560.00 10.000	24,900.00 10.000

BRADLEY HEIGHTS METROPOLITAN DISTRICT NO. 3 2023 BUDGET DEBT SERVICE FUND

		2021		2022		2022	2023
		ACTUAL	AN	IENDED/ ACTUAL		BUDGET	BUDGET
DEBT SERVICE BEGINNING BALANCE	\$	-	\$	-	\$	-	\$ -
REVENUES							
D2- PROPERTY TAXES	\$	460.50	\$	226.80		226.80	747.00
D2- SPECIFIC OWNERSHIP TAXES	\$	54.04	\$	23.56	\$	15.88	\$ 52.29
D2- DELINQUENT TAX AND INTEREST							
D2- IMPACT FEES	\$	-	<u>\$</u>		<u>\$</u>	-	\$ -
TOTAL REVENUES	\$	514.54	\$	250.36	\$	242.68	\$ 799.29
EXPENDITURES							
CO TREASURER'S FEE	\$	6.91	\$	3.00	\$	3.40	\$ 11.21
INTERGOVERNMENTAL	\$	-	\$	331.00	\$	-	\$ -
MISCELLANEOUS	\$	-	\$	-	\$	-	\$ -
TOTAL EXPENDITURES	\$	6.91	\$	334.00	\$	3.40	\$ 11.21
TRANSFER TO DISTRICT 2 DEBT SERVICE FUND FU	. \$	507.63	\$	(83.64)	\$	239.27	\$ 788.09
ENDING FUND BALANCE	\$	-	\$	-	\$	-	\$ -
ASSESSED VALUATION	\$	15,340.00	\$	7,560.00	\$	7,560.00	24,900.00
MILL LEVY - 0&M		10.000		10.000		10.000	10.000
MILL LEVY - DEBT		30.000		30.000		30.000	30.000
		40.000		40.000		40.000	40.000

