

# Abbe Springs Ranches HOA

## Annual Meeting Membership Minutes

*March 1, 2008*

The annual membership meeting of the Abbe Springs Ranches Home Owners' Association (HOA) was held at the High Country Lodge in Magdalena, NM, on Saturday, March 1, 2008, at 11 am.

The meeting was called to order by President Marshall Adams. Also present was Treasurer and Secretary Kat Brown.

The president announced thanks to volunteers who helped proctor votes over the past year: Michelle Vallentine, Gwen Clark & Sean McNatt. He also acknowledged the volunteer time given by all HOA board members.

All members present introduced themselves which, including the officers, comprised 21 owners representing 31 lots. This number constituted a quorum.

### **Financial reports**

The following financial information was presented by the treasurer/secretary:

- a. *The 2007 Income & Expense Report & Balance Sheet (accrual basis) were presented and unanimously approved by the membership.*
- b. *The 2008 Budget was presented and unanimously approved by the membership. Members questioned the miscellaneous line item, which was explained as having been increased in anticipation of court costs.*

### **Dues**

The treasurer/secretary announced that officers reviewed the dues assessment for 2008 and agreed that it remain unchanged at \$150 per lot.

### **Meeting minutes**

Prior to the meeting the membership had received via mail the minutes from the annual membership meeting held on March 3, 2007. A reading of the minutes was waived and the membership unanimously accepted them into the official records.

### **Changes to HOA Documents**

By-Laws changes: Volunteer proctors announced that the proposed revisions to the By-Laws were approved unanimously by a vote of 34-0. Members received the By-Laws revisions, attached to the end of these minutes, in the annual meeting mailing.

Articles of Incorporation changes: The president announced that the board had completed amending the Articles that include extensive revisions, among them: streamlining the document; changing the number of the board to include up to five members; and, eliminating references to the developer.

Both the By-Laws and Articles of Incorporation are required to be filed with the state so they will be forwarded to the HOA attorney to accomplish this. Once approved by the state, both revised versions will be posted on the website. The treasurer/secretary also announced that she will

forward via email the approved documents to all members for whom the HOA has an email address.

## **Old Business**

2007 board review: The president passed out a spreadsheet providing a list of all the board activities and actions for the year.

For sale signs: The president announced that the HOA's attorney advised the board that the sign ordinance approved by owners at a prior meeting is not legal. Therefore, a revised ordinance will be submitted for members to vote on prior to the next annual meeting.

Lien status: The president announced that the board approved a five-step process, recommended by the HOA attorney, to deal with members in arrears on their annual dues. A lengthy discussion ensued about the matter, and many questions were asked. Among the suggestions from members were: waiving the finance fees as an incentive to pay; preparing a contractual agreement for payment; and, offering a payment plan. The treasurer/secretary stated that the board previously had agreed to payment plans from a few members who requested it.

The president explained the process, with the final step being foreclosure, and stressed that the board intends to take all steps possible to avoid the final step. The president asked for, and received, an unofficial vote of confidence from the members in support of the plan.

Road maintenance review: The president distributed a spreadsheet listing the total costs of road work in each section since the owners took control of the HOA and responsibility for all road expenses. The members discussed a major washout area in the arroyo crossing Forest Road 123 leading north from Section 17 to Section 5; the president is in ongoing discussions with the county and Forest Service regarding how best to correct that damaged section.

C&R Committee: The president acknowledged excellent work on the part of volunteer Michelle Vallentine, who served as the chair of the C&R Committee. He also announced that due to a lack of participation by other members who had volunteered for the committee that the board had agreed to disband it. Instead, with the expansion of the board in 2008 the board planned to appoint one member to oversee the process of rewriting the C&Rs. Among the issues that need resolution are: eliminating inconsistencies with other HOA documents; removing the developers from the C&Rs; and, defining undue financial hardship relative to requests for waiving certain regulations.

Phone service: The president announced that the board continues to seek phone options for Abbe Springs. He said he received a quote of \$1 million from the local phone provider as an estimate to run lines from Pinon Springs to all of Abbe Springs. The board decided against any follow-up to this quote. As an alternative, the president has been in touch with government officials about cell phone service that may be located in nearby Alamo and, if so, it should serve Abbe Springs residents. He said he has had good dialog with Congressman Pierce's office about this and hopes it will come to fruition.

## **New Business**

Membership contacts: The president stressed that members need to keep the board apprised of changes to their contact information.

Members discussed the option of using email only for notices that are normally mailed to all. After a brief discussion, it was agreed that the board should evaluate this system with the next scheduled mailing. The process will include emailed notices to all members who have provided

addresses and this would constitute a legal notice as long as a reply is requested and received. If no reply is provided that would serve as evidence of notice, then those members must receive the notice by mail along with all other members who have not provided email addresses.

Cattle grazing permit process: The treasurer/secretary announced that a 10-year grazing permit, to be issued for public lands surrounding the private land in Abbe Springs, is up for renewal. Notice of this was mailed to all members in January 2008 because the Magdalena Ranger District was seeking public comment as part of the renewal process. Since New Mexico is a "fence out" state, this means the only way Abbe Springs owners can keep cattle off the land is to erect fences. Members noted that the checkerboard arrangement of the private and public lands in Abbe Springs makes it more difficult to control where the cattle graze. A sample letter was posted on the website for owners to use if they wanted to register a protest or add their names to the contact list. The treasurer also asked members to sign up if they wanted their contact info forwarded to the Ranger District; no members signed up.

Plains of Augustine well/water project: The treasurer/secretary announced that members should be aware of a proposal by an Italian firm to drill 37 wells approximately 2,000 feet deep within the exterior boundaries of Catron County, Socorro County and Augustin Plains Ranch. The consensus among many who oppose the proposal is that the wells would lower the level of water in the aquifer to such an extent the shallower local wells would run dry.

At the time of the approval of these minutes, a protest hearing on the matter had not yet been scheduled at the state engineer's office.

General announcements:

- a. The president noted that members should visit the website for updates on road conditions and other useful information.
- b. The president asked for volunteers to assist the board.

**Ballot Results**

Board of Directors election: Volunteer proctors announced that Susan Clair and Nancy Crowley were elected to the board and will serve three-year terms.

**Adjournment**

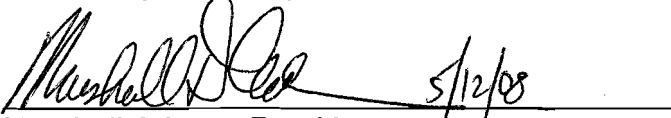
A motion was made and seconded to adjourn the meeting. The motion carried and the meeting was adjourned at 12:40 pm.

DATED: May 5, 2008

Minutes presented by:

  
Kat Brown, Treasurer & Secretary

Minutes approved by:

  
Marshall Adams, President

# Changes to the Abbe Springs Ranches By-Laws approved at the March 1, 2008 annual meeting

## Article II. Office

The principal office for the transaction of business of the Association is an address as designated by the Secretary of the Association.

## Article V. Directors

### Section 2. Number and Qualification of Directors

- A. The number of Directors of this Corporation shall be as stated in the Articles of Incorporation.

### Section 7. Presiding Officers

- D. The Secretary shall keep, or cause to be kept, at the Principal Office, an Association register showing the following: (1) the names, addresses, telephone number and email of the Directors; (2) the names, addresses, telephone number and email of the Members; (3) the property to which each Member relates; (4) the number of votes represented by each Member; (5) the dates associated with a change in title of any property.

The Secretary shall give, or cause to be given, notice of all meetings of the Members and the BOD required by these By-laws, or by law to be given, and shall keep the seal of the Association in safe custody, and shall have such other powers and perform such other duties as may be prescribed by the BOD or by these By-Laws.

- E. The Treasurer shall keep and maintain, or cause to be kept and maintained, adequate and correct accounts of the properties and business transactions of the Association. The books of account shall, at all reasonable time, be opened to inspection by any Director or Member.

The Treasurer shall deposit all monies and other valuables in the name and to the credit of the Association with such depositories as may be designated by the BOD. The Treasurer shall disburse the funds of the Association as may be ordered by the BOD; shall render to the BOD an account of all transactions as Treasurer and the financial condition of the Association as requested by the BOD but not less than two (2) times per calendar year; and shall have such other powers and perform such other duties as may be prescribed by the BOD or these By-Laws.