

Abbe Springs Ranches HOA

2009 Annual Meeting Membership Minutes

March 7, 2009

The 2009 annual membership meeting of the Abbe Springs Ranches Homeowners' Association (HOA) was held at the NM Tech Library, Room 212, 801 Leroy Place, Socorro, New Mexico, on Saturday, March 7, 2009, at 12:30 pm.

The meeting was called to order by President Marshall Adams. Also present were Vice President Susan Clair, Secretary Nancy Crowley, and Treasurer Kat Brown.

All members present introduced themselves which, including the officers, comprised 24 owners representing 34 lots. This number constituted a quorum.

The president discussed that this was the first time the meeting was paperless. The information for the meeting was displayed via an overhead projector and a computer.

Treasurer's reports

1. Financial Reports

- a. These reports showed the income and expenses for 2004 through 2008, the Balance Sheet Comparison, the 2008 Actual vs Budgeted activity and the proposed 2009 budget.
- b. The HOA operates on an accrual basis, which means that items like dues are shown as income even if they have not been received yet and expenses even if they have not been paid. The HOA gets interest from CDs and money market accounts. The road maintenance amount was lower this year than in previous years because there was little rain. There is \$5,000 budgeted each year for road capital improvements and \$30,000 is kept as a contingency fund. The HOA maintains approximately 13.7 miles of road.
- c. The 2008 financial reports and 2009 budget were presented and unanimously approved by the membership.

2. Outstanding Receivables

- a. As of 4 March 2009, \$8474 had been received with approximately \$3800 received after that date.

Dues

The president announced that the board had reviewed the dues assessment for 2009 and recommends that it remain unchanged at \$150 per lot.

Meeting minutes

Prior to the meeting the membership had received the minutes from the annual membership meeting held on March 1, 2008. A reading of the minutes was waived and the membership unanimously accepted them into the official records.

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3/12/09

To Do List

The President went over the list of items that the board members have been working on in the previous year.

1. Forest Road 123 Issues. The President is working with Socorro County to make improvements to Forest Road 123. The President has asked for a culvert and a new base for some of the road but there has been no progress to date. Currently, Forest Road 123 is bladed 3-4 times per year by the county.
2. Hardship definition. The board completed a document that defines what constitutes a hardship.
3. Paperless communication. The board has been working to reduce the amount of paperwork sent to members and used in meetings. This year, emails were sent to all those who had email addresses in their records for the annual meeting information and the annual dues assessment. The emails asked for a return email to make sure the emails were received. If a return email was not received, the information was sent via US mail. Emails save the HOA considerable money in printing and mailing costs. The membership was asked to give new or updated email information to the Treasurer.
4. Phone service. There has been no progress in putting a cell phone tower at the Alamo Reservation. Steve Pierce's office was close, but nothing has been done since he lost the election. Verizon has discussed a possible cell tower in Magdalena but that would not help many of the Abbe members.
5. Voting. The board will make sure that all members are contacted for any vote.
6. Lien Status. The HOA attorney had suggested that the HOA would be better served by using a summary judgment for those who are in arrears, rather than a lien. A summary judgment is more expensive initially, but the judgment is in effect for 13 years and the HOA would be paid when the property is sold. A lien is valid for less time but requires foreclosure action if it is not released. A summary judgment was placed on three property owners. One has paid the amount due, one has acknowledged the judgment, and the third is in dispute. It is not the intent of the board or the HOA to foreclose on anyone.
7. Road maintenance. The blading cost \$3274 this year, which is very low compared to previous years. The HOA has spent over \$40,000 on the roads to date. It is important that the lot owners inspect their culverts and notify the President if any of them are not free flowing. One property owner said the last blading was not done very well. Another property owner complained about a mound of dirt that was left in front of his driveway.

Covenants and Restrictions (C&R) Ballot

The C&Rs were inherited by the HOA from the developer. The C&R documents need to be brought up to date and made consistent with the other HOA documents. For example, references to Southwest Properties need to change to Abbe Springs Ranches HOA. Unfortunately, changes to the C&Rs require 97 votes (75 percent) to make a change. The Board passed out a ballot and will be sending out a ballot that allows changes to the C&Rs if 60 percent of the lots that vote approve the change. The 60 percent is higher than the 50 percent required for the other HOA documentation because the Board felt that the C&Rs were a more sensitive document. There are no issues with the C&Rs right now except for the improper language and changing language that is unenforceable. It is critical that the Board gets the votes needed on the C&R ballot.

Cattle Grazing Permit

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The Abbe Springs grazing allotment is up for re-lease. Last year, the Secretary sent a letter to the Forest Service requesting that the checkerboard area consisting of public and private land be excluded from the grazing lands that are leased because the animals would have to cross private land to get to the public land. New Mexico is a fence-out state, so unless you fence out cattle, you cannot do anything about cattle that wander onto your land. However, the cattle cannot be driven across posted private land. The Forest Service is still doing the environmental assessment and will contact the Secretary when the draft document is out for comment.

Wells of San Agustin

The following summary of this issue was presented by the Secretary:

1. A permit request was filed 10/12/2007 by San Augustin Ranch, LLC, to dig wells that would pump 54,000 acre feet of water (17 billion gallons) every year and send it though a pipeline to the Rio Grande. This water would come from 37 wells within the boundaries of Catron County and Socorro County. This amount of water would impact all of the wells in the area, and possibly the wells at Abbe Springs. The water would be sold to meet the Rio Grande Compact, which is an agreement to supply Texas with a certain amount of water. The wells would be located on both sides of highway 60.
2. San Augustin Ranch is owned by a foreign investor speculating in water.
3. Aug 2008 – amended the request to dig deeper wells and to dig wells over a wider area. The wells were at 2000 feet and now are at 3000 feet. They did this because NM only regulates wells up to 2500 feet deep. The amendment opened up the protest period again. Therefore, Abbe Springs Range joined the lawsuit by signing a retainer agreement with the New Mexico Environmental Law Center Aug 2008. The New Mexico Environmental Law Center is a non-profit that is assisting organizations and people fighting the wells. The Secretary sent a list of all the wells that were dug in Abbe Springs.
4. Sep 2008. A test well was dug near Datil.
5. Latest – the legislature is supposed to be considering a bill that would allow the state engineer to regulate all wells – no matter what the depth.

This issue is a critical one for the HOA because if the wells are dug, all of the private wells in Abbe Springs could go dry.

Web Site Password Update

Because there have been a number of changes in lot owners, the password for the members only portion of the web site was changed to solar dreams.

General Announcements

The current board consists of 4 members with one position vacant. No one volunteered to run for the vacant seat. The HOA is incorporated in New Mexico and requires a three person minimum board. We do not want to have to an outside management company to run the board. It is critical that we get volunteers for next year's board.

The President was commended for all the time he has spent on the care of the roads.

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3/2/09

Ballot Results

The three volunteer proctors were Donald Honeycutt, Gayle Honeycutt and Melinda Bender.

The volunteer proctors announced that Kat Brown was voted back on the board by a vote of 45-0. The 45 yes votes represented 34 lot owners.


The volunteer proctors also announced that the For Sale Sign ballot was proved by a 43-5 vote of the membership. The 43 yes votes represented 32 lot owners. The 5 no votes represented 4 lot owners.

Adjournment

A motion was made and seconded to adjourn the meeting. The motion carried and the meeting was adjourned at 2:15 pm.


DATED: March 10, 2009

Minutes presented by:




Nancy Crowley, Secretary


Minutes approved by:



Marshall Adams, President



Susan Clair, Vice President



Kat Brown, Treasurer