

**SolyLomas Board Meeting
April 2, 2014, 1:30 p.m.
Lynn Day's Home**

Board Members Present: Joseph Kraus, President; Judy Montano, Treasurer; Jackie Dulle, Secretary; Casey Clendenin, Lynn Day and Susan Orth.

President Joseph Kraus called the meeting to order.

Treasurer's Report

Judy reported she had visited the PRC office in the Secretary of State Building and brought the SolyLomas papers up to date reflecting the recent changes in officers. She made arrangements for the automatic payment of the annual fee from the HOA bank account. She stated the registered agent is listed as Jon Indall. It was decided that Joseph Kraus should be listed, and he signed the appropriate forms supplied by Judy. Additionally Judy reported she had paid a bill related to the HOA web site as well as the latest bill from attorney, Melanie MacGilivray. The current balance in the HOA bank account is \$5,765.49

Minutes of March 26, 2014 Meeting

Judy suggested in Section 7.4 Special Assessment, the words "a special" replace the word "the" in the last sentence to read: "...of members who vote at a special meeting, by absentee ballot or by proxy." Susan suggested the sentence "Joseph concurred." be struck from the end of the second paragraph under Comments on the issues. With these changes, Casey moved the minutes of the March 26 meeting be approved and Susan seconded the motion, which passed.

Clarification on Minutes of March 20, 2014 Meeting

Under Other Business, Casey wanted to clarify that she is responsible for the data base and Susan will be responsible for the Web postings. Jackie will supply the minutes to the Board members via e-mail and Susan will see that they are posted. Susan suggested that the fact the minutes are posted on the HOA Web site should be written into the covenants.

Meeting with Douglas Maahs

Casey gave a brief report on the meeting with Douglas on March 28, stating it was very helpful. She came away with the current files for the HOA, as well as the aged files from the beginnings of the HOA. She intends to find a safe place for the old files for historical reasons. Douglas turned over a flash drive with all the HOA data.

Comments on Issues

Joseph reported he had talked with John Gibbs who is 110% supportive of the HOA State law and covenants. Joseph is interested in getting the covenants aligned so an affirmative vote for the revised covenants can be obtained from the community members. Casey stated she believes it is a matter of educating the home owners about the covenants and their benefit prior to the next vote. Susan requested the voting record of HOA members. During discussion it was reported the By-Laws state all records of the HOA are open to everyone, and therefore available to the Board members. However, the caution was given to be sensitive in handling this information.

Review of the Covenants

7.3 Annual Dues (changed from Dues at last meeting)

The words "An annual assessment.." changed to "**Annual dues** to cover the common expenses, and reserves, as set forth in the budget, may be made by the Board. The **dues** shall be allocated in equal shares among the Lots. The owner of each Lot, shall be assessed for the share allocated to his or her Lot. **The last two sentences of the paragraph are struck: If any common expense is caused by the misconduct or negligence of an owner, the Association may allocate that expense exclusively to or against his or her Lot. The Board shall notify each owner in writing of the amount of his or her annual assessment and the time at which it will be due and payable.**

7.4 Special Assessment

Noting that in her memory the HOA has never made a special assessment, and probably would not, **Casey moved that the entire paragraph be struck from the covenants. The motion was seconded by Judy and passed.**

7.5 Payment of Dues (changed from Assessment)

First sentence under 7.8 is modified and moved here: **By acceptance of a deed or execution of a real estate contract for the purchase of a Lot, each owner hereby covenants and agrees to pay to the Association the annual dues allocated to his or her Lot, provided that no owner shall be required to pay more than twenty-five percent (25%) of such share in each quarter of the fiscal year. (Delete: Each owner shall pay the annual assessment allocated to his or her Lot at the time specified by the Board) (Delete: Each owner shall pay any special assessment allocated to his or her Lot at the time specified by the Board.)** No owner shall be exempt from liability for payment of dues by abandonment of his or her Lot. **(Delete: Any past due assessment or installment thereof shall bear interest at the rate established from time to time by the Board not in excess of the maximum rate permitted by law.)** Jackie suggested the following sentence be added: **If a homeowner is unable to pay the annual dues because of lack of funds, an appeal may be made directly to the Board.**

There was discussion on when the HOA dues were payable, perhaps as early as December 1. In the end it was decided to keep the payment due at the beginning of each new calendar year.

7.6 Nonpayment of Annual Dues (changed from Assessments)

Taking note of suggested changes submitted by Kim Udall and Board members, the paragraph reads: In the event of nonpayment of **annual dues** permitted under these Amended Building Restrictions by a Lot owner, the Association will send notice, by certified mail, that **the owner's payment is delinquent and that the payment thereof may be enforced pursuant to the New Mexico Homeowner Association Act, which may result in a lien being placed on the property. The rest of the paragraph as previously written is struck.**

In wanting to be serve the community as a transparent Board, it was stated the last clause in the above paragraph of Section 7.6 had to be stated.

Section 7.7 Effect of Failure to Prepare Budget or Assessment

Was considered OK at the meeting. (Secretary believes it needs a second look.)

Section 7.8 Agreement to Pay Assessment

The first sentence was modified and moved to Section 7.5. The remainder of the paragraph is struck from the covenants.

Section 7.9 Rights of First Mortgagees

The entire section was struck from the covenants.

Section 5.5 Animals

Susan made the comment, after checking with realtors in different States, that up to six hens should be allowed in view of the current desire to eat healthy.

Next Meeting

At the next meeting to be held on Wednesday, April 9 at 1:30 p.m. at Lynn's home, Article VIII Miscellaneous will be discussed.

Adjournment

Meeting adjourned at 2:45 p.m.

Submitted by Jackie Dulle, Secretary