

BALLOT FOR VOTE ON AMMENDED AND RESTATED BYLAWS
OF THE
SIERRA LOS PINOS PROPERTY OWNERS' ASSOCIATION

Article I – Name and Location

Change: The address of the corporation shall be 950 Forest Rd 10, Jemez Springs, NM 87025

Reason: The Bylaws on file show the original address of PO Box 674, Los Alamos, New Mexico 87544. The Board of Directors at a meeting on February 15, 2001, voted to change the address on the Bylaws to the current address, but the Board of Directors does not have the authority to officially change any part of the Bylaws without a vote of the general membership.

VOTE: FOR AGAINST

Bylaw Changes Related to Excessive Water Usage

Article X – Assessments, Section 1. Creation of Personal Obligation of Assessments

Add: (c) Monthly assessments when billed for excessive consumption of the Association's water.

Article X – Renumber current Sections 5, 6, 7, and 8 and insert new Section 5.

Article X – Old Section 5, Change to Section 6 and update title to "Notice and Quorum for any Action Authorized Under Sections 3, 4, and 5"

Article X – Old Section 6, Change to Section 7 – Assessments, update first line to read "Annual, special, and monthly assessments shall be fixed at a uniform rate ..."

Add new Section 5: Excessive Water Consumption Assessments

- (a) The monthly assessment rate shall be
 1. Zero for usage less than 7,000 gallons in one month
 2. For usage between 7,000 and 11,000 gallons in a month, the Board will set a rate based on the previous 12 months cost per gallon to provide water. Rate will consider electricity costs, pump replacement cost history, chemicals, and any other costs that vary with the amount of water pumped.
 3. For usage greater than 11,000 gallons in one month, the rate will be ten times the rate computed in No. 2 above.
- (b) Billing for excessive usage shall be monthly for any usage greater than 7,000 gallons. A billing handling charge will be added to all bills.
- (c) Unpaid water charges for excessive use become a lien on the property and the Association has the right to foreclose the lien or seek personal judgement against the property owner for the amounts owed. (added per Brad Hays)

Reason: See Attached Justification provided by the Water Committee

VOTE: FOR AGAINST

Article X – Assessments, Section 3 – Annual Assessment

Change: Remove any reference to setting of the “base” annual assessment. Remove beginning with the second sentence: “The base annual assessment shall be established by the Board of Directors at such time as sufficient experience shall have been obtained to justify such establishment. The base annual assessment established by the Board of Directors shall be subject to countermand by a majority of members present at a regular or special meeting of members, but if not so countermanded by the time of adjournment of the first annual meeting of members after establishment thereof by the Board then that established by the Board shall be deemed to be the established base annual assessment.”

New Section 3, (a) “The annual assessment and, if necessary subsequent interim annual assessments for members owning lots within Sierra los Pinos Subdivision shall be set by the Board of Directors

New Section 3, (b) Regular annual assessments shall be determined by the Board of Directors and may not be increased more than 10 percent (10%) above the annual assessment rate for the previous year, except as provided in Subsection (c) below. Such annual assessments shall be based on a calendar-year operation.

Reason: To remove references to setting the “base” annual assessment. The “base” was set more than 40 years ago and any reference is no longer valid.

VOTE: FOR AGAINST

Article X – Assessments, Section 8 – Effect of Nonpayment of Assessments: Remedies of the Association

Change the first paragraph to read: “Any assessment not paid within thirty (30) days after the due date shall bear interest from the due date at 1.5% per month (18% per annum) with a minimum interest charge of \$5.00 per month, compounded monthly, to accounts considered to be “past due.” Assessments shall be considered “past due” 30 days from the original due date. Further legal action will begin six (6) months after the due date. If assessments due from any lot owner become past due, the Association may invoke remedies as enumerated in (a) through (e) below:”

Reason: The Bylaws are currently written in such a way that it causes confusion in the interpretation, which has resulted in several boards seeking legal interpretation or mis-interpretation by previous boards, allowing a three-month grace period before the account becomes past due and then charging interest retroactive three months. The current Bylaws read “Assessments shall be considered “past due” three (3) months from the original due date.” This also creates interest calculation error by the management companies and anyone else handling the billing for the Association.

VOTE: FOR AGAINST

Article X, Section 9 – Water Lawsuit Assessment

Change: Remove this section in it's entirety. The water lawsuit ended many years ago and this section is no longer valid or necessary.

VOTE: FOR AGAINST

Article XIII – Lots, Section 1. Definition of a Lot

(c) Lots are for single family residences only, except those owned by Sierra los Pinos and designated as parks, well sites, and possible future well sites. and may not be subdivided. Lot 16, Unit 2, has been divided for a public service department with the approval of the Board of Directors. The divided lots are designated as lots 16A and 16B, Unit 2. Lot 16B is under the control of the La Cueva Volunteer Fire Department. Except as specifically otherwise provided in these bylaws, Lot 16B would be subject to the Association's bylaws and covenants for Unit 2.

Section 3. Assessment of Lots

Each lot except 16B, Unit 2, as defined herein, and those lots designated as parks and well sites, are subject to being assessed as provided in these bylaws. No combination of lots, except as allowed in the definition of "lot" in Section I above, shall be effective to prevent or limit the assessment of a lot as provided in these Bylaws.

Reason: When Lot 16, Unit 2 was split, and error was made at Sandoval County designating lot 16B as 16A. After failed attempts over the years to correct the records with Sandoval County, the decision was made to correct the designation in the Association Bylaws.

VOTE: FOR AGAINST

ARTICLE XIII – ATTORNEY FEES AND COSTS

A court may award attorney fees and costs to the Association should they prevail in a civil action between a lot owner(s) and the association.

Reason – The current Bylaws have no provision for recuperating costs should they prevail in a civil action between a lot owner(s) and the association.

VOTE: FOR AGAINST