

Sierra los Pinos Property Owners' Association

950 Forest Road 10
Jemez Springs, NM 87025

To: Members of Sierra los Pinos

From: Sierra los Pinos Board of Directors

Subject: Status of Lawsuit

Date: January 22, 2017

In court on December 12; Suzanne Star, Sabine Shurter, and Barbara Van Ruyckevelt disputed the Findings of Fact and Conclusions of Law filed with the Clerk of the Court resulting from the trial on February 3 and July 12, 2016. SLPPOA was represented by our lawyer, Brad Hays. Having heard testimony and argument from both parties, the Court adopted the Findings of Fact and Conclusions of Law from that trial. Specifically, the Court ordered and adjudged that:

1. Defendant may restrict the information provided to Association members to that information defined in the Homeowners Association Act as "financial and other records" or a reasonable policy based upon that definition.
2. The words Audit/Review/Compilation are interchangeable when defining terms within the Bylaws.
3. Defendant may, in the best interests of the Association, withhold disclosure of personal adverse financial information on delinquent accounts.
4. Plaintiffs cannot replace the process of setting and changing policy of the Association by the Board of Directors and the Annual Meeting with request for court intervention.
5. Plaintiffs' claims are not supported by substantial evidence and therefore denied with prejudice.
6. Each party shall bear their own attorney's fees.

Your Board of Directors would like to draw your attention particularly to items 4 & 5. Item 4 makes it clear that the plaintiffs' attempts to contravene Board and Association policy by using the court system are not acceptable. Item 5 makes it clear that the plaintiffs did not provide any substantial support for their claims and are barred from filing the same/similar case again.

While it is disappointing that item 6 did not allow SLPPOA to get reimbursed for attorney's fees, it was not unexpected in this case. The judge did award \$1,857 worth of costs against the Plaintiffs and to the Defendant. The plaintiffs objected to this judgment and have not as yet reimbursed SLPPOA for these costs.

Suzanne Star filed a Notice of Appeal on 12/30/16. Your Board of Directors is hopeful that this appeal will fail without any substantial additional legal costs for SLPPOA. This lawsuit, which the Board believes to be frivolous and malicious based on items 4 & 5 above, and contrary to the best interests of the SLP homeowners, has already cost SLPPOA over \$32,646.11 as of December 31, 2016 - over \$210 per member.