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**BY-LAWS**  
**Mountain Meadows Property**  
**Owners Association**

**ARTICLE I**

Section 1  
Association Name

The association name is *Mountain Meadows Property Owners Association*, whose address is 3008 Thunder Road, Alamogordo, New Mexico 88310.

Section 2  
Object and Purpose

The object and purpose of the Association, shall be:

- a) To deliver water to its members, to establish and implement procedures for fair and equitable utilization of the water supplies. To set charges for the use of the system and to maintain the proposed water system.
- b) To properly maintain road for ingress and egress in *Mountain Meadows* by grading, graveling and by the removal of snow when necessary.
- c) Rigid enforcement of the *Mountain Meadows* restrictive covenants.
- d) Any other required community services within *Mountain Meadows* as determined by the Board of Directors.

**ARTICLE II**

Fiscal Year

The fiscal year of the *Mountain Meadows Property Owners Association* shall be based on a calendar year.

**ARTICLE III**

**Section 1  
Membership**

The owner of property in *Mountain Meadows* automatically becomes a member of the Association and membership in the Association is restricted to property owners. A tract owner is a member with or without a water connection and is entitled to One (1) vote on Association business.

**Section 2  
Voting**

Each property owner shall be entitled to one (1) vote only. Voting by proxy is not permitted, however, voting by mail is permitted as provided in Section 3 of Article III.

**Section 3  
Absentee Voting**

At any time a schedule of issues is to be presented for action at a meeting of the property owners, the Secretary shall send to each homeowner a copy of the proposed schedule along with the notice of the meeting in accordance with Section 3 of Article IV. Any property owner not voting in person at such meeting may cast his vote on all issues in the schedule by mailing his ballot to the Secretary in such time that it is received not later than the time of the holding of the meeting as specified in the notice thereof. All such ballot votes so received will be counted in the same manner and to the same effect as votes cast in person by those property owners in attendance at the meeting. In no event will the votes cast by mail be counted in determining a quorum as set forth in Section 4 of Article IV.

**ARTICLE IV**

**Section 1  
Annual Meetings**

The annual meeting of the *Mountain Meadows Property Owners Association* shall be held in the County of Otero, State of New Mexico during the month of July

each year. The specific time and place of each meeting will be announced at least fifteen (15) days in advance by the Board and included in the meeting notice.

Section 2  
Special Meetings

Special meetings of the Association May be called at any time by the President, upon resolution of the Board of Directors or upon written petition to the President by forty (40) percent of the property owners. The purpose of every special meeting shall be stated in the notice thereof and no business shall be transacted except that specified in the notice.

Section 3  
Meeting Notices

Notices of all meetings, both regular and special, must be mailed to each property owner of record, directed to the address shown upon the books of the Association, at least fifteen (15) days prior to the meeting. Such notice shall state the nature, time, place and purpose of the meeting.

Section 4  
Quorum

Forty (40) percent of the property owners in the subdivision shall constitute a quorum at any meeting of the Association for the purpose of transacting business.

Section 5  
Order of Business

The order of business for all Association meetings shall be:

1. calling to order and proof of a quorum,
2. proof of notice of meeting,
3. reading and action upon minutes of previous Association meeting,
4. reports from Officers and Committees,
5. unfinished business
6. new business,
7. election of Directors,
8. adjournment

ARTICLE V

Section 1  
Function of the Board of Directors

The business and affairs of the Association shall be managed by a board of three (3) directors. The functions of the Board shall include:

1. The selection and delegation of authority to officers necessary for the management of the Association business.
2. The determination of policies for guidance of the Association management.
3. The control of expenditures through the authorization of budgets.
4. Keeping members fully informed of the business of the Association.
5. Causing audits to be made when necessary.
6. Considering the membership requirements and promoting good membership regulations, in accordance with the restrictive covenants and as allowed by law.
7. Establishing water and road maintenance charges and the levying of assessments and the enforcement and collection thereof, in accordance with the provisions of these by-laws and the State of New Mexico.

Section 2  
Elections and Terms of Directors

At the first annual meeting, three (3) directors shall be elected for twelve (12) month terms. Subsequent terms will all be twelve (12) months.

Section 3  
Election of Officers

The Board of Directors shall meet as soon as possible after election and shall elect from among themselves a President, Vice President/Treasurer and Secretary, each of whom shall hold office until the election of his successor unless sooner removed by death, resignation or for cause.

Section 4  
Board Meetings

The Board of Directors shall meet bi-annually in July and January, or as often as necessary to carry out its duties.

Section 5  
Directors' Compensation

The members of the Board of Directors shall receive no compensation for their services as directors.

Section 6  
Fiduciary Responsibilities

All Directors and Officers of the Association, while prudently pursuing their assigned duties in all good faith are to be deemed "held harmless" as individuals, as far as the membership of the Association is concerned so as to eliminate the high cost of insurance.

Section 7  
Authority of the Board

The Board of Directors shall have the authority to act for the Association in any manner not prohibited by these by-laws and state laws.

Section 8  
Vacancies

If a vacancy occurs for any reason, the remaining Directors shall choose a successor to serve until the next annual Association meeting.

Section 9  
Removal of Directors or Officers

Any Director or Officer of the Association may be removed from office with or without cause, by a vote of not less than three-fifths (3/5) of the property owners present at any regular or special meeting, provided a majority of the property owners is present. The Director or Officer shall be informed of charges against him in writing at least ten (10) days prior to such meeting and shall have the right to defend his case at the meeting. Employees or agents other than Directors and Officers may be removed

from office or employment at any time at the discretion of the Board of Directors.

## SECTION VI

### Section 1 Duties of the President

The President shall preside over all meetings of the Association and of the Board of Directors, shall call special meetings of the Association and the Board of Directors and perform all acts and duties usually performed by the executive and presiding officer. He shall sign all notes, bonds, mortgages, contracts and other instruments on behalf of the Association. He shall be an ex-officio member of all standing committees and shall have such powers and shall perform such other duties as may be properly required of him by the Board of Directors.

### Section 2 Duties of the Vice President

The Vice President, in the absence or disability of the President, shall perform the duties of the president. However, in case of death or resignation of the President, a majority of the Board of Directors may declare the office vacant and elect his successor to fill the unexpired portion of the President's term.

### Section 3 Duties of the Secretary

The Secretary shall keep a complete record of all meetings of the Association and the Board of Directors, handle all Association correspondence, disseminate information and meeting notices to all Association members, and attest the President's signature on any Association paper as approved by the Board of Directors.

### Section 4 Duties of the Treasurer

The Treasurer shall have general charge and supervision of the financial books and records of the Association. He shall collect all assessments and monies due the Association and deposit same in the depository designated by the Board of Directors and shall disburse funds on proper order from the Board of Directors and shall make a report of the business transacted upon request. He shall attest the President's signature

on all Association papers as approved by the Board of Directors. He shall serve, mail or deliver all notices and reports required by law and these by-laws and shall make a complete annual financial report to the membership at the annual Association meeting. Upon election of his successor, the Treasurer shall turn over to him all records and property belonging to the Association that he may have in his possession.

Section 5  
Other Agents or Employees

The Board of Directors may appoint or contract for services of other agents or employees which may be necessary to operate, maintain, construct or repair those facilities for which the Association is responsible. Such agents may be compensated for the performance of their duties in an amount deemed fair and reasonable by the Board of Directors.

**ARTICLE VII**

Section 1  
Water Delivery

The Association assumes the responsibility of making water available to each tract located in *Mountain Meadows*. It shall be the responsibility of the Board of Directors to determine the cost of making the water available and establishing an annual fee for the water.

Section 2  
Water Connections

A connection to the private water system must have the approval of the Board of Directors and the payment of a standard connection fee, if any, set by the Board of Directors. Final approval of the connection must be obtained before back-filling. The connecting water line from the main line to the dwelling becomes the responsibility of the lot owner.

Section 3  
Water System Repairs

In the event of a break in the main water system, any board member may authorize the necessary repairs and the Association will be responsible for the cost.

However, it is recommended that at least one other board member be consulted if possible before proceeding. The lot owner shall be held responsible for any damage done to the main water line either by himself or anyone under his supervision, including employees, contractors or subcontractors.

Section 4  
Annual Charges

The Board of Directors shall establish a rate schedule to be charged all members for specific services provided by the Association. The rate schedule shall be revised as necessary to insure that sufficient income will be generated to cover all expenses for the coming year.

Section 5  
Contingency Assessment

If at any time within ninety (90) days prior to the end of the fiscal year, it appears in the judgment of the Board of Directors that the collection for services is insufficient to meet the incurred obligations, the Board is empowered to levy an equal assessment against each property owner in the Association in order to meet the year's operational expenses.

Section 6  
Delinquent Payment

The Board of Directors shall determine what constitutes a delinquent payment for services rendered and shall establish late payment penalties for same. The Association, through its Board of Directors, shall have the right to terminate the supply of water or other services after thirty (30) days written notice. The Board is also empowered to file liens against property in default and take any other legal action the Board may deem necessary in an effort to collect delinquent accounts.

Section 7  
Water Analysis Reports

*Mountain Meadows* may be declared a community water system by the Environmental Improvement Division of New Mexico. If so, the Association must submit water samples as required by law and the results of the analysis must be reported to the E.I.D. The Board of Directors will designate an individual to be responsible for collecting and delivering the water samples to an approved laboratory for testing.

