



July 19, 2022

**VIA EMAIL, CERTIFIED MAIL w/ RETURN RECEIPT,
and REGULAR U.S. MAIL**

Jessie Childers
25 Victoria Court
Pie Town NM 87827
jwchild007@hotmail.com

101 West Aztec Avenue
Suite A
Gallup, NM 87301
(505) 722-9121

920 Lobo Canyon Road
Suite 4
Grants, NM 87020
(505) 287-9776

www.rf-lawfirm.com

**Re: Cease and Desist Attempting to Act as Board of Directors for the
Wild Horse Ranch Landowners' Association, Inc.**

Dear Mr. Childers:

Our firm represents Wild Horse Ranch Landowners' Association, Inc. (the "Association") regarding issues relating to the Annual Meeting of the Members that was scheduled for July 5, 2024.

It is our understanding that the meeting was never held due to disruptive behavior from yourself and others. As a result of the chaotic scene, the meeting was never called to order, thus nothing was accomplished. Nonetheless, it is our understanding that you believe you have successfully removed the Board of Directors for the Association, appointing yourself and others as the "new" Board of Directors. As I will explain, this is not so.

As you should be aware, there is a process previously approved by the Board of Directors for removing a member of the Board, with or without cause, by a vote of the members. This process was adopted and published on the website for the Association in February, 2024. This process includes: 1) a petition signed by landowners of twenty (20) or more separate lots, requesting the removal of a director; 2) the petition must be presented to the Board of Directors; 3) the Board must have the issue placed on a ballot to be distributed to all landowners; 4) Thirty (30) days after the ballots are distributed, all returned ballots will be tallied by a committee of volunteers selected in a fair manner by the president; and, 5) the results will be presented at the next regular board meeting scheduled after the return deadline. An affirmative vote by the majority of the total number of votes of all members voting on the issue will result in immediate termination.

This process has not been followed. No petition has been signed by landowners. No petition has been presented to the Board of Directors. No petition or issue has been placed on a ballot and distributed to all landowners. There has not been a thirty (30) day time period for ballots to be returned. No tally has been taken. No results have been presented at a board meeting. Thus, no member of the Board of the Association has been removed.

Rosebrough, Fowles & Foutz, P.C.

Jessie Childers
July 19, 2024
Page 2 of 2

Additionally, even if you refuse to follow the process detailed by the Association, the Homeowner Association Act has detailed the requirements to remove a board member. This process requires that a vote of two-third's vote of all lot owners present and entitled to vote at a lot owner meeting in which a quorum is present. *See* NMSA 1978 §47-16-8.1. Additionally, a quorum is present if there is "the presence of members or proxies of members entitled to cast 20% of all votes."

This process was not followed either. There was no quorum present at the meeting held on July 5, 2024. And there was no vote taken or counted in that meeting to remove any members of the Board of Directors. As a result, no members of the Board of Directors have been removed.

In order for a director to be appointed, they must follow the procedure that was adopted by the Board of Directors in February, 2024, hereto attached as **Exhibit 1**. This procedure was not followed to elect new directors to the Board. Thus, you are not a director of the Board of Directors.

As a result, you have failed to remove any Director of the Board and failed to appoint new directors. Your attempts to circumvent the process are not only unacceptable but dishonest and unlawful. Our Client has had to incur legal expenses and other damages as a result of your actions. Thus, we intend to pursue any and all claims against you to recoup those damages. You must immediately cease and desist from attempting to act as a director of the Association. You must also immediately withdraw the false election certification filed with Catron County **withing five (5) business days** of your receipt of this letter.

Should you choose to continue attempting to act as a director, our Client will pursue all available legal recourse at their disposal. Should judicial proceedings become necessary, we will pursue all available causes of action, and associated/potential damages, along with reimbursement of all attorney fees incurred by our Client, as this demand is wholly due to your unlawful actions to circumvent and interfere with the proper process in removing and electing directors.

Please feel free to contact me directly to discuss this matter in more detail. I hope to hear from you or your attorney, very soon.

Sincerely,



McKade R. Loe

cc: File
Client