

**Description**

STATE OF NEW MEXICO  
SEVENTH JUDICIAL DISTRICT  
COUNTY OF CATRON

7th JUDICIAL DISTRICT COURT  
Catron County  
8/1/2024 4:01 PM  
RACHEL GONZALES  
CLERK OF THE COURT  
/s/ Jerome Adams

HON. MERCEDES C. MURPHY  
DIVISION I  
MONITOR, CATHERINE ROMERO #618

**CASE: JESSE CHILDERS V. JERRY FOWLER, ET.AL.**  
**CAUSE NO.: D-728-CV-2024-00026**  
**HEARING: STATUS CONFERENCE**  
**ATTORNEYS: PRO SE/ MCKADE LOE**  
**ALL PARTIES ARE APPEARING VIA GOOGLE MEETS**

STARTING TIME: 1:30:48 PM  
ENDING TIME: 1:52:47 PM

NOTE: THIS LOG IS NOT THE OFFICIAL RECORD. THE OFFICIAL RECORD IS THE CD. THE LOG IS CREATED TO ASSIST IN LOCATING INFORMATION ON THE CD. THE LOG IS NOT THE VERBATIM RECORD OF THE PROCEEDINGS.

**LEGEND:**

J - JUDGE DEX - DIRECT EXAMINATION BW - BENCH WARRANT  
P - PLAINTIFF'S ATTY XEX - CROSS EXAMINATION OBJ - OBJECTION  
D - DEFENDANT'S ATTY VD - VOIR DIRE  
EXAMINATION O - OVERRULED Pif - PLAINTIFF  
RB - REBUTTAL EXAMINATION S -SUSTAINED  
Dft - DEFENDANT RDEX - RE-DIRECT EXAMINATION  
IVR - INVOKE THE RULE W1-WITNESS NO. RXEX - RE-CROSS  
EXAMINATION M - MONITOR B - BAILIFF

**Date**

8/1/2024 **Location** [SOCD-CR1]

Time	Speak	Note
1:30:48 PM	J	OTR-CASE: JESSE CHILDERS V. JERRY FOWLER, ET.AL. CAUSE NO.: D-728-CV-2024-00026 HEARING: STATUS CONFERENCE ATTORNEYS: PRO SE/ MCKADE LOE ALL PARTIES ARE APPEARING VIA GOOGLE MEETS
1:31:03 PM	P	JESSE CHILDERS
1:31:10 PM	D	LOE OBO NAMED DFTS IN MATTER
1:31:19 PM	J	SET FOR STATUS CONFERENCE NUMBER OF THINGS I WANT TO ADDRESS IT NOT APPEAR DFTS PROPERLY SERVED OBVIOUSLY THEY AWARE THEY RETAINED COUNSEL D CAN YOU ENLIGHTEN ME ON WHETHER OR NOT THERE PROPER SERVICE
1:31:49 PM	D	THERE NOT PROPER SERVICE; EXPLAINS
1:32:38 PM	J	OTHER ISSUE ADDRESS IS CHILDERS CANNOT REPRESENT THE BOARD ITSELF OR THE ASSOCIATION ITSELF IN DISTRICT COURT THE ASSOCIATION MUST BE REPRESENTED BY A LICENSED ATTORNEY WHO LICENSED IN THE STATE OF NM I BELIEVE THIS PROCEEDING BROUGHT FORTH BY P HIMSELF AND OBO OF THE ASSOCIATION P YOU NEED TO RETAIN COUNSEL OBO THE ASSOCIATION
1:33:27 PM	P	I WILL RETAIN COUNSEL I DID FILE THIS MTN AS AN INDIVIDUAL AND AS A DIRECTOR
1:33:47 PM	J	THE ASSOCIATION CANNOT BE REPRESENTED SOLELY BY THE DIRECTOR IN DISTRICT COURT THE ASSOCIATION ITSELF MUST BE REPRESENTED BY LICENSED ATTORNEY YOU CAN REPRESENT YOURSELF INDIVIDUALLY BUT NOT THE ASSOCIATION PART OF THE REASON WHY THIS CASE HAS NOT BEEN SET FOR HRG IS IT APPEARS THERE NOT BEEN PROPER SERVICE YOU HAVE TO EFFECTUATE PROPER SERVICE ON THE DFTS
1:34:29 PM	P	YES I WAS AWAITING THE TRO THAT WHAT I AWAITING FOR SERVICE
1:34:34 PM	J	YOU HAVE TO SERVE THEM WITH THE APPLICATION SO THEY AWARE OF THE APPLICATION I NOT ALWAYS ISSUE THE TRO I HAVE A HRG TO TAKE TESTIMONY TO RECEIVE EVIDENCE TO DETERMINE WHETHER OR NOT A TRO WILL BE ISSUED BUT I CAN'T DO THAT UNTIL THE PARTIES ARE SERVED THAT WHY THERE NOT BEEN A HRG
1:35:03 PM	P	IS ALSO THE CASE THEY FILED MTNS
1:35:05 PM	J	THEIR COUNSEL FILED MTN TO DISMISS BASED ON WHAT KNOWLEDGE DFTS HAVE ABOUT THIS CASE BUT IT NOT APPEAR D WAIVING SERVICE YOU STILL HAVE TO EFFECTUATE SERVICE
1:35:24 PM	P	YES I TAKE CARE OF IT
1:35:28 PM	J	AND THEN WE PROCEED FROM THERE MAKE SURE RETURN FILED WITH COURT SO I NOTIFIED SERVICE WAS COMPLETED AND WE CAN MOVE FORWARD
1:35:46 PM	D	ONCE SERVICE COMPLETED WILL WE BE HAVING A HRG ON MTN TO DISMISS OR JUST A HRG ON THE TRO OR WILL IT BE COMBINE ALL IN ONE

1:35:59 PM	J	IT COMBINE HRG I ANTICIPATE THAT ONCE P RETAINS COUNSEL OBO THE ASSOCIATION COUNSEL WILL PROBABLY RESPOND TO MTN IT BE A COMBINE HRG I NOT READ YOUR MTN BUT I DID SEE IT WAS A MTN TO DISMISS YOU INDICATED IT FOR LACK OF STANDING IT BE A DISPOSITIVE MTN IT ALL BE HEARD TOGETHER
1:36:32 PM	J	P CAN YOU RETAIN COUNSEL OBO ASSOCIATION WITHIN 30 DAYS
1:36:36 PM	P	YES I CAN
1:36:50 PM	J	RECEIVED COPY OF DFT MTN TO DISMISS
1:36:57 PM	P	YES
1:36:57 PM	J	BE SURE TO SHARE THAT WITH ATTORNEY
1:37:04 PM	P	CAN YOU TELL ME THE STEPS
1:37:07 PM	J	STEPS FOR WHAT
1:37:11 PM	P	NEVER MIND
1:37:17 PM	J	ONCE RETAIN COUNSEL THAT ATTORNEY EXPLAIN THE PROCESS TO YOU
1:37:31 PM	D	AT THE HEART OF THIS ISSUE IS DETERMINING WHO HAS THE AUTHORITY TO ACT OBO OF THE ASSOCIATION IF IT COMES TO SITUATION THAT P NOT RETAIN COUNSEL OBO ASSOCIATION WITHIN THE 30 DAYS WILL MATTER BE DISMISSED
1:37:53 PM	J	NO I SET IT FOR HRG GOING FORTH WE DECIDE IF IT APPROPRIATE FOR AN OTSC FOR FAILURE TO FOLLOW COURT ORDER OR HOW TO PROCEED FORWARD
1:38:13 PM	P	I DO HAVE ONE CONCERN THE USE OF THE MONEY BY THE HOA NOW; EXPLAINS
1:38:56 PM	J	QUITE FRANKLY I NOT KNOW HOW D BEING PAID WHETHER HE BEING PAID BY THE INDIVIDUALS THEMSELVES OR BY THE ASSOCIATION HE REPRESENTS THE NAMED INDIVIDUAL DFTS
1:39:12 PM	P	RIGHT
1:39:15 PM	D	I GET WHERE P IS COMING FROM ON THIS ISSUE IT IS OUR POSITION HE NOT REPRESENT THE ASSOCIATION IN ORDER TO REMOVE BOARD OF DIRECTORS THERE A PROCESS; EXPLAINS
1:41:00 PM	J	I UNDERSTAND ARGUMENT D HOWEVER UNTIL THERE SUCH DETERMINATION MADE BY THIS COURT AS TO WHO REPRESENTS THE ASSOCIATION THEN I THINK P NEEDS TO FOLLOW THIS COURT DIRECTIVE
1:41:19 PM	D	UNDERSTOOD
1:41:22 PM	P	IT COMES DOWN TO COUPLE SIMPLE THINGS THIS IS AN LOA THE EXISTING BOARD OF DIRECTORS NOT WANT TO FOLLOW THE BY LAWS; EXPLAINS
1:41:50 PM	J	THIS ALL GOES TO THE MERITS I NOT ADDRESS THAT TODAY
1:42:01 PM	P	AS FAR AS MONIES I'M TOLD THEY USING OUR HOA MONEY THEY USING THE WEBSITE I ASKING THE COURT TO STOP THAT; EXPLAINS
1:42:19 PM	J	IF I ENTER TRO IT BE FOR BOTH SIDES YOU HAVE TO FOOT THE BILL
1:42:28 PM	P	I FOOTING THE BILL FOR MYSELF
1:42:29 PM	J	I TALKING ABOUT FOR THE ASSOCIATION AS WELL CAREFUL WHAT YOU ASK FOR
1:42:40 PM	P	THEY USING THE WEBSITE TO CONFUSE THE MEMBERS THEY SCHEDULING MEETINGS
1:42:57 PM	J	D IS THAT TYPE OF ACTIVITY TAKING PLACE

1:43:07 PM	D	YES; EXPLAINS
1:45:54 PM	J	WITHIN THE NEXT 30 DAYS HERE WHAT I HAVE ORDERED AND WILL ORDER P NEEDS TO OBTAIN COUNSEL OBO ASSOCIATION SHOULD IT BE DETERMINED HE NOT HAVE THE AUTHORITY TO BRING THIS ACTION OBO THE ASSOCIATION ANY FUNDS USED OUT OF THE ASSOCIATION TO PAY FOR COUNSEL SHALL BE REIMBURSED TO THE ASSOCIATION THAT HOW IT WOULD GO IF P PREVAIL ANY FUNDS EXPENDED OUT OF THE ASSOCIATION OBO DFT HAVE TO BE REIMBURSED I NOT GOING TO LEAVE THE ASSOCIATION AS AN ENTITY OUT THERE WITH LOSS OF FUNDS FOR LEGAL REPRESENTATION UNTIL THERE DETERMINATION ON THE TRO GOING FORWARD THE ASSOCIATION NEEDS LEGAL COUNSEL LEGAL COUNSEL NEEDS TO BE RETAINED I SET THIS FOR HRG ON TRO AND MTN TO DISMISS SOONER COUNSEL RETAINED SOONER WE CAN MOVE FORWARD WITH THIS CASE
1:48:03 PM	P	WE SET MEETING FOR 8/8 THE WEBSITE IS WHAT THEY USING TO SET MEETINGS AT THIS POINT; EXPLAINS
1:48:26 PM	D	AGAIN IT OUR POSITION HE NOT REPRESENT THE ASSOCIATION BEING THAT MY CLIENTS ACTING MEMBERS OF THE BOARD OF DIRECTORS I BELIEVE THEY HAVE DUTIES TO THE REST OF THE LAND OWNERS THEY MUST ABIDE BY
1:51:09 PM	J	AS WOULD TELLING THE DFTS I NOT GOING TO GRANT YOUR REQUEST P GET COUNSEL OBO ASSOCIATION HAVE THEM DO AN EOA RESPOND TO MTN TO DISMISS AND WE HAVE A HRG ANYTHING ELSE
1:51:45 PM	D	IS THERE TIME LINE
1:51:51 PM	J	I GAVE HIM 30 DAYS SOONER THAT HAPPENS THE SOONER THE ATTORNEY RESPOND TO MTN I HAVE HRG AFTER THAT 30 DAYS REGARDLESS
1:52:08 PM	D	NO
1:52:25 PM	P	I NOT THINK I NEED 30 DAYS
1:52:39 PM	J	THAT FINE SOONER THEY ENTER APPEARANCE
1:52:47 PM	J	<b>HRG CONCLUDED</b>