

Description	STATE OF NEW MEXICO SEVENTH JUDICIAL DISTRICT COUNTY OF CATRON		7th JUDICIAL DISTRICT COURT Catron County 5/14/2025 11:33 AM RACHEL GONZALES CLERK OF THE COURT /s/ Jerome Adam
	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: MOTION HEARING ATTORNEYS: ANDREW SANCHEZ/ MCKADE LOE ALL PARTIES APPEARING VIA GOOGLE MEETS		
	STARTING TIME: 9:01:27 AM ENDING TIME: 11:11:26 AM		
	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	5/9/2025	Location	[SOCD-CR1]

Time	Speak	Note
9:01:47 AM	J	OTR-CASE: JESSE CHILDERS V. JERRY FOWLER, ET.AL. CAUSE NO.: D-728-CV-2024-00026 HEARING: MOTION HEARING ATTORNEYS: ANDREW SANCHEZ/ MCKADE LOE ALL PARTIES APPEARING VIA GOOGLE MEETS
9:02:06 AM	P	SANCHEZ OBO PLF CHILDERS WILD HORSE RANCH
9:02:23 AM	D	LOE OBO DFTS THERE BEEN SUB OF COUNSEL; EXPLAINS
9:02:57 AM	J	UNFORTUNATELY I THINK THE CLERKS LISTED YOU AS COUNSEL FOR ALL THE DFTS
9:03:13 AM	D	THAT CORRECT
9:03:30 AM	J	I NOT SEE HER ON LINE
9:03:37 AM	D	I NOT KNOW SHE HAD MUCH INVOLVEMENT
9:03:47 AM	J	WE SET ON AMONG OTHER THINGS MTN FOR PRESENTMENT OF ORDER
9:04:04 AM	P	IF COURT IN DULGENCE IS ALLOWED I THINK THIS ONE ARGUMENT MIGHT ENCOMPASS A LOT OF STUFF; EXPLAINS
9:05:56 AM	P	AS TO MTN FOR PRESENTMENT OF ORDER
9:08:32 AM	D	I OBJ TO THIS; EXPLAINS AS TO OBJ
9:08:46 AM	P	AS TO OBJ
9:08:54 AM	J	WE DEAL WITH THAT AT THE TIME BUT I THINK TRYING TO GET A SECOND BITE AT THE APPLE WHEN YOU HAD CHILDERS AVAILABLE TO TESTIFY IN FEBRUARY AND DIDN'T PUT HIM ON AS A WITNESS I NOT ALLOW YOU TO CALL HIM
9:09:14 AM	P	CONTINUES AS TO MTN FOR PRESENTMENT OF ORDER
9:09:55 AM	D	I RENEW MY OBJ; EXPLAINS AS TO OBJ
9:10:28 AM	J	WE DO NEED TO DEAL WITH THAT ORDER FIRST AND THEN WE DEAL WITH THE PRELIM INJUNCTION AND ANY OTHER MTNS AGAIN CHILDERS ABLE TO TESTIFY ON THE INJUNCTION BUT NOT ON THIS MTN FOR PRESENTMENT IF YOU HAVE FURTHER ARGUMENT PROCEED P
9:11:03 AM	P	CONTINUES AS TO MTN FOR PRESENTMENT OF ORDER
9:13:35 AM	D	AS TO RESPONSE TO MTN FOR PRESENTMENT OF ORDER
9:15:00 AM	D	CONTINUES AS TO RESPONSE TO MTN FOR PRESENTMENT OF ORDER
9:20:51 AM	D	CONTINUES AS TO RESPONSE TO MTN FOR PRESENTMENT OF ORDER
9:23:34 AM	P	OBJ; AS TO OBJ
9:24:29 AM	D	AS TO OBJ; CONTINUES AS TO RESPONSE TO MTN FOR PRESENTMENT OF ORDER
9:30:52 AM	P	CONTINUES AS TO RESPONSE TO MTN FOR PRESENTMENT OF ORDER
9:33:41 AM	J	WE LOST INTERNET FEED
9:33:49 AM	P	CONTINUES AS TO RESPONSE TO MTN FOR PRESENTMENT OF ORDER
9:34:11 AM	D	OBJ; AS TO OBJ
9:34:18 AM	J	I ALLOW THE ARGUMENT

<u>9:34:26 AM</u>	P	CONTINUES AS TO RESPONSE TO MTN FOR PRESENTMENT OF ORDER
<u>9:35:03 AM</u>	P	CONTINUES AS TO RESPONSE TO MTN FOR PRESENTMENT OF ORDER
<u>9:40:07 AM</u>	J	AND HERE ENLIES THE PROBLEM CHILDERS WHEN HE FILED THIS SUIT PRO SE HE CREATED THIS PROBLEM WHEN HE FILED THIS SUIT OBO OF THE ASSOCIATION THE ASSOCIATION HAS TO BE REPRESENTED IN DISTRICT COURT HE CANNOT PRO SE REPRESENT THE ASSOCIATIONS UNFORTUNATELY HE CREATED THE SITUATION FOR COUNSEL
<u>9:40:34 AM</u>	P	ABSOLUTELY BUT HERE WE ARE; CONTINUES AS TO RESPONSE TO MTN FOR PRESENTMENT OF ORDER
<u>9:40:48 AM</u>	J	AND THAT WHY MY ORDER ON FEES AND COSTS WAS INTERIM BECAUSE I RECOGNIZED THERE LARGE POTENTIAL CONFLICT OF INTEREST BUT YOU STILL HAVE TO GET PAID
<u>9:41:10 AM</u>	P	CONTINUES AS TO RESPONSE TO MTN FOR PRESENTMENT OF ORDER
<u>9:42:45 AM</u>	D	I HAVE INFO I THINK I CAN HELP WITH SOME OF THE STATEMENTS P MAKING
<u>9:42:52 AM</u>	J	P DONE WITH ARGUMENT
<u>9:42:58 AM</u>	P	YES
<u>9:43:00 AM</u>	D	CONTINUES AS TO RESPONSE TO MTN FOR PRESENTMENT OF ORDER
<u>9:45:02 AM</u>	D	CONTINUES AS TO RESPONSE TO MTN FOR PRESENTMENT OF ORDER
<u>9:48:39 AM</u>	J	I STOP YOU THERE WE SET FOR 2 HOURS IT DID SAY WE DEAL WITH ALL PENDING MTNS ONE OF WHICH IS THE MTN TO DISMISS ONE IS HAPPY TO REVISIT PRELIM INJUNCTION BUT I THINK YOU INTERMINGLING ARGUMENTS WE NEED TO TAKE THEM ONE AT A TIME FIRST OF ALL LET'S DEAL WITH MTN FOR PRESENTMENT
<u>9:49:12 AM</u>	J	AT THIS POINT I READ MTNS REPLY AND RESPONSE I LOOKED AT BOTH PROPOSED FORMS OF ORDER I HEARD ARGUMENTS HERE TODAY I PREPARED TO ENTER D PROPOSED ORDER WITH ADDITIONAL LANGUAGE THAT P ALLOWED TO WITHDRAW BECAUSE I THINK WE NEED TO DEAL WITH THE CONFLICT WITH COUNSEL THAT PUTS BOTH OF YOU IN SITUATION I NOT WANT YOU TO GET IN TROUBLE BUT THE LANGUAGE IN P FORM OF ORDER INCLUDED THE WITHDRAWAL LANGUAGE I LIKE THAT INCLUDED IN YOUR ORDER D
<u>9:50:02 AM</u>	D	UNDERSTOOD
<u>9:50:06 AM</u>	J	GET THAT TO MY OFFICE WITH THAT CHANGE HOW WOULD COUNSEL LIKE TO PROCEED NEXT
<u>9:50:22 AM</u>	D	REQUEST TO ADDRESS MTN TO DISMISS FOR LACK OF STANDING
<u>9:50:30 AM</u>	P	I OBJ; AS TO OBJ TO MTN TO DISMISS
<u>9:51:43 AM</u>	J	WE SEE IF P CAN LOG IN MAYBE HE CAN GET A BETTER FEED
<u>9:52:07 AM</u>	J	SANCHEZ SAYS HE TRYING TO JOIN
<u>9:53:34 AM</u>	P	HEAR ME
<u>9:53:36 AM</u>	J	YES
<u>9:53:37 AM</u>	P	NOT SURE WHERE I WENT OFF LINE
<u>9:53:49 AM</u>	P	AS TO OBJ TO MTN TO DISMISS

9:54:59 AM	J	YOU CORRECT P I LOOKING AT THE RECORD NOW MTN TO DISMISS ARGUED IN FEBRUARY
9:55:17 AM	D	I ADD IMPORTANT QUESTION FOR COURT TO CONSIDER IS WHETHER OR NOT JESSE PROPERLY ELECTED
9:55:36 AM	P	MY MTN SAYS THAT THE 4 ON THE BOARD IS LEGITIMATE AND THAT NEEDS TO BE RESOLVED AS WELL
9:55:37 AM	J	I THINK MY FINDINGS FROM THE 2/4 HRG VERY CLEAR THAT THOSE 4 POSITIONS WERE NOT UP FOR ELECTION IF THEY NOT UP FOR ELECTION THEY STILL BOARD MEMBERS
9:55:50 AM	P	UNDERSTAND HOWEVER IF THERE IS AN ERROR AND
9:56:05 AM	D	I CONFUSED I NOT KNOW WHAT WE KNOW WHAT WE PRESENTING P IS GOING TO BE WITHDRAWING AS COUNSEL FOR ASSOCIATION HIS INTENTION NOW IS TO REPRESENT JESSE IN HIS CLAIMS AGAINST THE ASSOCIATION AND BOARD MEMBERS
9:56:35 AM	P	IF I OFFICIALLY WITHDRAW FROM THE CASE AT THIS POINT I ASK FOR CONTINUANCE SO CHILDERS CAN GET OTHER COUNSEL
9:56:44 AM	D	I THINK WE READY TO PROCEED TODAY THE ONLY QUESTION IS WHETHER OR NOT CHILDERS HAD THE AUTHORITY TO REPRESENT THE ASSOCIATION I THINK THAT QUESTION BEING ANSWERED TODAY WOULD SUM UP THE ENTIRE CASE
9:56:56 AM	P	THAT ARGUED IN FEBRUARY HE ALREADY HAD HIS BITE OF THE APPLE
9:57:02 AM	D	I ADD WE JUST DISCUSSED THAT QUESTION NEVER ASKED; EXPLAINS
9:57:22 AM	P	HE HAD MTN TO DISMISS IN FEBRUARY HE DIDN'T DO SO HE NOT ARGUE IT
9:57:32 AM	D	THAT BECAUSE WE RAN OUT OF TIME ORDER GRANTED WAS THE IN PART ORDER FOR TRO MTN TO DISMISS FOR LACK OF STANDING WAS NOT RULED ON
9:57:53 AM	P	IT ON THE HRG NO SECOND BITE OF THE APPLE
9:58:03 AM	D	THIS IS THE SECOND BITE OF THE APPLE THIS QUESTION NOT BEEN ASKED AND ANSWERED
9:58:14 AM	P	I THINK AT THIS POINT ORDER STANDS I HAVE TO WITHDRAW AT THAT POINT I THINK IT FAIR FOR CHILDERS TO GET COUNSEL; EXPLAINS
9:59:12 AM	J	D YOU OBJ TO CONTINUING MATTER
9:59:22 AM	D	YES; EXPLAINS
10:00:26 AM	J	UNTIL THAT WRITTEN ORDER IN PLACE NOT FINAL AT THIS POINT P YOU STILL COUNSEL OF RECORD UNTIL ORD ENTERED IF BOTH HAVE WITNESSES TODAY I TAKE TESTIMONY
10:01:02 AM	P	I ASK IT BE PLF MTN FOR PRELIM INJUNCTION; EXPLAINS
10:01:33 AM	P	START WITH WITNESS
10:01:40 AM	J	YES
10:01:41 AM	P	CALL PW1 JESSE CHILDERS
10:01:49 AM	J	<b>SWEARS IN PW1 JESSE CHILDERS</b>
10:02:01 AM	P	NAME
10:02:09 AM	PW1-DEX	JESSE CHILDERS
10:02:22 AM	P	LAND OWNER

10:02:26 AM	DEX	I AM
10:02:29 AM	P	YOU PART OF ASSOCIATION
10:02:37 AM	DEX	I AM
10:02:41 AM	P	HAVE YOU EVER BEEN ON THE BOARD OF DIRECTORS
10:02:42 AM	DEX	YES
10:02:43 AM	P	SAY YOU FAMILIAR WITH HOW THEY OPERATE
10:02:44 AM	DEX	YES
10:02:46 AM	P	WHEN SERVE ON BOARD
10:02:51 AM	DEX	BACK IN 2022
10:03:06 AM	P	ELECTED
10:03:08 AM	DEX	YES
10:03:10 AM	P	ELECTED BY ASSOCIATION
10:03:15 AM	DEX	YES
10:03:17 AM	P	WHEN LEAVE BOARD
10:03:21 AM	DEX	AS TO WHEN LEFT BOARD
10:03:47 AM	P	CHANCE TO LOOK AT HISTORY OF THE BOARD OF DIRECTORS AS PART OF THIS LITIGATION
10:03:56 AM	DEX	I DID
10:04:00 AM	P	WHAT DO TO FAMILIARIZE SELF WITH THE BOARD OF DIRECTORS AND HOW EACH CAME TO BE INVOLVED
10:04:09 AM	DEX	I WENT BACK TO ALL THE MINUTES POSTED ON THE WEBSITE
10:04:22 AM	P	CHANCE TO PUT TOGETHER DOCUMENT TO HOW BOARD OF MEMBERS CAME AND WENT
10:04:34 AM	DEX	I DID
10:04:40 AM	P	EXHIBIT 3
10:05:06 AM	D	OBJ; AS TO OBJ
10:06:35 AM	P	AS TO OBJ
10:08:09 AM	D	CONTINUES AS TO OBJ
10:09:13 AM	P	CONTINUES AS TO OBJ
10:09:19 AM	D	CONTINUES AS TO OBJ
10:09:37 AM	J	P I ASK CHILDERS TESTIFY BY MEMORY HAVE ASSISTANT TAKE DOWN EXHIBIT CHILDERS I ASK YOU TESTIFY BY MEMORY
10:10:03 AM	DEX	YES
10:10:05 AM	P	I KNOW WE TALKING IS ANY OF THE 4 MEMBERS ANY OF THEM ELECTED BY MEMBERSHIP
10:10:25 AM	DEX	NO
10:10:27 AM	P	THEY ALL BEEN APPOINTED BY FELLOW BOARD MEMBERS
10:10:27 AM	DEX	YES
10:10:29 AM	P	FEEHAN HAS HE BEEN ELECTED
10:10:35 AM	DEX	HE ATTEMPTED 3 ELECTIONS THAT I RECALL HE BEEN APPOINTED HE NEVER WON THE ELECTION
10:10:47 AM	P	WHEN DID BOARD EXPAND
10:10:54 AM	DEX	I NOT RECALL
10:11:04 AM	P	SOUND 8/2023 THEY EXPANDED
10:11:13 AM	DEX	I BELIEVE SO

10:11:16 AM	P	FEEHAN WAS IN THE DIRECTOR 3 SLOT
10:11:22 AM	DEX	YES
10:11:26 AM	P	EXPANDED HE GIVEN DIRECTOR 7 SLOT
10:11:28 AM	DEX	YES
10:11:31 AM	P	HE APPOINTED TO THAT POSITION
10:11:36 AM	DEX	MINUTES DO NOT REFLECT THAT CHANGE; EXPLAINS
10:11:53 AM	P	WHEN HE ORIGINALLY APPOINTED IN 2022 HE DIRECTOR 3
10:12:00 AM	DEX	YES
10:12:04 AM	P	MEANS HE SUBJECT TO ELECTION IN 2024 CORRECT
10:12:11 AM	DEX	YES
10:12:17 AM	P	IN FRONT OF YOU ARTICLE 4 SECTION 7 CAN I PUT THAT UP
10:12:35 AM	J	CAN HE PUT THAT UP
10:12:37 AM	D	AND IT IN THE RECORD IT APPROPRIATE ACCORDING TO THE RULES
10:12:40 AM	J	YES
10:12:44 AM	P	SECTION 7; AS TO SECTION 7
10:13:18 AM	DEX	YES
10:13:21 AM	P	NO PREDECESSOR FOR DIRECTOR 7
10:13:33 AM	DEX	CORRECT
10:13:35 AM	P	THE WAY IT WRITTEN SECTION 7 NOT APPLY FOR APPOINTMENT
10:13:43 AM	DEX	CORRECT
10:13:47 AM	P	IF THAT THE CASE POSITION SHOULD HAVE BEEN FILLED BY MEMBERSHIP VOTE CORRECT
10:13:58 AM	DEX	YES
10:13:59 AM	P	THAT SHOULD HAVE OCCURRED IN AUGUST OF 23 AFTER THE ANNUAL MEETING
10:14:02 AM	DEX	YES
10:14:06 AM	P	AS DIRECTOR 7 SHOULD HAVE GONE UP FOR RE-ELECTION IN 2024
10:14:13 AM	DEX	YES
10:14:15 AM	P	PONDER
10:14:22 AM	D	OBJ; AS TO OBJ
10:14:36 AM	P	AS TO OBJ
10:15:06 AM	D	AS TO OBJ
10:16:52 AM	P	AS TO OBJ
10:18:48 AM	J	I GOING TO OR OBJ ALLOW TESTIMONY D YOU MAY CROSS EXAMINE CHILDERS
10:18:59 AM	P	PONDER WAS SHE ELECTED OR WAS SHE ALWAYS APPOINTED
10:19:07 AM	DEX	SHE APPOINTED; EXPLAINS
10:19:40 AM	P	SHE APPOINTED TO DIRECTOR 3 THE ONE FEEHAN PREVIOUSLY HELD ESTABLISHED IT UP FOR ELECTION IN 2024
10:19:47 AM	DEX	YES
10:19:50 AM	P	ROMBURG WAS HE ELECTED
10:20:04 AM	DEX	HE NOT ELECTED HE APPOINTED ONLY
10:20:11 AM	P	HE FILLING DIRECTOR 5 SLOT
10:20:11 AM	DEX	CORRECT

10:20:15 AM	P	THAT DIRECTOR ORIGINALLY WITH MICH HENDERSON ELECTED TO THAT POSITION *****
10:20:28 AM	DEX	YES HE REMOVED
10:20:30 AM	P	WHY REMOVED
10:20:36 AM	DEX	HE WENT AGAINST THE BOARD
10:20:45 AM	P	REMOVED ON 3/7/24
10:20:49 AM	DEX	I BELIEVE SO
10:20:55 AM	P	SCOTT BERGNER WAS APPOINTED TO POSITION OF DIRECTOR 5
10:20:59 AM	DEX	YES HE APPOINTED 4/4/24 MINUTES DO NOT REFLECT WHAT OCCURRED HE SUDDENLY HE DISAPPEARED
10:21:20 AM	P	ROMBERG APPOINTED IN 5/24
10:21:21 AM	DEX	YES 5/2 I BELIEVE
10:21:26 AM	P	ARTICLE 4 SECTION 5 REMOVAL; AS TO ARTICLE 4 SECTION 5; I BELIEVE THE ONLY DIFFERENCE BETWEEN THIS BY LAW AND AMENDMENT 9 IS THAT IT REQUIRES A 2/3 VOTE AND THERE HAS TO BE A FORUM PRESENT CORRECT
10:22:07 AM	DEX	YES
10:22:09 AM	P	LOOKING AT REMOVAL WHO EVER REPLACED HENDERSON THEY CAN HOLD OFFICE UNTIL THERE MEMBERSHIP ELECTION
10:22:30 AM	D	OBJ
10:22:35 AM	J	S REPHRASE
10:22:39 AM	P	READING THE FIRST SENTENCE OF ARTICLE 4 OF THE BYLAWS
10:22:47 AM	D	OBJ
10:22:50 AM	J	WHAT THE OBJ
10:22:54 AM	D	AS TO OBJ
10:22:57 AM	J	HE ASKED HIM TO READ THE FIRST SENTENCE
10:22:58 AM	D	I THOUGHT HE INTERPRETING IT
10:22:59 AM	J	NO
10:23:04 AM	DEX	AS TO ARTICLE 4
10:23:12 AM	P	WHAT THAT MEAN TO YOU
10:23:18 AM	DEX	MEANS THEY AN BE VOTED OUT WITH OR WITHOUT CAUSE
10:23:20 AM	P	WHAT DOES IT MEAN TO YOU WITH REGARD TO THE MEMBERS
10:23:21 AM	DEX	THAT WHAT EVER MEMBERS THERE THEY CAN VOTE HIM OUT
10:23:34 AM	P	WHAT MEETINGS ARE THE MEMBERS PRESENT AT
10:23:35 AM	DEX	AT OUR ANNUAL JULY 4 PICNIC
10:23:48 AM	P	WHOEVER APPOINTED SERVES UNTIL THE ANNUAL MEETING CORRECT
10:23:57 AM	DEX	CORRECT
10:24:00 AM	P	FOWLER LOOKING AT HIM FOWLER UP FOR ELECTION IN JULY CORRECT
10:24:10 AM	DEX	YES
10:24:13 AM	P	HE PROPERLY PLACED
10:24:25 AM	DEX	YES
10:24:27 AM	P	THE UP COMING ELECTION IN JULY WHAT HAS THE BOARD DONE WITH REGARDS TO FACILITATING THIS ELECTION IN JULY 2025

10:24:37 AM	DEX	THEY CREATED A BUNCH OF VOTING RULES THAT CREATE A SITUATION WHERE PEOPLE LIKE MYSELF I REMOVED BECAUSE I NOT MEET QUALIFICATIONS; EXPLAINS
10:25:12 AM	P	HAS THE CURRENT BOARD RESTRICTED THE ABILITY OF MEMBERS TO VOTE
10:25:23 AM	DEX	ABSOLUTELY
10:25:31 AM	P	AS A FULL BOARD MEMBER AND MEMBER WHAT DO BY-LAWS SAY IF YOU NOT PAY DUES WHAT HAPPENS
10:25:32 AM	DEX	YOU CAN'T VOTE
10:25:38 AM	P	WHAT DO THE BY-LAWS SAY
10:25:39 AM	DEX	AS TO WHAT THE BY-LAWS SAY IF NOT PAY DUES
10:25:56 AM	P	THERE A REMEDY ESTABLISHED IN BY-LAWS FOR NOT PAYING DUES
10:25:58 AM	DEX	YES
10:26:01 AM	P	CURRENT BOARD MEMBERS NOW CREATED AN AU REQUIREMENT
10:26:05 AM	DEX	YES
10:26:08 AM	P	DOES THE BY-LAWS MENTION LOSING VOTING RIGHTS
10:26:13 AM	DEX	YES
10:26:15 AM	P	FOR FAILURE TO PAY
10:26:16 AM	DEX	AND NOMINATION ABILITY; EXPLAINS
10:26:39 AM	P	WHAT IS FEELING OF THE PURPOSE FOR THEM IMPOSING VOTING RESTRICTIONS
10:26:49 AM	DEX	AS TO FEELING OF THE PURPOSE FOR IMPOSING VOTING RESTRICTIONS
10:27:01 AM	P	WHO PRIMARILY AFFECTED BY THE NEW VOTING RULES
10:27:03 AM	DEX	EVERYONE WHO VOTES
10:27:23 AM	P	DOES THE ASSOCIATION KNOW WHO THEIR MEMBERS ARE
10:27:24 AM	DEX	YES
10:27:47 AM	P	YOU RECEIVED AN OFFICIAL BALLOT OR MEMBER RECEIVES AN OFFICIAL BALLOT AND THE CURRENT BOARD REMOVED SOME OF THOSE BALLOTS BECAUSE
10:27:58 AM	DEX	DURING THE COUNTING; EXPLAINS
10:28:11 AM	P	FOR NOT HAVING A RETURN ADDRESS
10:28:11 AM	DEX	YES
10:28:14 AM	P	WHILE BEING LIMITATION TO ALL MEMBERS ARE THERE A SPECIFIC GROUP OF INDIVIDUALS THAT ARE PARTICULARLY HARMED BY THESE VOTING RULES
10:28:26 AM	DEX	ALL OF US; EXPLAINS
10:29:02 AM	P	NOT ALLOWED TO VOTE
10:29:08 AM	DEX	NO
10:29:12 AM	P	RECALL LAST TIME MEMBERSHIP HAD CONTROL OVER THE BOARD IN TERMS OF IF THEY ELECTED SOMEBODY OR ELECTED ALL 7 OF THEM OR 5 OF THEM OF YOU GO PAST 2023 ANY PERIOD OF TIME THE MEMBERSHIP HAD COMPLETE CONTROL OVER WHO THEIR LEADERSHIP WAS
10:29:39 AM	DEX	BACK IN 7/23; EXPLAINS
10:30:04 AM	P	AS RESULT OF 2023 UP FOR ELECTION IN 25 ALL APPOINTED
10:30:18 AM	DEX	YES; EXPLAINS



10:30:57 AM	P	THAT WAS A GREAT MEETING THE MEMBERSHIP VOTED THERE LOT OF BALLOTS LOT OF PARTICIPATION AS OF TODAY NOBODY WAS ELECTED WHO ON THE BOARD
10:31:10 AM	DEX	NO THEY ALL BEEN APPOINTED
10:31:15 AM	P	WHAT PROMPTED THE JULY 5, 24 ANNUAL MEETING WHAT PROMPTED THE DISAGREEMENT BETWEEN THE MEMBERSHIP AND THE BOARD
10:31:30 AM	DEX	THERE WAS NO VOTE; EXPLAINS
10:31:53 AM	P	YOU AT TIME RELIED ON HOME OWNERS ASSOCIATION REMOVAL CAN HAPPEN AT THE ANNUAL MEETING CORRECT
10:32:01 AM	DEX	YES; EXPLAINS
10:32:50 AM	P	YOU CURRENTLY USING THEIR AMENDMENT 9 TO CHALLENGE THE BOARD
10:32:58 AM	DEX	BY THEIR RULES IT REQUIRES THAT I ACTUALLY NEED A PETITION; EXPLAINS
10:33:56 AM	P	ON THE JULY MEETING 2024 WHAT TRANSPIRED
10:34:08 AM	DEX	AS TO WHAT TRANSPIRED AT THE 7/24 MEETING
10:35:46 AM	P	FEEHAN WAS ACTUALLY PARTICIPATING
10:35:47 AM	DEX	HE ASKED FOR NOMINATION; EXPLAINS
10:36:07 AM	P	D BROUGHT UP THERE QUORUM AT MEETING WAS THERE A QUORUM THERE
10:36:15 AM	DEX	YES
10:36:41 AM	P	SOME LAND OWNERS HAVE MORE THAN ONE VOTE
10:36:52 AM	DEX	YES
10:36:54 AM	P	THEY HAVE 6 VOTES
10:37:01 AM	DEX	YES
10:37:03 AM	P	HOW KNOW THERE QUORUM OF PEOPLE AVAILABLE AT THE 7/4 MEETING AFTER DUGAN LEFT
10:37:24 AM	DEX	ALL THESE PEOPLE PARTICIPATED; EXPLAINS
10:37:25 AM	P	IF THEY NOT LEFT WOULD THE CURRENT MEMBERS OF THE BOARD AND FORMER MEMBERS OF THE BOARD WOULD THEY HAVE GONE FORWARD WITH THE MEETING HAD THE MEMBERSHIP NOT WANTED TO DO SOMETHING ELSE
10:37:46 AM	D	OBJ
10:37:49 AM	J	S
10:37:52 AM	P	MEETING CALLED
10:38:05 AM	J	REPEAT QUESTION
10:38:15 AM	P	MEETING CALLED BY BOARD OF DIRECTORS
10:38:26 AM	DEX	POSTED ON THE WEBSITE; EXPLAINS
10:38:48 AM	P	CATERED EVENT
10:38:53 AM	DEX	IT NOT CATERED WE PROVIDE THE FOOD; EXPLAINS
10:39:29 AM	P	WHAT DOES THAT REQUIRE A MEMBER TO DO IS THERE A NTC OTHER THAN THE WEBSITE
10:39:41 AM	DEX	THERE IS NO OTHER REMEDY
10:39:55 AM	P	IF YOU NOT ON WEBSITE YOU NOT GET NTC OF THAT
10:40:03 AM	DEX	SOME COMPLAIN; EXPLAINS

10:40:24 AM	P	WE KNOW FOR MEETING THEY NOT WANT TO SPEND MONEY ON POSTAGE AS A ROUTINE PRACTICE DOES THE BOARD MAIL OUT NTCS ABOUT UPCOMING EVENTS RIGHTS RESPONSIBILITIES
10:40:45 AM	DEX	NO; EXPLAINS
10:41:03 AM	P	THERE NO NOTICE MEMBER SHIPS OPEN
10:41:12 AM	DEX	YES THEY SEND OUT REQUEST; EXPLAINS
10:41:34 AM	P	NO PROVISION FOR WRITE IN BALLOTS
10:41:41 AM	DEX	NO; EXPLAINS
10:41:52 AM	P	THAT A PAST PRACTICE YOU EXPERIENCED YOURSELF
10:41:53 AM	DEX	YES
10:42:00 AM	J	ASK YOU TO WRAP UP DIRECT SO D HAS AN OPPORTUNITY TO CROSS EXAMINE WITNESS YOU HAVE ABOUT 20 MINUTES LEFT
10:42:16 AM	P	IN TERMS OF BEING A QUALIFIED CANDIDATE A DIRECTOR NOT HAVE TO BE A LANDOWNER
10:42:27 AM	DEX	YES
10:42:35 AM	P	HOW CAN A LAND OWNER NOT BE QUALIFIED TO BE ON THE BOARD
10:42:52 AM	DEX	THEY SHOULDN'T; EXPLAINS
10:43:52 AM	P	I DONE
10:43:59 AM	J	D CROSS
10:44:01 AM	D	PREVIOUSLY SERVED ON BOARD
10:44:23 AM	PW1- XEX	CORRECT
10:44:26 AM	D	RESIGNED POSITION 10/23
10:44:32 AM	XEX	I BELIEVE SO
10:44:37 AM	D	HAD YOU NOT RESIGNED POSITION RUN UNTIL 7/24 CORRECT
10:44:38 AM	XEX	YES
10:44:43 AM	D	WHAT PURPOSE FOR RESIGNATION
10:44:51 AM	XEX	AS TO WHY RESIGN
10:45:42 AM	D	YOU DID RESIGN POSITION
10:45:42 AM	XEX	YES
10:45:44 AM	D	HAD YOU NOT RESIGNED POSITION RUN UNTIL 7/24
10:45:45 AM	XEX	CORRECT
10:45:48 AM	D	FAMILIAR WITH PROCESS OF BEING ELECTED
10:46:02 AM	XEX	YES
10:46:04 AM	D	YOU NOT FOLLOW PROCESS WHEN BEING ELECTED
10:46:06 AM	XEX	TALKING ABOUT REGULATION; EXPLAINS
10:46:14 AM	D	WHEN I ASKED IF YOU FAMILIAR WITH THE PROCESS FOR ELECTION YOU ANSWERED YES WHAT I MEANT IN THAT REGARD WAS AMENDMENT 9
10:46:23 AM	XEX	YES
10:46:24 AM	D	THERE A RESOLUTION PASSED TO CLARIFY ELECTION OF BOARD MEMBERS YOU HAVE SEEN THAT
10:46:30 AM	XEX	YES
10:46:33 AM	D	WHEN YOU WENT THROUGH ELECTION PROCESS YOU NOT FOLLOW THAT RESOLUTION
10:46:48 AM	XEX	I NOT AWARE OF IT AT THAT TIME

10:46:55 AM	D	YOU TESTIFIED THERE A QUORUM PRESENT
10:47:17 AM	XEX	YES AS STATED INSIDE THE SHERIFF; EXPLAINS
10:47:29 AM	D	HOW MANY MEMBERS WERE THERE
10:47:34 AM	XEX	I HAVE TO GO BACK AND COUNT IT OUT
10:47:46 AM	D	THERE NOT 45-50 MEMBERS PRESENT
10:47:47 AM	XEX	YES BEYOND THAT THERE WAS PROBABLY OVER 50 MEMBERS
10:47:58 AM	D	THAT YOUR TESTIMONY TODAY
10:47:59 AM	XEX	I BELIEVE SO
10:48:03 AM	D	SHARE SCREEN FOR PURPOSE OF IMPEACHMENT
10:48:08 AM	J	GO AHEAD
10:48:14 AM	D	YOU REMEMBER THERE DISCOVERY SENT TO YOU IN THIS MATTER
10:48:16 AM	XEX	YES
10:48:21 AM	D	I ASKED YOU TO PROVIDE A LIST OF THE PEOPLE PRESENT AT THAT 2024 PICNIC
10:48:25 AM	XEX	OK
10:48:32 AM	D	YOU PROVIDED THAT LIST HERE
10:48:37 AM	D	ACCORDING TO YOU START AT 1 NOT COUNT PIE TOWN FIRE DEPT ARE THEY MEMBERS OF THE ASSOCIATION
10:48:50 AM	XEX	NO BUT THOSE THE PEOPLE I RECALL; EXPLAINS
10:49:04 AM	D	I LOOKING AT THIS FROM 1 TO LAST NAME IS 26
10:49:07 AM	XEX	YES
10:49:10 AM	D	PROVIDED MINUTES DURING THAT MEETING RECALL THAT
10:49:17 AM	XEX	YES
10:49:19 AM	D	IN THE MINUTES TO THAT MEETING CALLED TO ORDER BY HAGGARD
10:49:30 AM	D	WHO YOU CLAIMED TO BE A DISINTERESTED PARTY CORRECT
10:49:33 AM	XEX	HE DISINTERESTED PARTY BUT HE A PARTY BECAUSE HE AN OWNER
10:49:43 AM	D	HE IN YOUR HOUSE RIGHT NOW
10:49:45 AM	XEX	HE IS
10:49:47 AM	D	I NOT
10:49:49 AM	D	ARE YOU FRIENDS WITH HIM
10:49:53 AM	XEX	YES; EXPLAINS
10:50:01 AM	D	WE JUST KEEP IT SIMPLE FOR NOW
10:50:08 AM	P	IF HE LET THE WITNESS FINISH THE ANSWER BEFORE HE INTERRUPTS THEM
10:50:15 AM	J	PLEASE TRY NOT TO SPEAK OVER EACH OTHER
10:50:20 AM	D	STATED YOU HAD 25 PROXIES FILED
10:50:27 AM	XEX	YES I HAD THEM AVAILABLE THAT DAY
10:50:32 AM	D	AVAILABLE THAT DAY SHOW YOU LOOKED AT THE BY-LAWS TODAY SHOW YOU THE BY-LAWS ; AS TO ARTICLE 3 SECTION 5
10:51:15 AM	XEX	YES
10:51:17 AM	D	YOU TO FILE PROXIES WITH THE SECRETARY
10:51:18 AM	XEX	I NOT KNOW WHO SECRETARY BE BEFORE OR AFTER
10:51:26 AM	D	YOU NOT FILE WITH THE SECRETARY
10:51:27 AM	XEX	NO

10:51:32 AM	P	HE CUTTING WITNESS OFF HE NOT LIKE WHAT HE SAY LET HIM ANSWER THE QUESTION
10:51:44 AM	J	YES
10:51:49 AM	D	DID YOU FILE PROXIES RELIED ON 7/24 WITH THE SECRETARY
10:51:56 AM	XEX	NO; EXPLAINS
10:52:26 AM	D	SIMPLE ANSWER IS NO
10:52:32 AM	XEX	YES
10:52:36 AM	D	FAMILIAR WITH THE CCNR'S OF ASSOCIATION
10:52:42 AM	XEX	YES
10:52:44 AM	D	SAY CCNR HAVE MORE OF A CONTROLLING AUTHORITY THAN THE BY-LAWS
10:52:47 AM	XEX	I THINK THEY HAVE LESS
10:52:58 AM	D	FAMILIAR THE CCNR STATE THAT A MEMBER WHO NOT PAID UP ALL ASSESSMENTS OWED TO THE ASSOCIATION WITH INTEREST COSTS OR FEES SHALL NOT BE ENTITLED TO VOTE ON ANY MATTER
10:53:14 AM	XEX	I SEEN THAT BUT I DISAGREE
10:53:26 AM	D	YOU SEEN IT
10:53:27 AM	XEX	THERE A REMEDY IN THERE; EXPLAINS
10:53:48 AM	D	SEEN THAT LANGUAGE IN CCNR
10:53:55 AM	XEX	I DISAGREE WITH IT
10:54:01 AM	D	YOU SEEN IT
10:54:03 AM	XEX	YES
10:54:35 AM	D	AT THIS TIME NO QUESTION NEED TIME
10:54:55 AM	D	NOTHING FURTHER
10:54:59 AM	J	P REDIRECT
10:55:02 AM	P	ONE SECOND TO LOOK UP SOMETHING
10:55:22 AM	P	IN ADDITION TO LISTING THE PEOPLE AT THE MEETING YOU NOT CONDUCT A ROLL CALL
10:55:38 AM	RDEX-DEX	NO
10:55:40 AM	P	YOU HAD IN YOUR POSSESSION 25 PROXY VOTES
10:55:45 AM	DEX	I DO
10:55:48 AM	P	THERE WAS NO SECRETARY PRESENT TO PRESENT THOSE TO
10:55:54 AM	DEX	JIM FEEHAN WAS SECRETARY
10:56:05 AM	P	IF YOU FOUND HIM WOULD YOU HAVE GIVEN HIM THAT DOCUMENT
10:56:08 AM	DEX	YES
10:56:23 AM	P	NOTHING FURTHER
10:56:30 AM	J	BRIEF ARGUMENT
10:56:42 AM	P	AS TO ARGUMENT
11:03:14 AM	J	THANK YOU
11:03:16 AM	D	HOW MUCH TIME DO I HAVE
11:03:20 AM	J	GIVE YOU FEW MINUTES
11:03:25 AM	D	AS TO ARGUMENT

11:06:55 AM	J	I THINK IF I RESERVE RULING ON THE PRELIM INJUNCTION THAT PUTS THE PLF IN AWKWARD POSITION BECAUSE P WILL HAVE WITHDRAWN UPON ENTRY OF THE WRITTEN ORDER I PREPARED TO RULE TODAY QUITE FRANKLY THERE BEEN NO EVIDENCE PRESENTED THAT THERE WAS ACTUALLY A QUORUM CHILDERS SIMPLY DID NOT ANSWER THAT QUESTION AND EVEN WITH THE NUMBERS THAT HE INDICATED OF THE MEMBERS PRESENT PLUS THE 25 PROXIES HE CLAIMS TO HAVE HAD IN HAND HE HAD THE ABILITY TO GIVE THEM TO FEEHAN WHO HE TESTIFIED WAS THE SECRETARY HE FAILED TO DO SO HE FAILED TO FOLLOW THE PROCESS IN THE BY-LAWS HE TESTIFIED THAT HE AWARE OF THE CCNR'S HE SIMPLY NOT AGREE WITH THEM IT NOT MATTER IF YOU AGREE IT IS WHAT IS WRITTEN AND THAT IS WHAT IS CONTROLLING WE NOT HAVE A QUORUM AT THE JULY MEETING NO EVIDENCE OF A QUORUM EXISTING AT THE MEETING NO EVIDENCE THAT A MEMBER HAS THE AUTHORITY TO CALL A MEETING TO ORDER THERE ABSOLUTELY NO TESTIMONY AS TO THAT I HAVE NO EVIDENCE BEFORE ME THAT CHILDERS WAS THAT THAT ELECTION ACTUALLY OCCURRED I GOING TO DENY P MTN FOR PRELIM INJUNCTION AS TO GUIDANCE I THINK BOTH COUNSEL ASKED THIS COURT FOR GUIDANCE ON HOW THE ELECTION IN JULY WHETHER 7 MEMBERS OR 3 MEMBERS SHOULD BE ELECTED BASED ON THE EVIDENCE PROVIDED I INCLINE TO ORDER THERE BE 7 POSITIONS ON THE BALLOT CORRECT ME IF I WRONG 4 OF THE POSITIONS ARE FOR 2 YEAR TERMS AND 3 1 YEAR TERMS CORRECT
11:09:27 AM	D	CORRECT
11:09:30 AM	J	BECAUSE OF THE STAGGERED TERMS
11:09:33 AM	D	YES
11:09:42 AM	J	THAT GOING TO BE MY ORDER IS THAT THE BALLOT HAVE 7 POSITIONS ON IT IT US UNFORTUNATE THAT MEMBERS DECIDED NOT TO PAY THEIR DUES BECAUSE THEY WAITING FOR THE COURT RULING AND QUITE FRANKLY THEY MAY HAVE DONE THEMSELVES A DISFAVOR BUT THAT THEIR DECISION TO MAKE FURTHERMORE THERE NUMEROUS PEOPLE WRITING LETTERS IN AN ATTEMPT TO EX-PARTE THIS COURT AND IT NEEDS TO STOP I NOT KNOW FROM WHOM THEY ARE WHO WROTE THEM I NOT SEEN THEM MY STAFF HAS INTERCEPTED THEM BUT IT NEEDS TO STOP BECAUSE EX-PARTEING THIS COURT IS INAPPROPRIATE OR ATTEMPTING TO DO SO I WANTED TO PUT THAT OTR I ASK D TO PREPARE THE ORDER
11:10:35 AM	D	YES
11:10:36 AM	J	THAT BEING SAID YOU NEED TO UNDERSTAND CHILDERS ONCE THE FIRST ORDER PRESENTMENT ORDER FROM THE HRG IN FEBRUARY ENTERED P HAVE TO WITHDRAW YOU HAVE TO SEEK OTHER COUNSEL
11:11:08 AM	CHILDERS	YES
11:11:12 AM	J	ANYTHING ELSE

11:11:16 AM	ALL	NO
11:11:22 AM	J	I AWAIT ORDER
11:11:26 AM	J	HRG CONCLUDED