

**SEVENTH JUDICIAL DISTRICT COURT
COUNTY OF CATRON
STATE OF NEW MEXICO**

**JESSE CHILDERS, Individually
Plaintiff,**

v. Case No. D-728-CV-2024-00026

**WILD HORSE RANCH LANDOWNERS' ASSOCIATION, et al.,
Defendants.**

**MOTION TO CLARIFY LEGAL STATUS OF BOARD, VOTING RIGHTS, AND TO
ADDRESS CONTRADICTIONARY COMMUNICATION FROM DEFENDANTS**

COMES NOW, the Plaintiff, Jesse Childers, on behalf of himself and similarly situated landowners ("Concerned Citizens"), and respectfully submits this Motion to Clarify Legal Status of Board, Voting Rights, and to Address Contradictory Communication issued by the Defendants on June 6, 2025. In support thereof, Plaintiff states as follows:

I. INTRODUCTION

This Motion seeks to clarify material misstatements contained in a June 6, 2025, communication distributed by individuals purporting to act as the Wild Horse Ranch Landowners' Association (WHRLA) Board of Directors. The statements conflict with legal rulings, New Mexico statutes, and governing documents. This motion further requests judicial recognition of Plaintiff's position regarding due process violations, discriminatory conduct, and noncompliance by the current self-appointed board.

II. FACTUAL BACKGROUND

1. On July 24, 2024, a special meeting of WHRLA members was convened in accordance with NMSA 1978, § 53-8-22(B).
 2. A motion was passed removing the existing board without cause, consistent with New Mexico case law. See *Moore v. Simon Enters., Inc.*, 919 P.2d 1103 (N.M. Ct. App. 1996).
 3. Despite this, individuals purporting to be the “official” board have continued to act in authority, refused to transfer records, and made decisions contrary to legal and financial transparency.
 4. On May 9, 2025, Judge Murphy reportedly found that none of the current board members were duly elected and ordered that all seven director positions must be subject to election on July 5, 2025.
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III. LEGAL ANALYSIS AND CONTRADICTIONS

A comparative review of the June 6, 2025 letter and current legal authority demonstrates significant inconsistencies:

Issue	Defendants’ Statement (June 6, 2025)	Legal Reality / Contradiction
Election Validity	The July 5, 2024 election is invalid.	The court ordered a new election in July 2025; the prior meeting was lawfully called under § 53-8-22(B).
Board Authority	The prior board remains valid.	The court found current board appointments improper; a new election for all directors is mandated.
Mail Fraud Allegation	Suggests potential fraud for using WHRLA letterhead.	No evidence of criminal intent; legal governance dispute. See 18 U.S.C. § 1341. Is the letterhead copywritten

Issue	Defendants' Statement (June 6, 2025)	Legal Reality / Contradiction
Liens and Dues	Automatic liens for non-payment.	Due process is required before penalties. See <i>Blum v. Hartman</i> , 747 P.2d 648 (N.M. Ct. App. 1987); NMSA § 47-16-13.
Voting Rights	Delinquent members lose voting rights.	Arbitrary denial without hearing violates due process and equitable principles.
Candidate Eligibility	Non-owners may run, but delinquent owners are barred.	Discriminatory; violates equal protection and fair corporate practice. See <i>Levandusky</i> and <i>White Egret</i> .
Dues Increases	Permitted by CC&Rs.	Must be supported by a transparent budget.
Filing Resolutions	Resolutions enforceable.	Not filed per NMSA § 14-8-4; legally unenforceable.

IV. LEGAL AUTHORITIES

- **NMSA 1978, § 53-8-22(B)** – Member right to call special meetings.
 - **NMSA 1978, § 53-8-27.1** – Member access to records.
 - **NMSA 1978, § 47-16-13** – Notice and hearing before imposing fines or liens.
 - **NMSA 1978, § 14-8-4** – Recordation of corporate resolutions.
 - *Blum v. Hartman*, 747 P.2d 648 – Voting rights require due process.
 - *Moore v. Simon Enters., Inc.*, 919 P.2d 1103 – Directors removable without cause.
 - *Levandusky v. One Fifth Ave. Apt. Corp.*, 553 N.E.2d 1317 – Powers must be exercised fairly.
 - *White Egret Condo, Inc. v. Franklin*, 379 So. 2d 346 – Rules must not be discriminatory.
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V. REQUEST FOR COURT ACTION

Plaintiff respectfully requests that the Court:

1. Issue an order reaffirming that all WHRLA director positions must be filled in the July 5, 2025, election;
2. Clarify that any actions or resolutions not recorded with Catron County are unenforceable;
3. Enjoin Defendants from disenfranchising members without due process;
4. Declare that the selective enforcement of voting and candidacy rights based on dues status is discriminatory and invalid;
5. Direct the Association to comply with all statutory obligations for transparency and record access.

VI. CONCLUSION

In light of the continuing confusion and the misrepresentations in the June 6 letter, Plaintiff seeks this Court's guidance to protect the rights of all landowners and restore lawful governance to the WHRLA.

Attachment: Exhibit A (June 6th, 2025, Website Letter)

Respectfully submitted,

Jesse W. Childers

On behalf of the Concerned Citizens
Pro Se Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon all parties via email and/or first-class mail on this 12th day of June, 2025.

/s/ Jesse W. Childers