

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

---

**JESSE CHILDERS, individually**  
Plaintiff,  
v.

**Case No.: D-728-CV-2024-00024**

**ALAN DUGAN, Ex-President**  
**JIM FEEHAN, Ex-Secretary and Ex-Director**  
**CARMEN BRONOWSKI, Ex-Treasurer**  
**JERRY FOWLER, Ex-Director**  
**GREG BRONOWSKI, Ex-Director**  
**RON RACICOT, Ex-Director**  
**MITZY LADRON-NICHOLS, Ex-Director**  
**STEVE MALVITZ, Ex-Director**  
**RACHEL PONDER, Ex-Director**  
**ANDY RHOMBERG, Ex-Director**  
Defendants.

---

**MOTION FOR CLARIFICATION OF VOTING RULES AND TO PROTECT THE  
INTEGRITY OF THE ELECTION PROCESS**

---

---

**COMES NOW** Plaintiff, Jesse Childers, individually, and respectfully moves this Honorable Court for clarification of the voting rules governing the upcoming WHRLA election scheduled for July 5, 2025, and for an order protecting the integrity of the election process. In support of this Motion, Plaintiff states as follows:

---

---

## **I. PROCEDURAL BACKGROUND**

1. This matter came before the Court for hearing on May 9, 2025, on Plaintiff's Motion for Preliminary Injunction.
  2. The Court ruled that a membership meeting shall occur on July 5, 2025, at which time all seven (7) seats on the Board of Directors shall be subject to election.
  3. The Court has not provided further direction concerning the rules or procedures governing the voting for Directors. Plaintiff respectfully seeks the Court's intervention to clarify and ensure fair and lawful voting practices.
- 

## **II. FACTUAL BACKGROUND**

4. On or about May 13, 2025, voting ballots were distributed via U.S. Mail to the WHRLA membership.
5. It has since been discovered that said ballots contained an incorrect mailing address, listing a ZIP code corresponding to Aragon, New Mexico (87820), rather than the proper address for ballot receipt and tabulation.
6. At a duly convened Board of Directors meeting on June 6, 2025, the Board acknowledged this defect and advised that it had contacted the United States Postal Service ("USPS") in an attempt to remedy the issue. However, the Board stated that ballot delivery correction was merely "theoretical", and no guarantee was provided by USPS.

7. Given the proximity of the election and the USPS's inability to guarantee proper handling of misaddressed ballots, there is a substantial risk that ballots may be delayed, lost, misdirected, or rendered void, thereby compromising the integrity of the election.
  8. The Board has attempted to notify members of the defect via the Association website; however, such notice is insufficient to cure the fundamental procedural defect.
- 

### III. DISENFRANCHISEMENT OF MEMBERSHIP

- a. In recent months, the Board implemented new voting eligibility rules without proper notice or legal basis:
  - a. A “drop-dead” deadline of March 15, 2025, by which members were required to pay dues in order to vote.
  - b. An increase in dues effective January 15, 2025.
  - c. The Board adopted these changes through an unrecorded amendment not filed with the Catron County Clerk, rendering its validity questionable.
- b. According to the Association's own statements:
  - a. 398 ballots should have been mailed to 261 landowners.
  - b. Only 247 ballots were mailed to 158 landowners.
  - c. **Therefore, 151 ballots were withheld, and 103 landowners were excluded**—approximately one-third (1/3) of the membership.
- c. A true and correct copy of the Association's 2025 Election Update, was found on the Association website which reflects the number of ballots mailed and the

number of landowners excluded, is attached hereto as **Exhibit 1** and incorporated herein by reference.

- d. A true and correct copy of the WHRLA Ballot sent to members, which includes the incorrect mailing address for ballot return, is attached hereto as **Exhibit 2** and incorporated herein by reference.

- 1. These changes also resulted in the improper disqualification of certain candidates from eligibility for election to the Board.

---

#### IV. LEGAL IMPLICATIONS

- 12. The Board's imposition of new voting restrictions without adequate notice violates principles of due process and fair governance under both the Association bylaws and applicable New Mexico law.
- 13. In addition to violating notice and due process requirements, the Board's sudden imposition of the March 15, 2025, dues-payment deadline contravenes nearly three decades of established Association precedent. For the past **27 years**, it has been the consistent practice of the Wild Horse Ranch Landowners' Association to permit members to defer dues payments until **December** of each calendar year in order to accommodate members' personal financial obligations. Historically, no members were disenfranchised from voting due to unpaid dues during this year, and late fees and loss of voting rights were routinely waived, even though the founding documentation contained provisions referencing such consequences. This long-standing precedent created a reasonable expectation among members that payment made by December was sufficient to preserve

voting rights. The increase of Dues of \$35.00 at the beginning of the year, after a payment was previously paid, would not follow this precedent. The Board's unilateral reversal of this practice without membership approval or notification of a loss of voting rights constitutes an arbitrary and capricious action that materially prejudices members' rights.

14. The unfiled amendment relied upon for these restrictions may be legally invalid.

15. Proceeding with the election under the current flawed process would taint the election results and expose the Association to significant legal risk and liability.

---

## **V. REQUEST FOR COURT DIRECTION**

15. In order to ensure a fair and lawful election, Plaintiff respectfully requests that the Court order the following:

- a. That **all landowners be permitted to vote**, and the rule disqualifying members who did not pay dues by March 15, 2025, be **suspended** for this election.
- b. That voting be conducted by a **neutral third party**, and not by current or former LOA Directors, officers, or the President. The plaintiff suggests Judge Johnny Valdez, a member of the Wild Horse community, as an impartial arbitrator for the election process.
- c. That vote counting be conducted by a third party, under the observation of Judge Johnny Valdez, with no involvement by LOA Directors unless so observed.
- d. That a member of **Law Enforcement** be present during the voting and counting processes to observe and maintain order.

- e. That members previously **denied the right to vote** due to payment timing disputes or questions about Board authority be fully restored to participation in the election and permitted to vote and be nominated for office.
- f. That the Plaintiff's **Petition to Remove Directors** be properly acknowledged and scheduled for inclusion on the next Board meeting agenda, with timely notification to all members.
- g. That the Plaintiff and other members who have been improperly **disenfranchised or disqualified as candidates** be restored to eligibility to vote and stand for election.
- 

## VI. CONCLUSION

16. Plaintiff brings this Motion in good faith and not for purposes of delay. The requested relief is essential to preserve the integrity of the upcoming election and the rights of all Association members.

WHEREFORE, Plaintiff respectfully requests that this Court grant this Motion and issue an Order providing the requested clarifications and protections to ensure a fair, transparent, and lawful election process for the Wild Horse Ranch Landowners' Association.

RESPECTFULLY SUBMITTED this 7th day of June, 2025.

/s/ Jesse W. Childers

**Jesse W. Childers**

Plaintiff, Pro Se

25 Victoria Ct.]

Pie Town, NM 87827

505/898-1175

[jwchild007@hotmail.com](mailto:jwchild007@hotmail.com)

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of June, 2025, I caused a true and correct copy of the foregoing **Motion for Clarification of Voting Rules and to Protect the Integrity of the Election Process** to be served upon the following parties by **electronic mail**, properly addressed as follows:

**McKade R. Loe**

101 West Aztec Ave., Suite A

P.O. Box 1027

Gallup, NM 87305-1027

(505)722-9121

mckade@rf-lawfirm.com

## **EXHIBIT LIST**

**Exhibit 1** – 2025 Election Update (showing number of ballots mailed and landowner totals)

**Exhibit 2** – Copy of the 2025 WHRLA Ballot with incorrect mailing address