

SEVENTH JUDICIAL DISTRICT COURT
COUNTY OF CATRON
STATE OF NEW MEXICO

FILED
7th JUDICIAL DISTRICT COURT
Catron County
7/3/2025 2:26 PM
RACHEL GONZALES
CLERK OF THE COURT
/s/ Micaela Zamora

JESSE CHILDERS,

Plaintiff,

v.

No. D-728-CV-2024-00026

WILD HORSE RANCH LANDOWNER'S ASSOCIATION,

Defendant.

**RESPONSE TO PLAINTIFF'S MOTION FOR CLARIFICATION OF VOTING RULES
AND TO PROTECT THE INTEGRITY OF THE ELECTION PROCECSS**

COMES NOW, Defendant, by and through its undersigned counsel, and for its Response to Plaintiff's Motion for Clarification of Voting Rules and to Protect the Integrity of the Election Process states as follows:

1. Defendant denies the allegations contained in Plaintiff's Motion for Clarification of Voting Rules and to Protect the Integrity of the Election Process (the "Motion") in paragraphs no. 1 through 16.

2. This Motion, which appears to be drafted by some sort of artificial intelligence, is difficult to respond to and is also argued in a subsequent motion: *Plaintiff's Motion for Emergency Clarification of Voting Rules and to Protect the Integrity of the Election Process* filed on June 23, 2025.

3. Additionally, it appears that Jesse Childers may have attempted to withdraw this Motion through his filing on June 24, 2025, wherein he states he withdraws "Motion for an Emergency Clarification of Voting Rules and to Protect the Integrity of the Election Process."

4. The rules of civil procedure require that each motion shall be in writing and state with particularity the grounds and the relief sought. *See* Rule 1-007.1 NMRA.

5. At no point in the Motion does Plaintiff offer any sort of facts, legal authority, or arguments to support the requested relief. When a party does not cite any legal authority to support

its position, it is presumed there is none. *See McNeill v. Rice Eng'g & Operating, Inc.*, 2010-NMSC-015, ¶ 11, 148 N.M. 16, 20, 229 P.3d 489, 493.

6. This Motion appears to be requesting that the Court offer “clarification” to the landowners of the Association without raising any sort of controversy to be litigated.

7. The Court lack justiciability to issue an advisory opinion when there is no case in controversy. *See Insure New Mexico, LLC v. McGonigle*, 2000-NMCA-018, ¶ 27, 128 N.M. 611, 618, 995 P.2d 1053, 1060.

8. For that reason alone, this Motion should be denied.

9. The Court need not offer any sort of clarification regarding the election process because the governing documents for the Association has already detailed the election process, and lot owners must adhere to the governing documents. *See NMSA 1978, §47-16-18*.

10. Further, to the extent Plaintiff is concerned that individuals have lost their ability to vote in any election, as stated in the CC&R’s of the Association, and previously discussed by the Court, that is only the result of failing to pay the required dues.

11. Jesse Childers, while pretending to act as the “Chairman” (even though no such position exists) sent a letter to all landowners informing them not to pay their dues. Unfortunately, a few members adhered to Jesse Childers’ advice. Nonetheless, the Court has already stated that “was their decision” in refusing to pay their dues as required. *See Audio Log at 11:09:42*.

12. The Association has been consistent in adherence to the CC&R’s which requires that dues must be paid in order to be eligible to vote.

13. There have been no problems with collecting the ballots from landowners who are eligible to vote.

14. Jesse Childers, at the previous hearing while under oath, declared that he was aware of the CC&R’s and the requirement to pay dues to be eligible to vote, but he simply does not agree with them. This is, yet again, another attempt to take control of the Association without any legal authority to do so.

15. Lastly, the rules of civil procedure (the “Rules”) require that the movant shall request the concurrence of the opposing party and determine if the motion will be opposed. *See* Rule 1-007.1.

16. Here, Plaintiff did not comply with this rule as he did not reach out to Counsel for Defendant prior to filing this Motion.

17. The Rules also require that each pleading be signed by the party. *See* Rule 1-011.

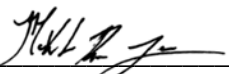
18. This Motion is not including the signature of Jesse Childers, and thus he has violated this rule. For this reason, this Motion should be stricken. *See Bruce v. Lester*, 1999-NMCA-051, ¶ 4, 127 N.M. 301, 302, 980 P.2d 84, 85 (stating that pro se litigant is not entitled to special privileges because of his pro se status).

19. Defendant should be awarded attorney fees pursuant to NMSA 1978, §47-16-14.

WHEREFORE, Defendant respectfully requests the Court to Deny Plaintiff’s Motion for Clarification of Voting Rules and to Protect the Integrity of the Election Process and award attorney fees pursuant to NMSA 1978, §47-16-14.

Respectfully submitted,

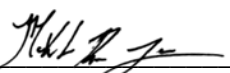
ROSEBROUGH, FOWLES, & FOUTZ P.C.

By 

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CERTIFICATE OF SERVICE

I certify that on July 2, 2025, a true and correct copy of the foregoing was electronically filed through the Odyssey File & Serve system and served on the Plaintiff by mail.



McKade R. Loe