

Minutes of CCE Homeowners' Association Special Meeting to Review and Amend the 2003 CCE Declaration of Restrictions

November 12, 2005

Held at Senior Center, Deming, New Mexico

Meeting was called to order by CCEHA President Sharon Galbraith at 2:05 p.m. Approximately 100 homeowners attended, allowing for 68 possible votes when proxies were also included.

Clete Jackson, Tom Franklin and Bill Peary volunteered to count votes.

SYNOPSIS of meeting. With the exception of four items, every change proposed by the committee was either passed in the form proposed by the committee or in a new form suggested by homeowners. The four that did not pass were tabled for further discussion as they required more discussion than was possible during the meeting. These included: Architectural Committee, Gates, Wells (and who owns land under a person's lot), and On-Site storage of recreational vehicles.

Following is line-by-line voting and discussion (if applicable) on proposed changes. Only lines that had proposed changes are listed. With 68 possible Class A votes, it took 34 votes (majority) to pass. "R" indicates votes by Developer Jim Reedy. As a Class B voter, a vote by Jim Reedy cast approximately 170 votes, which equals one vote per number of lots he owns. The exact number will be determined on December 29, 2005 when the Owners of Record will be established for election purposes.

Lines 48-77– pass, 39 in favor

Lines 79-81 – pass, 32 plus R

Lines 93-96 – pass, 35 plus R, with change
Dave Curry change: Replace Class A with **Class B**.

Lines 105-107 – pass, 41 plus R

Line 115 – pass, 33 plus R

Lines 129-136 – pass, 35 plus R with change
Veronika Barnes requested that the "or" in the last sentence be changed to "and" to agree with "...their successors **and** assigns...."

Lines 146-149 – pass, 40 plus R with change
Linda Drilling change: The **ongoing** affairs of the CCEHA shall be conducted by a Board of Directors and such officers as the Board may elect or appoint in accordance with the Articles of Incorporation and Bylaws. The composition of the Board shall be defined by the Bylaws. **Voting on changes involving over \$1,000 in expenditure, non-budgeted items, insurance, clubhouse and common area changes, proposed legal documents to be used (e.g., rental forms) in addition to other approved voting rights currently included in the Declaration of Restrictions, shall be done by the majority of all**

Grantors and Grantees at three General Meetings throughout the year to be held in January, May and October.

Discussion: Linda – The intent is to give Grantees more voting rights on a day-to-day basis. As issues come up, they would be tabled until the general meeting and voted on in one of those three general meetings. This would allow for more involvement of the members. There has been a lot of resentment because people don't feel their voice is being heard.

Lines 155-160 – pass, 32 plus R

Lines 176-181 – pass, 41 plus R

Lines 189-190 – pass, 53 plus R to DELETE

Discussion: Carol Krum – This is being done anyway. I would not like to see it written that way as long as the Grantor is still part of the voting. I would like to eliminate it.

Lines 191-195 – pass, 54 plus R, with change

Linda Drilling change: Owners who opt to rent or lease their homes are required to inform **and provide a current copy of CCEHA Declaration of Restrictions** to the renter/lessee of their responsibilities of living in CCE. The CCEHA has a lease agreement focused on this issue. Please contact any Board member for a copy or download it from the CCEHA website at <http://www.zianet.com/cceha/>. **Owners will ultimately be held responsible for compliance with regulations.**

Lines 197-218 – pass, 48 plus R

Lines 229-242 – pass, 36 plus R

Line 266 – pass, no objections to rewriting so the sentence is more grammatical

Linda Drilling change: **Only members who are not in arrears in the payment of assessments are entitled to vote.**

Lines 269-272 – pass, 51

Frances Balm change, an addition to paragraph: **Prior to any change in dues, written notification shall be given to all affected parties t least 30 days before the effective date.** Sharon Lien change: Remove sentence, **Additional fees may be assessed by the CCEHA as additional facilities or needs arise.**

Lines 277-282 – pass, by unanimous agreement after striking first sentence

Remove sentence, request of Linda Drilling: **The Homeowners' Association may request Grantor build a swimming pool, spa, or other recreational facilities when occupation of Country Club Estates exceeds 20 individual units.** Continue paragraph – Annual assessments at any time, and with the approval of no less than a two-thirds majority of the voting entitlement, may increase annual assessments to accommodate the cost of **capital improvements and their maintenance**, but in no case shall the annual assessments per unit exceed \$400 per year.

Lines 292-294 – pass, by unanimous agreement, after Linda Drilling requests that references to "he" be changed to **"he/she"** and "him" to **"him/her."**

Lines 295-299 – pass, 20 plus R

Discussion: “Rags” Ragsdale – Do we need the money that badly? I propose we delete it. Sharon G. – It’s been in practice for three years; it’s just now being written down. Charlie Barnes – I think we should keep it intact (the initiation fee). It’s a good way to raise some money. It’s done in most communities I’ve lived in. Dick Salesses – Who collects the initiation fee? Bill Duncan – It’s payable to the CCEHA; the treasurer sends a bill. Jim Reedy – It can’t be done at closing. It’s against the law.

Line 303 – *NO VOTE, TABLED.*

Linda Drilling requests a change from “pleasure of the Board” to “**direction** of the Board.”

Mark Diltz requested a rewrite of the section. After discussion, the item was tabled with the understanding it will be covered at the December meeting. Linda Drilling, Patty Salesses, John Wood and Marc Diltz will work on it.

Lines 326-328 – pass, by unanimous decision

Lines 342-356 – pass, by unanimous decision

Lines 363-383 – pass, by unanimous decision, after deleting No. 7, Storage Units

Change by Jim Reedy: I would like to take away number 7 (line 371-374). Reason is because it is covered in number 6 and is confusing.

Discussion on line 375, Height of Buildings: Sue Gomes – Why say 18 feet instead of “one story”? Jim Reedy – It keeps a one-story at no more than 18 feet. Sue – What’s the highest point now? Jim – One is actually 17.5 feet.

Lines 384-388 – pass, after only eight votes to delete

Discussion: Jim Comelitti requested line 387 and 388 be deleted. Sharon G. – It only applies to people who buy after this has been put into effect, people buying after January 2006.

Lines 391-395 – pass, by unanimous decision

Lines 400-405 – pass, by unanimous decision, after change

Discussion: Jim Reedy – Instead of saying “rock walls are included,” say rock walls are **required**.

Lines 408-413 – *TABLED* as needing more discussion; Linda Drilling, Donna Robbins, Patty Salesses and Marc Diltz will work on it.

Lines 419-424 – pass, by unanimous decision

Lines 428-436 – pass, by unanimous decision

Lines 446-447 – *DELETE* as they are duplicate of 435-436

Lines 448-455 -- pass, by unanimous decision

Lines 463-477-- pass, by unanimous decision

Lines 478-484 -- pass, by unanimous decision

Lines 485-489 -- pass, by unanimous decision

Lines 495-517 -- pass, by unanimous decision

Line 518 -- pass, by unanimous decision after Linda Drilling requests that “outdoor” be deleted as being redundant.

Line 524-556 -- pass, by unanimous decision, after changes

Veronika Barnes requested Line 552 read: The only signs allowed in Country Club Estates are **normal and** customary ones such as advertising, etc.

Lines 563-571 -- pass, by unanimous decision, after changes

Discussion to change as follows: Small house identification signs may be used if they are approved by the Architectural Committee; individual letters or numbers may not exceed 4 inches width by 6 inches height. Garage sale signs may only be posted for 48 hours. Up to two garage sales per house per year are permitted, except the community garage sales.

Lines 572-574 – *TABLED*, pending opinion from CCEHA attorney

Lines 579-689 -- pass, by unanimous decision

Line 690 -- pass, by unanimous decision, after request to insert “**outside**” before “arbitrator”

Lines 694-697 -- pass, by unanimous decision, with change to line 694

Line 694 – Veronika requests to delete “Recreational Vehicle Parking,” since it is not addressed in this section. Also make the change in the Table of Contents.

Lines 704-706 – *TABLE*, to be discussed later after more facts are gathered

Discussion: Frances Balm – I would like to delete lines 705 and 706 and keep the original paragraph regarding recreational vehicles in a chain link fence on CCE grounds. Skip Balm – I know of hundreds of communities that have RV parking in them. Jim Reedy – I have bought property across from CCE. If enough want to build the storage there, I will build it. Linda Drilling – I recommend we table it until we have more facts.

Lines 716-752 -- pass, by unanimous decision, with change

Discussion: Bill Duncan – Not sure we can depend on mail getting delivered within 24 hours; I’d like to change it to 72 hours.

The meeting was adjourned at 6:10 p.m.

Respectfully submitted,

Betty Buman
Secretary, CCEHA