

**STATE OF NEW MEXICO  
COUNTY OF OTERO  
TWELFTH JUDICIAL DISTRICT COURT**

SKY COUNTRY ESTATES PROPERTY §  
OWNERS' ASSOCIATION, §

Plaintiff, §

Case No. D-1215-CV-2025-00772

v. §

Hon Judge Gibson Willard, Lori L.

EDDIE EDWARDS and KIM EDWARDS §  
and DOUBLE EE RANCH OUTFITTERS & §  
GUN CLUB, §

Defendants.

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**PLAINTIFF'S ORIGINAL COMPLAINT FOR DECLARATORY  
RELIEF, AND VERIFIED APPLICATION FOR PRELIMINARY  
INJUNCTION AND PERMANENT INJUNCTION**

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COME NOW, Plaintiff, Sky Country Estates Property Owners' Association (the "POA"), by and through its undersigned counsel, and file this Verified Complaint for Declaratory Relief, Preliminary Injunction and Permanent Injunction against Defendants Eddie Edwards, Kim Edwards, and Double EE Ranch Outfitters and Gun Club to prevent Defendants Eddie Edwards, Kim Edwards, and the Double EE Ranch Outfitters and Gun Club ("Defendants Edwards") from the illegal construction of permanent structures, a wall and other obstructive infrastructure, that will block the POA from ingress and egress to and from its property and other features within the community, such as the water system, and which would immediately expose the POA to irreparable injury. The POA respectfully requests that the Court set a hearing as soon as practicable on the

for a preliminary injunction prohibiting Defendants Edwards from using POA property or creating obstructions in the POA roadways and ordering Edwards to immediately remove the materials that have been used to build the fence and gate thereby maintaining the status quo—until a trial on the merits can be held on the POA’s request for a permanent injunction.

### **PARTIES, JURISDICTION, and VENUE**

1. Plaintiffs, Sky Country Estates Property Owners Association, are an association of homeowners established by a recorded Final Plat and corresponding Disclosures Statement establishing a mountain terrain subdivision found in the records of the Otero County Clerk, organized pursuant to the Nonprofit Corporation Act, and whose Bylaws and Final Plat are attached hereto as **Exhibit 1** and **Exhibit 2**, respectively.
2. The POA has established restrictive covenants, which are recorded in the Books of the County Clerk for the County of Otero, and are attached hereto as **Exhibit 3**.
3. Defendants Edwards recently purchased a neighboring property adjacent to and sharing a common boundary with the POA’s platted subdivision. A copy of the Defendant Edwards deeds and legal access survey documents are attached hereto as **Exhibit 4**.
4. The events giving rise to this Complaint occurred in Otero County, New Mexico.
5. This Court has jurisdiction over the parties and subject matter pursuant to NMSA 1978, §38-3-1(A) as the acts complained of occurred within the State of New Mexico.
6. Venue is proper in this Court under NMSA 1978, §38-3-1 because the actions of Defendant that necessitate injunctive relief occurred in Otero County, New Mexico.

## FACTUAL ALLEGATIONS

7. POA roadways as shown on the designated Final Plat are privately owned – they are not public or maintained by any governmental entity. Otero County has disclaimed any interest in ownership or responsibility for said roadways.
8. The POA operates according to its Bylaws and established rules exist for the use of property within the subdivision, as provided for by the POA's Disclosures Statement and Rules and Regulations.
9. Specific and pertinent use restrictions include that the public is prohibited from use of POA roadways and, instead, the roadways are reserved for only those who own property within the POA. Additionally, commercial activity is prohibited, and all use of POA roadways for commercial purposes first requires permission of the Board of Directors, which permission shall be denied if it is contrary to POA Rules and Regulations.
10. Defendants Edwards purchased property that neighbors the POA subdivision, has claimed a right of use of POA roadways, and has used POA roadways against the wishes of the POA pursuant to that claim. No prior owner of the property purchased by Defendants Edwards has ever made such claim against the POA or its property.
11. Defendants Edwards have further used the POA property in a manner that is inconsistent with the rights and title held by the POA, and inconsistent with the Rules and Regulations of the POA. The POA has disputed Defendants Edwards' claims and has made multiple attempts to remove Defendants Edwards from its private property.
12. Upon information and belief, as part of the dispute with the POA, Defendants Edwards surveyed the property boundaries in question and then promptly covered up the surveyors

markings upon completion to obstruct the POA Board of Directors and frustrate the Board's attempts to resolve this dispute.

13. Immediately following the survey and the covering of survey markers by Defendants Edwards, and over the continued objections by the POA, Defendants Edwards proceeded with construction on property belonging to the POA and consisting of established roadways within the subdivision.
14. Upon the commencement of construction, the POA Board of Directors attempted to raise their concerns with the entity responsible for permitting construction, and thereby became aware that the construction was unlawful and Defendants Edwards had neither applied for nor received any construction permits from either Otero County or the New Mexico Construction Industries Division.
15. Upon information and belief, Edwards intends construct multiple buildings and structures on their property for the purpose of operating multiple public businesses, while providing access to patrons, employees and others accessing those businesses via POA private roadways through its otherwise secluded subdivision.
16. Defendants Edwards have established, separate legal access to their property, which does not traverse POA property, and which Defendants Edwards should be using instead of property owned by the POA.
17. Edwards has acted aggressively toward POA members and with blatant disregard for the rights of the POA, has increased the POA operating and maintenance costs of the roadways, and has placed its water system in jeopardy by permitting access by heavy construction equipment and vehicles without taking precautions to ensure the buried water system infrastructure was not harmed.

## **CLAIMS FOR RELIEF**

### **COUNT I—DECLARATORY JUDGMENT ACTION**

18. POA incorporates by reference all preceding paragraphs as if fully stated herein.
19. POA requests that the Court declare—pursuant to the New Mexico Declaratory Judgment Act (NMSA 1978, §§ 44-6-1 to 44-6-15) and pursuant to New Mexico common law—that the POA holds fee simple ownership of the property in question and that it has the sole right to access and use the POA roadways, including the right to exclude or restrict access by the public or others who are not members of the POA, including Defendants Edwards, and without interference or interruption by Defendants Edwards or anyone acting on their behalf.

### **COUNT 2—PRIVATE NUISANCE**

20. POA incorporates by reference all preceding paragraphs as if fully stated herein.
21. Defendants Edwards and/or persons acting in concert with or on behalf of Defendants Edwards have used POA roadways (sometimes in an aggressive manner) and constructed obstructions in the roadways thereby impeding POA members rights and access in and to their private property.
22. Defendants Edwards have driven aggressively near pedestrians using the roadways, have stolen road and fill materials for use on his own property, has constructed a gate intending to obstruct ingress and egress in an unsafe manner (such as in the case of a forest fire), and has taken other actions that are intended to be harmful toward the POA.
23. Such actions and conduct substantially interferes with POA's use and enjoyment of its property interest and constitute a private nuisance.

### **COUNT 3—TRESPASS**

24. POA incorporates by reference all preceding paragraphs as if fully stated herein.
25. POA is, and at all times relevant was, the owner of the roadways located within the subdivision as described in the Plat.
26. Defendants Edwards have knowingly, intentionally and with malice, entered onto POA property, caused damage and construction of obstructions, and otherwise interfered with the POA's private property rights.
27. Defendants Edwards entry and actions onto the Property, and the damage caused thereby, was unauthorized and without privilege, license, or legal justification. Defendants Edwards were at all times aware of the POA's objections to their unlawful conduct.
28. As a direct and proximate result of Defendant Edwards' trespass, the POA suffered damages, including but not limited to physical damage to land and roadway improvements, loss of use and enjoyment, and emotional distress related to the malicious and aggressive actions toward pedestrians and other POA members.

### **COUNT 4—PRELIMINARY INJUNCTION**

29. The POA incorporate by reference all preceding paragraphs as if fully stated herein.
30. There is a substantial likelihood that the POA will prevail on the merits of their claims.
31. The POA will suffer immediate and irreparable harm without the Court's intervention.
32. The balance of equities favors the POA, as they have a lawful right to restrict use of the POA roadways for ingress and egress by non POA persons, including excluding Defendants Edwards from use of POA roads to which they have no lawful interest to prevent harm to POA property and to protect the safety of POA members.

33. A preliminary injunction is in the public interest as it prevents further unlawful obstruction of a property right belonging to citizens of the State of New Mexico.

34. The POA requests that the Court issue a preliminary injunction enjoining Defendants Edwards (and anyone acting in concert or at the direction of the Defendants Edwards) from using, blocking, obstructing, or interfering with the POA private roads.

#### **COUNT 5—PERMANENT INJUNCTION**

35. The POA incorporate by reference all preceding paragraphs as if fully stated herein.

36. Defendant Edwards' ongoing and escalating behavior demonstrates a pattern of harassment designed to interfere with the POA's property rights and intimidate the POA's membership. Edwards' dangerous behavior will likely continue absent permanent injunctive relief.

37. The continued threat posed by Defendant Edwards' conduct necessitates the issuance of a permanent injunction to prevent irreparable harm.

38. The POA requests that this Court issue a permanent injunction enjoining the Defendants Edwards (and anyone acting in concert or at the direction of the Edwards) from using, blocking, obstructing or interfering with the POA private roads or other private property, and requiring the use of the Edwards property's established legal access instead of allowing the Defendants Edwards to access and continue to harm to POA property.

#### **PRAYER FOR RELIEF**

For the reasons set forth herein, the POA respectfully ask the Court to:

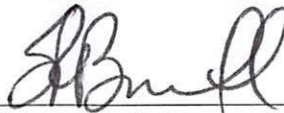
1. Set a hearing and, after due consideration, issue a **Preliminary Injunction** establishing ownership by the POA to the property in question and prohibiting Edwards (and anyone acting in concert or at the direction of Edwards) from using, blocking, obstructing or interfering with the POA private roads until a final decision is made;

2. Upon a full hearing on the merits, issue a **Permanent Injunction** enforcing the same prohibitions;
3. Award the POA all legally available compensatory damages as compensation for Defendants Edwards' damage to POA property and trespass to POA property;
4. Award the POA punitive damages for Defendant Edwards' willful, wanton, and malicious conduct;
5. Award the POA all costs, expenses, and attorney fees incurred in the prosecution of this action; and
6. Grant such other and further relief as the Court deems just and proper.

Dated: September 9, 2025

Respectfully submitted,

**BARNCASTLE LAW FIRM**



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**DECLARATION OF DAN SARKOZY**

**STATE OF NEW MEXICO )**  
**) ss**  
**COUNTY OF DOÑA ANA )**

1. My name is Dan Sarkozy, I am over the age of eighteen (18) and my address is 114 Big Dipper Cloudcroft, New Mexico 88317. I am of sound mind and capable of making this Declaration, and I have personal knowledge of the facts stated below and in the Complaint.

2. I am the President of the Sky Country Estates Property Owners' Association and I offer this Declaration in support of the PLAINTIFF'S ORIGINAL COMPLAINT FOR DECLARATORY RELIEF, AND VERIFIED APPLICATION FOR PRELIMINARY INJUNCTION AND PERMANENT INJUNCTION (the "Complaint")

3. I have read the Complaint and that the factual statements made therein are within my personal knowledge and are true and correct.

4. Exhibit 1 is a true and accurate copy of the POA Bylaws as found in the records of the POA and the Otero County Clerk.

5. Exhibit 2 is a true and accurate copy of the POA Final Plat as found in the records of the POA and the Otero County Clerk.

6. Exhibit 3 is a true and accurate copy of the POA Disclosures Statement as found in the records of the POA and the Otero County Clerk.

7. Exhibit 4 is a copy of the Edwards deed to the property neighboring the POA subdivision, as located in the records of the Otero County Clerk.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed in Doña Ana County, State of New Mexico, on the 9<sup>th</sup> day of June 2025.



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Dan Sarkozy, President  
Sky Country Estates POA