

DRAFT TO BE APPROVED

Minutes of

Sky Country Estates Property Owners Association

All Members Meeting

April 26, 2025, 1:00 PM MDT

Location: 63 Clear Sky Road, Cloudcroft, NM 88317

1. Call to Order: President Sarkozy called the meeting to order at 1:00 PM MDT

Meeting Goal: The purpose of this meeting is for the property owners to agree upon steps to be taken and direct the Board of Directors to carry out those steps to resolve the property dispute with the Edwards'.

Proof of Meeting Notice: Members were notified by email on April 11, 2025. Director Koch also posted the meeting date and time on the website.

Directors present: President Dan Sarkozy, Vice-President Mike DuBois, Director Ed Koch, Treasurer Gerianne Burke by phone, Secretary Mary-Anne Estrada by phone.

Members attending in person: Morrie Ballaron, Garry Brotan, Julie Bullard, Jeremy Hodges, Stefanie Koch, Glenn Leffler, Don Littlefield, Rene Medina, Bob Mitchell, Tom & Joan Nussbaum, Pam & Tom Runyan, Ed Koch for the MDWCA

Members attending by phone: Karen Scarborough, Steven Gabaeff, Lourdes McDaniel, Tim Navrkal, Eric Honeyfield, Jeremy Neal, John Comino, Mary Duce.

By Proxy: Keith & Ronna Janssen, Lance Poling, Shari & Ron Ramos, Denise & John Buchans, Tom Self (received by email after meeting concluded), Jeremy Neal (left meeting prior to voting, submitted proxy), John Comino submitted proxy, joined meeting by phone prior to vote.

Quorum Confirmed

2. Question, answer, discussion session: Each Property owner was called upon in lot number order. Each POA member participating in the meeting provided their insight, concerns, and recommendations.

Proxies were read into the record as their lot number was called.

Responses fell into 4 basic categories:

GATES – Varied from installing new FRONT entrance gate only, BACK gate only (at Clear Nite/Clear Sky/Capricorn intersection area), and at BOTH locations, Front and Back.

LAWSUIT - File a Lawsuit

SURVEY - Obtain an ALTA Survey (more detailed and to be used in Court if necessary)

OTHER - No gates, No lawsuit, Create a Road Fee Schedule and bill non-POA member use, Trespass Edwards, Use original pipe gate near front entrance, Ask for assistance from Otero County regarding POA boundaries, easements.

3. Establish action for vote: President Sarkozy closed the discussion session and asked the members if there was a motion to put forth.

Motion 1 presented by Karen Scarborough: Direct the Board to pursue obtaining an ALTA Survey of the disputed areas for use in court as the first step toward adjudication per attorney recommendations.

Motion was seconded by Comino, Mitchell and Leffler.

Discussion: There were a variety of conversations on this motion. Re: proper Surveyor, request assistance from County to define boundaries, use of a surveyor recommended by our attorney to maintain controlled access to survey results, expert witness use in court, re: criminal action, Otero County Sheriff's deputy told POA not to lock a gate and would not respond with a criminal charge in this matter and SO's deputy would cut a lock, it's a civil matter.

The Vote: This motion carried with 23 in favor and 2 no's. Members were polled, and each vote was confirmed.

Motion 2 was presented by Jason Mortimer: He made a motion to limit the POA lawsuit/survey cost at \$40,000 and provide quarterly reporting to the POA members as to the status of the lawsuit. Once the \$40,000 limit is reached, the Board will be required to get further directions from the property owners.

Motion seconded by Stefanie Koch.

Discussion: A suggestion was made to clarify the language of the motion to be more definitive; the motion should limit the POA exposure to \$40,000, not limiting the total cost of the lawsuit/survey to \$40,000. The MDWCA will be contributing to the cost, which could be outside of the POA limit. The motion was then clarified. Additional discussion – for each \$10,000 of lawsuit expenses, this will cost each property owner about \$150. Ed Koch clarified that the water district will be providing funds out of the current MDWCA funds on hand and would not charge the water board members an assessment fee unless costs deplete the money allocated. Another suggestion was to request quarterly lawsuit status updates.

The Vote: The motion carried, 23 votes yes, 2 votes no.

4. Closing comments – None

5. Adjournment: Director Koch made a motion to adjourn, and the motion was seconded by Rene Medina. The meeting was adjourned at 3:7 PM MDT.

Passed and approved this _____ day of _____, 2025

Attest _____