

3-29-81

SANTA TERESA PASEO VILLAGE HOMEOWNERS ASSOCIATION, INC.

BY-LAWS

The following By-Laws shall apply to the Santa Teresa Paseo Village Homeowners Association, Inc. as created in the State of New Mexico, and to all present and future owners of property within Santa Teresa Paseo Village. The owners of property have the responsibility of administering the Santa Teresa Paseo Village Homeowners Association, Inc. through a board of directors.

ARTICLE I

NAME AND ADDRESS: The name and address of this association is: Santa Teresa Paseo Village Homeowners Association, Inc. hereafter called PVHA.  
Post Office Box 466, Santa Teresa New Mexico 88008

ARTICLE II

RECOGNITION OF COVENANTS: PVHA is governed by the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SANTA TERESA PASEO VILLAGE HOMEOWNERS ASSOCIATION, INC. filed at the Dona Ana County courthouse in Las Cruces, New Mexico. No by-law or rule may be made which contradicts these covenants.

ARTICLE III

MEMBERSHIP AND VOTING:

1. QUALIFICATION: Any person(s), on becoming an owner of property in Paseo Village shall automatically become a member of PVHA, and is required to abide by and fulfill obligations outlined in the above named covenants and these by-laws.
2. MEMBERS IN GOOD STANDING: Property owners whose maintenance fees and assessments are paid up to date shall be considered members in good standing.
3. SEMI-ANNUAL MEETINGS: There shall be two meetings of the general membership each year, in March or April and in September or October. The date and place of meeting shall be set by the board of directors with a 30 day notice given to all members.
4. PROVISIONS FOR SPECIAL MEETINGS: The president may call a special meeting of the members upon his own initiative or as directed by the resolution of the Board or upon receipt of a petition signed by at least 25% of the members in good standing. The notice of any special meeting shall state the time and place of such meeting and the purpose thereof.
5. NOTICE OF MEETINGS: The notice of meetings shall contain the date, time and place of meeting and the agenda for the meeting.
6. QUORUM: By definition, the number of members of any deliberative or corporate body as is necessary for the legal transaction of business, commonly a majority. As described in the above named covenants, 60% of members in good standing constitute a quorum. If that number is not present, a new meeting is called and 30% of the members in good standing will constitute a quorum at the second meeting.
7. PROXUS: A member may vote in general meetings for another member only if the proxy of the absent member is presented, in writing, to the secretary prior to the start of the meeting. There will be no proxy votes allowed at board meetings.
8. VOTING: Members in good standing shall be entitled to one vote for each lot owned. When more than one person holds an interest in a lot, the vote for the lot shall be exercised as they determine, but in no event shall more than one vote be cast for any lot.

## ARTICLE IV

### BOARD OF DIRECTORS:

1. NUMBER: The board of directors shall consist of five members. Officers shall be president, vice-president, secretary and treasurer. In the event of a vacancy, the remaining board members shall name a successor to fill the unexpired term.

2. TERM: The board of directors shall be elected at the fall meeting and shall serve for one year. This is not to be considered a restrictive clause, they can be re-elected.

3. REMOVAL: Any director may be removed from the board, with cause, by a 50% affirmative vote of the members in good standing.

4. ACTION TAKEN WITHOUT A MEETING: No action, other than emergency situations, will be taken by an individual member of the board without having been previously discussed and approved.

5. BOARD OF DIRECTORS MEETINGS: The board of directors shall hold monthly meetings with dates, times and places published. Members may attend board meetings. If members have specific subjects to bring up before the board, notice must be given in advance, so that the subject may be placed on the agenda. Meetings must be conducted in an orderly process. The order of business at all meetings of the Association shall be as follows:

- (a) Call to order by board president
- (b) Determination of a quorum
- (c) Reading of minutes of preceding meeting
- (d) Reports of officers
- (e) Reports of committees
- (f) Unfinished business
- (g) New business
- (h) Adjournment

6. SPECIAL MEETINGS: Special meetings of the board may be held at such time and place as shall be determined by a majority of the directors. Notice of such meetings shall be given to each director a reasonable amount of time prior to such meeting.

7. QUORUM: A quorum at directors meetings shall consist of a majority of directors of the board. The acts approved by a majority of those present at a meeting at which a quorum is present shall constitute the acts of the board.

## ARTICLE V

POWERS OF THE BOARD OF DIRECTORS: The board of directors shall have the power necessary for the administration of the affairs of the Association and for the operation and maintenance of the community property. The board may do all such acts and things except as prohibited by law, or by these by-laws, or by the Declaration of Protective Covenants.

## ARTICLE VI

### DUTIES OF THE BOARD OF DIRECTORS:

1. To administer and enforce the covenants, conditions, restrictions, easements, uses, limitations, obligations and all other provisions set forth in the Declaration of Covenants and supplements and amendments thereto.
2. To administer and enforce any rules and regulations established by the Association as may be necessary for the administration and operation of the common property.
3. To prepare a budget for the Association to be presented annually at the semi-annual meeting in the fall and advise the membership of the financial status of the Association and/or additional funds to be voted upon by the members in good standing.
4. To collect dues and assessments voted upon and approved by a majority of members in good standing.
5. To incur such costs and expenses to a maximum of that allotted in the annual budget as may be necessary to keep in good order, condition and repair all of the common elements and all items of common property. Such expenses as insurance and utilities would name the Association as the responsible party.
6. To seek damages from an owner as is provided in the Declaration of Covenants and in these by-laws, by suit or otherwise. To protect and defend in the name of the Association any part or all of the common property from loss and damage by suit or otherwise.
7. To enter into contracts to carry out the board's duties. Any contract over \$500.00 requires three (3) bids.
8. To establish a bank account or accounts in the name of the Association for the common treasury and for all separate funds which are required.
9. To keep and maintain full and accurate books and records, showing all of the receipts, expenses and disbursements, and to permit examination thereof at any reasonable time by any member in good standing.
10. To call for the existence of a committee to study any issue of concern to the general membership with the provision that no more than one individual from the same undivided interest may serve on the same committee. Special interest committees may be appointed by the board for carrying out assigned special interest activities.
11. To propose recommendations for the vote of the members in good standing.
12. To declare the office of a member of the board to be vacant in the event such member shall be absent from two consecutive board meetings without just cause.
13. The board is prohibited from obligating the Association to a sum in excess of the total on one (1) year's dues. \$1,134/yr

*now bid?*

## ARTICLE VII

### OFFICERS AND THEIR DUTIES:

1. **PRESIDENT:** The president shall be the chief executive officer of the Association. He shall preside at all meetings of the board and the Association.
2. **VICE PRESIDENT:** The vice-president shall have all the powers and authority and perform all the functions and duties of the president, in the absence of the president.
3. **SECRETARY:** The secretary shall keep all of the minutes of the meetings of the board and of the Association, and shall have charge of the records of correspondence relating to the business of the Association. The secretary shall compile and keep up to date a complete list of members and their last known addresses as shown on the records of the Association, and other relevant information. The secretary shall mail out notices, ballots and communications to the membership. The secretary may secure any assistance in accomplishing these tasks as the secretary sees necessary. The secretary shall send a report of each board meeting to the general membership.
4. **TREASURER:** The treasurer shall collect dues and assessments from members and shall keep the books of account for the Association. Treasurer's report shall be submitted at regular board and Association meetings. The treasurer shall have charge of all receipts and moneys of the Association, and deposit them in the name of the Association in a bank approved by the board. The treasurer shall sign checks and withdrawal slips on behalf of the Association, upon any and all of its bank accounts, up to \$50.00 without board approval, and the same shall be honored on the treasurer's signature and the signature of one other officer. No bills shall be paid without vouchers and/or receipts.
5. **MEMBER-AT-LARGE:** The fifth member of the board shall be a member at large and shall assume duties as assigned by the president and/or as deemed necessary by the board.

## ARTICLE VIII

### OBLIGATIONS OF THE HOMEOWNER:

1. All owners shall be personally obligated to pay the dues and assessments of the Association to meet the common expense. Monthly maintenance fees shall be considered overdue if not paid by the 10th of the month. A member shall be deemed to be in good standing and entitled to vote within the meaning of these by-laws only if that person has fully paid such dues and fees.
2. Each owner shall comply with the provisions of the recorded Declaration of Covenants, by these by-laws and any amendments thereto and the rules and regulations.
3. Each owner shall endeavor to observe and promote the cooperative purposes for the accomplishments of which this Association was formed.
4. Each owner shall use the general common areas and elements located within Paseo Village in accordance with the purpose for which they were intended without hindering or encroaching upon the lawful rights of the other owners, and subject to the rules and regulations adopted by the Association after a vote of its members in good standing.
5. Each owner shall advise the secretary of the Association of any change in address or ownership, in writing, so that the Association records may be kept as accurate as possible.
6. No member may renege on their obligations for dues and assessments or adherence to the Declaration of Covenants or these by-laws.

## ARTICLE IX

**NON-PROFIT:** This Association is not organized for profit. No members of this Association, member of the board, officer or person from whom the Association may receive any property or funds shall receive or shall lawfully be entitled to receive any pecuniary profit from the operation thereof, and in no event shall any part of the funds or assets of the Association be paid as salary or compensation to or distributed to, or inure to the benefit of any member of the board or a member, provided however;

(1) that reasonable compensation may be paid to the person for services rendered in effecting one or more of the purposes of the Association, upon approval of the general membership in good standing.

(2) that any member, director or officer may, from time to time, be reimbursed for any expenses incurred in connection with the affairs of the Association, provided that such expenses do not exceed \$50.00, or, in such event, expense monies are voted on and approved prior to the actual expenditures by the board.

## ARTICLE X

**AMENDMENTS TO BY-LAWS:** These by-laws may be altered or amended by majority vote of all the members in good standing at the recommendation of the board or by initiative of the members in good standing.

These by-laws of the Santa Teresa Paseo Village Homeowners Association, Inc. were presented, voted on and accepted by a quorum (60% members in good standing) at the General Meeting held March 29, 1981.