

*Reprinted by permission from Suzanne Star.*

**A NM HOA lawsuit** is challenging the existing HOA Act (SB497). A recent Sandoval District Court decision revealed the unpredictability of how the court "interprets" the legislation passed in 2013 and the Statute's lack of protection of homeowners rights.

The lawsuit has cost members of the association over \$32,000 and the winner is.... the attorney.

### **Lawsuits cost \$ \$ \$ and all members pay to defend.**

Members of Sierra Los Pinos POA who filed a lawsuit in 2015 against the Board of Directors have witnessed the truth about the NM District Court and the HOA Statute claimed to "protect rights." Rights appear to be subject to the whim of the Court, and the NM HOA Statute has harmed, in our case, the effort; not only in time, but money.

The Board upon the advice their attorney, has diligently pursued their vendetta to hide the records requested by the Plaintiffs. The Board has failed to mention to the members of the association that the \$32,000 in funds are still dissolving from the association coffer. The Board could have stopped the hemorrhaging of association money by communicating with the Plaintiffs...but they continue to refuse.

Some members are outraged, as they should be, but for the wrong reasons. They blame the Plaintiffs for claiming their rights to records disclosure and a timely audit. They blame the Plaintiffs for scrutinizing board actions that border on dishonest. And then there are the majority of members that could care less about how their money is spent and oblivious to board abuses.

The Board continues to falsely advertises why they denied Plaintiffs their right to association records. The lawsuit was initiated because the Board of Directors failed to uphold the bylaw rights that grant members the oversight assurance of the financial health of the Association. What are they hiding that's worth \$32,000?

The legislators claim we got a bad judge. Or was the HOA law written so poorly that even a seasoned judge could not interpret the meaning? We will soon find out as the lawsuit is now in the jurisdiction of the appellate court.

We continue to fight for a principle--that of openness and transparency. In the background the attorney continues to suck money from every member of this association. Law is supposed to be an honored profession; attorneys and judges the keepers of justice and civilization. What has gone wrong?

*Suzanne Star is a homeowner in Sierra Los Pinos POA in Jemez Springs. She has an MBA and was a former real estate broker and HOA president of her association and is currently in litigation in Appellate Court about the NM HOA statute.*