

EMERY LAW FIRM, P.C.

309 Salazar Road
Taos, New Mexico 87571

Kelan Emery, Esq.

Telephone: 575-758-7997
Facsimile: 575-758-8323

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Via Email: members@greaterworldboard.com

Gillian Fryer, Director
Amy Duke, Director
Greater World Land User's Association
P.O. Box 1041
Taos, NM 87571

Re: Status of Association

Dear Gillian and Amy:

This letter is being written at your request following our meeting at my office on June 19, 2019, concerning the status of any existing homeowners' association for the Greater World Subdivision located in Valdez, Taos County, New Mexico, and developed by Michael Reynolds. There are multiple documents that have been recorded by Mr. Reynolds, most of which are labeled as "Land User's Code" for the Greater World Community Subdivision, all of which are recorded in the records of the County Clerk, of Taos County, New Mexico. I cannot find any recordings at the state level and, therefore, it appears to me that you are an unincorporated association, not a corporation or any other form of entity.

Following the passage of the Homeowner Association Act in 2013, Mr. Reynolds filed the Notice of Homeowner's Association, bringing your association within the aforesaid act as a duly organized homeowner's association. Said Notice refers to the Land User's Code for the Great World Community Subdivision recorded March 12, 2010, in Book 711, pages 443-452, Records of Taos County. Without further research, I would assume that this last recording represents the terms under which you are now functioning. This document contains Articles of Association and By-laws, among other things. The Articles of Association state that the Board of Directors shall assume management of the Association only after the Initiator, Mr. Reynolds, deems the property at least ninety percent developed and after all debts created in the founding of the community are paid. I mention this because I am not certain that you now have authority to act on behalf of the association in the place of Mr. Reynolds. You have questions about moving forward as a corporation and taking title to the common land, which are interrelated, and I see there is a letter from Judge McElroy in which he questions the right of Mr. Reynolds to continue exercising authority in place of the Board of Directors. Before you move forward to incorporate and/or take title to the land, it will perhaps be best to get these issues of authority resolved with Mr. Reynolds.

Once the issue of authority is resolved, you may certainly move forward to incorporate the HOA. While you may wish to hold title in the name of an incorporated HOA, there is nothing preventing you from taking title now in the name of the unincorporated association, and then later having a new deed made to the incorporated HOA.

If you would like for me to contact Mr. Reynolds' attorney, who I assume to be Stephen Natelson, in order to resolve the issues with respect to the authority of the Board of Directors, I would be happy to do so. I am uncertain as to what has taken place subsequent to Judge McElroy's letter of 2017, but perhaps no action as been taken in response thereto. If you would advise me as to the status of any actions since said letter, that would be helpful.

Yours very truly,

EMERY LAW FIRM, P.C.

By:  _____
Kelan Emery, Esq.

KE/mr