

From: John LaSala <glue@me.com>
Subject: Re: Unedited set of emails to James Chavez,
lawyer
Date: April 7, 2019 at 10:37:05 PM MDT
To: Gillian Fryer <gillianfryer@me.com>
Cc: members@greaterworldboard.com, Nicole Leduc
<nicole.leduc@gmail.com>

I see no slant (pejorative or not) to Gillian's correspondence with Chavez. I do believe that we, GWLUA are in a tough spot, a spot that has nothing to do with Mike or the board or and perceived or real discord between.

GWLUA' s standing or position or formal title or legal framework is unclear (according to Chavez and An objective outside eye) and while Mike, me or anyone else may have the answer, there is no empirical data to support any answer. Until documented answers are in our hands, until the courts or the state or the county or even Tres Piedras confirm our position in regards to the HOA act of 2013. It is still vague, to me, at best.

The judge in Rhines et al v Reynolds may have the answer to this but given that this case is now near 4 years old, I do not think we have the luxury to wait until the courts come to a decision.

I appreciate Gillian's tenacity, her knowledge and her love of GW. I share that this a thorny issue and to me it is not about someone being "right", "wrong" nor expecting the other to conform to their bias, instead it's about establishing who we (GWLUA) are, firm legal standing for the community and establishing a board for the community to manage the legal, developmental and pedestrian issues we face daily.

John LaSala

On Apr 7, 2019, at 10:05 PM, Gillian Fryer
<gillianfryer@me.com> wrote:

I've been waiting for questions for months... no one has suggested even one.

The first time I asked for a lawyer was during the [10/10](#) meeting in response to Mike's assertion of power via the HOA Act. I stated at the time that we needed clarification on who had what rights. It is in the minutes.

The second time I asked for a lawyer was our next meeting, when I reminded the group that we had not actually voted on a lawyer. At that time I added that we needed help with the land roll out and that Natelson had even requested that we get legal advice. Mike was against this. Again in the minutes. Judy even agreed we needed a lawyer and there was a realization that we needed a lawyer for a great many issues.

Finally, I described our business entity as that came up in our February meeting with respect to receiving the common lands.

I HAD to tell Chavez about the lawsuit as Mike constantly asserts that future of the GWLUA is intimately tied up in it. He stated that again at our meeting this week.

I also had to give him names of the parties to ensure that there was no conflict of interest with his office.

I sent him what I understood to be our major concerns, in the order above. He went straight to the business entity, as a

problem with that could prevent us from ever addressing the other issues. Unless we become a party to the lawsuit, it is our duty to resolve this issue on our own, independently of the lawsuit.

As far as the lawsuit is concerned, Chavez looked up the case and the filed documents. I checked, and everything is available online through NM Courts. I was looking because I figured if Mike had a specialist, there would be a document filed on his behalf and I wanted to see if I could get more clarity. I was surprised not to find anything.

I believe that Chavez will be reluctant to do much more for us until we address the incorporation issue. He was adamant that we had to be incorporated, and that we had no authority to do just about anything without solving that problem. At this point it is his opinion that we are a board in name only, with no legal authority over the community, other than as an advisory board. (Many have used the term 'Courtesy Board' for years, so it's pretty difficult to retract.) I didn't spell this out so bluntly at this past meeting, but I tried to convey the significance of our situation.

You might want to follow up on the article that Judy referenced (here is the actual link: <http://condolawguru.com/2015/09/incorporation-of-hoa-is-it-good-bad-or-should-you-be-indifferent/>) as that spells out the dangers and repercussions of losing legal standing (that would apply to us with a 'damaged' business entity, just as it would if we were a suspended corporation) and the liabilities, especially to community members, of not being incorporated. This is serious and it is our duty to inform the community of these potential consequences.

I'm clear that Mike votes to disregard everything Chavez

said. However the lawyer represents the community. We work for them, as several of the audience stated.

Chavez said that at this point, the future of the GWLUA must be presented to the entire membership decide. It's no longer in our hands.

If you think that I've said anything untrue I will be happy to formally retract it and so inform Chavez.

The story is convoluted and the why or how it happened is irrelevant. I was careful not to lay any blame at the meeting, but there is plenty to go around, including to all of us for our inaction and our willful ignorance. The solution is an easy fix, as incorporation solves just about everything at once. It would be nice if our legacy as a board, could be one of actually helping the community.

/Gillian

Sent from my iPad

On Apr 7, 2019, at 7:28 PM, Judy Sutton
<jsutton48@hotmail.com> wrote:

I agree and am also disturbed by the pejorative slant of the questions. judy

From: Amy Duke <amy@earthship.com>

Sent: Sunday, April 7, 2019 7:28 PM

To: Nicole Leduc

Cc: Greater World Board

Subject: Re: Unedited set of emails to James Chavez, lawyer

I'm a little disturbed that these documents were sent to Chavez as an introduction of us. Please correct me if I'm wrong, but I thought that we retained the lawyer to help us with the roll out of community lands. Why did he get the lawsuit and the Winston brief???

We have limited funds and I do not support him litigating Mike Reynolds' lawsuit.

Please, can we, as a group come up with some questions and topics that we DO want him to consider and advise us on?

thank you

Amy

Amy Duke

amy@earthship.com

On Apr 7, 2019, at 1:42 PM, Nicole Leduc
<nicole.leduc@gmail.com> wrote:

Hi Board Members,

I have also included the files sent to Chavez as attachments below.

Nicole

<Emails Chavez.pdf><memo opinion by whw
011719.pdf><Rhines.Complaint.10.5.15.Final..pages>