

Constitution and Bylaws
of
Deer Lake Association
(A nonprofit corporation under the laws of the State of New Mexico)
(Herein referred to as “Association” or “The Association”)

ARTICLE I – Name

The name of this organization is be **Deer Lake Association**.

ARTICLE II – Purpose

The Purpose of Deer Lake Association is to promote the improvement and maintenance of properties, services and facilities devoted to the use and enjoyment of the common areas by the association members and their guests.

ARTICLE III - Membership

Section 1 – Membership

- A. Every legally recorded owner, joint owner or entity of record (jointly with their spouse(s), if appropriate) of real estate located in Deer Lake Estates, Rio Arriba and Sandoval counties, State of New Mexico, shall be a member of Deer Lake Association.

Section 2 - Voting

- A. There shall be one vote and one vote only allotted per originally platted lot on any motion presented to the membership at a meeting.
- B. Joint owners or entities shall determine among themselves how their one vote is cast.
- C. Voting on any motion made at a meeting may be by show of hands or by paper ballot.
- D. Paper ballot format shall include an explanation of the motion being voted upon, date the ballot is cast, and provision for the member to list his/her name, lot number(s), number of votes cast, and whether the vote is cast in favor of or opposed to the motion.
- E. One director and no more than two members present who are not directors shall tally the ballots. All motions voted on shall be carried by a simple majority of the members present.

ARTICLE IV - Administration

Section 1 - Board of Directors. The routine administrative affairs of the Association shall be vested in a Board of Directors (herein referred to as “Board” or “The Board”). The members of the Association shall elect five (5) members to serve as the Board of Directors. Members of the Board of Directors shall be owners or co-owners of five separate lots.

- A. Term of office shall be two years with three (3) directors elected in odd numbered years and two (2) directors elected in even numbered years.
- B. The Directors shall elect officers within ten (10) days following the March semiannual meeting. These officers shall serve as officers for the Board of Directors and for the Association. They shall take office immediately upon election of officers.
 - 1. The officers of the Board of Directors shall be: President, Vice-President, Secretary, Treasurer, and Director(s)-at-Large.
 - 2. Separate directors shall hold the offices of President and Vice-president.
 - 3. One director may hold the offices of Secretary and Treasurer.

- C. Duties of each officer of the Board shall be as follows:
1. President shall call meetings to order at the specified time, establish a quorum, present the agenda, recognize speakers, state and put motions to a vote, announce the results of all votes, conduct orderly debate, enforce governance, and adjourn the meeting when all business has been concluded.
 2. Vice-President shall preside over meetings in the president's absence with all duties ascribed to the president.
 3. Secretary shall notify members of meetings, prepare an agenda, take attendance, record minutes of the meeting, have minutes available to the members, keep a file of committee reports, keep the official membership roll, maintain Association records, and preside over meetings in the absence of the president and vice-president.
 4. Treasurer shall track all dues payments made by members, pay invoices for expenses incurred by a member and approved by the Board of Directors, present financial reports at all meetings.
 5. The Director(s)-at-Large shall chair an audit committee to audit the Treasurer's records within one month of the close of the association fiscal year. Additional member(s) of the audit committee shall be appointed by the President prior to the end of the fiscal year.
- D. The Board of Directors may employ such persons as are necessary to assist them in the discharge of their duties.
- E. The Board of Directors shall have the authority to make such rules and regulations as are necessary to promote the corporate purpose for the benefit of Deer Lake Association and the members thereof.
- F. Each Director shall have one (1) vote on matters requiring a vote brought before the Board of Directors
- G. The Board of Directors shall meet no fewer than six (6) times within the fiscal year.
- H. The Board shall meet as established in Article IV, Section 1.B for the purpose of electing officers and establish a meeting schedule.
- I. The Board shall meet no less than forty-five (45) days prior to a regular semiannual meeting of the Association membership to establish regular semiannual meeting location, date, time and agenda.
- J. A quorum at the Board of Director's meeting shall be three (3) in number.
- K. Failure to attend three (3) consecutive meetings (General, Directors, or Special) shall constitute a vacancy. The Directors shall elect a replacement for the unexpired term of members other than the President.
- L. If the Presidency is vacated during tenure of office, the Vice-President succeeds to the Presidency.

Section 2 - Nominating Committee: The Directors shall appoint a nominating committee to make nominations for candidates for election to the Board of Directors of the Association. Additionally, at a semiannual meeting, any member of the Association shall have the right to make a nomination for a candidate to the Board of Directors of the Association.

ARTICLE V – Meetings

Section 1 - Regular Meetings: Regular semiannual meetings of the Association membership shall be held in March and October of each year at such a time and place as may be fixed by the Directors, provided, however, that at least thirty (30) days notice thereof shall be given to the membership of the agenda for and the time and place of said meeting.

Section 2 - Special Meetings: Special meetings of the Association membership may be called by the Board of Directors as a result of a majority of the Directors voting in favor of such meeting with a notice of Special Meeting mailed to the membership no less than fifteen (15) days prior to said meeting.

Section 3 - Parliamentary Authority: Robert's Rules of Order Revised shall govern the proceedings on all parliamentary procedures except in such cases as are covered by the Constitution and Bylaws and/or Standing Rules adopted by the Association.

Section 4 - Quorum: A quorum at a Regular or Special meeting of Association members shall consist of those members present.

Article VI - Dues And Assessments

Article VI has been amended by Amendment 2 Approved at the March 21, 2017 Deer Lake Association Meeting (See Amendment 2 at the end of this document).

Section 1 - Dues - All members shall pay annual dues in a specified amount per originally platted lot as shall be recommended by the Board of Directors and approved by a majority of members present at the October semiannual meeting.

- A. Annual dues shall be due and Payable on April 1 of each year.
- B. Notice that dues in the currently approved amount are due and payable on April 1 shall be included in the March regular meeting notice.
- C. Annual dues shall be declared delinquent if not paid by May 1 of each year.

Article VI Section 1D. has been amended by Amendment 1 Approved at the March 17, 2015 Deer Lake Association Meeting (See Amendment 1 at the end of this document).

- D. The Board shall cause a first notice of delinquent dues to be mailed no later than May 8 of each year to all members who have not paid their dues by May 1. Delinquent dues shall incur a penalty of five dollars (\$5.00) for each month delinquent until paid in full.
- E. The Board shall cause a second notice of delinquent dues to be mailed via United States Postal Service registered mail return receipt requested no later than June 8 of each year to all members who have not paid their dues by June 1.
- F. Members whose dues are delinquent on July 1 of each year shall be notified via United States Postal Service registered mail return receipt requested no later than July 8 of each year that all of their rights of membership are suspended until such time as the annual dues and any accrued penalty and fees incurred are paid. This notice shall include notice of impending filing of lien(s) as a result of continued delinquency.
- G. Appropriate legal action, including filing of liens, shall be taken by the Board of Directors to collect dues which remain delinquent as of August 1 of each year. Collection shall include delinquent dues, penalties, filing fees and any legal fees incurred.
- H. Lien(s) filed may be released only by payment in full of any and all delinquent dues, accrued penalty, filing fees and legal costs incurred.

Section 2 - Assessments - Deer Lake Association may, with the approval of a majority of members present at a regular or special meeting, levy an assessment or assessments to defray in whole or in part the cost of construction, reconstruction, or repair or replacement of a particular capital improvement in the Common Area or purchase of Common Areas.

- A. Assessment amount is due and payable ninety (90) days from the date of the meeting at which the assessment was approved.
- B. The Board shall cause a first notice of the assessment amount and purpose for the assessment to be mailed to all lot owners no later than seven (7) days after the date of the meeting at which the assessment was approved.
- C. The Board shall cause a second notice of the assessment amount and purpose for the assessment to be mailed to all lot owners not paid no later than sixty (60) days after the date of the meeting at which the assessment was approved.
- D. Lot owners who have not paid the assessment within ninety (90) days following the date of the meeting at which the assessment was approved shall be declared delinquent in payment of the assessment and shall have all of their rights of membership suspended until such time as the assessment is paid. Notice of this action shall be mailed by United States Postal Service registered mail return receipt requested by said ninety (90) days, and shall include notice of impending filing of lien(s) as a result of continued nonpayment.
- E. Appropriate legal action, including filing of liens, shall be taken by the Board of Directors to collect the assessment amount which remains delinquent as of one hundred twenty (120) days after the date of the meeting at which the assessment was approved.
- F. Lien(s) filed may be released only by payment in full of any and all delinquent dues, accrued penalty, filing fees and legal costs incurred.

ARTICLE VII – Covenants

Section 1 – Rights. The owner of any property in Deer Lake Estates shall have a non exclusive right to the use of the lake for recreational purposes only, subject to such uniform regulations as may be established by Deer Lake Association. Such use is permissive only and Deer Lake Association is not obligated to maintain, clean, or stock the lake, and is not liable for damages, real or fancied, to any property or person as a result of the existence or use of the lake or surrounding property. Declarations of Covenants and Restrictions as on file with Rio Arriba and Sandoval Counties provide further details on specific restrictions

Section 2 – Improvements. The Board (or a committee formed for that purpose by the Board) shall review requests for improvements to members’ property, to include, but not limited to, permanent buildings, temporary buildings, wells and septic systems to assist members in compliance with the Covenants and Restrictions of the Association and with state and county regulations.

ARTICLE VIII - Amendments

Section 1 - Proposed Amendments: Proposed amendment(s) or revision to this Constitution and Bylaws shall be mailed to all members no less than thirty (30) days prior to a regular or special meeting at which a vote will be taken on the proposed amendment(s) or revision.

Section 2 - Ballots: Balloting on proposed amendment(s) or revision shall be accomplished as follows:

- A. A Ballot, labeled “Ballot of Absentee Member To Revise or Amend Deer Lake Association Constitution and Bylaws”, shall be included in the mailing of the proposed amendment(s) or revision to allow members unable to attend the meeting to cast their vote.

- B. A Ballot, labeled “Ballot of Member Present At Vote To Revise or Amend Deer Lake Association Constitution and Bylaws”, shall be cast by members present at the meeting at which a vote is taken on the proposed amendment(s) or revision.
- C. Both ballots shall contain an explanation of the proposed amendment(s) or revision and provision for the member to list his/her name, lot number(s), date the ballot is cast, number of votes cast, and whether the vote(s) cast are in favor of or opposed to the amendment(s) or revision.

Section 3 - Pass/Fail: Passage of the amendment(s) or revision shall require 2/3 (67%) of all ballots received by the time during the meeting at which the vote is taken to be In Favor of said amendment(s) or revision.

ARTICLE IX - Dissolution of the Association

Article IX has been amended by Amendment 3 Approved at the March 21, 2017 Deer Lake Association Meeting (See Amendment 3 at the end of this document).

In the event of dissolution of the Association, after any and all outstanding debts have been paid, the money held by the Association shall be divided by the number of lots held by all members current in their dues status. The sum derived from this action shall be paid to each member current in their dues for each lot they own.

These Constitution and Bylaws were approved by a majority of the members of Deer Lake Association on
March 27, 2006, and become effective on April 01, 2006.

These Constitution and Bylaws supercede all previous Constitution and Bylaws for Deer Lake Association.

(Original Signed) / /
Eduardo Rodriguez Date
President Of The Board Of Directors

(Original Signed) / /
Larry Wiles Date
Vice President Of The Board Of Directors

(Original Signed) / /
Robert R. Bailey Date
Secretary Of The Board Of Directors

(Original Signed) / /
John Bailey Date
Treasurer

(Original Signed) / /
Hugh Howey Date
Director-At-Large

Amendment 1 – Approved at March 17, 2015 Deer Lake Association Meeting

That portion of **ARTICLE VI, Section 1-D** that reads:

Delinquent dues shall incur a penalty of five dollars (\$5.00) for each month delinquent until paid in full.

is amended to read:

Delinquent dues shall incur a penalty of fifteen dollars (\$15.00) for each month delinquent until paid in full.

Amendment 2 – Approved at March 21, 2017 Deer Lake Association Meeting

- A. The current Article VI, “**ARTICLE VI – Dues and Assessments**”, shall be renamed as “**ARTICLE VI – Finances**”.
- B. The current Section 1 of Article VI, “**Section 1 – Dues**”, shall be renamed as “**Section 2 – Dues**”
- C. The current Section 2 of Article VI, “**Section 2 – Assessments**”, shall be renamed as “**Section 3 – Assessments**”.
- D. A new Section 1 shall be inserted as

“**Section 1 – Fiscal Year** – Deer Lake Association shall operate on a Fiscal Year basis, beginning April 1 of each year and ending on March 31 of the following year.”

Amendment 3 – Approved at March 21, 2017 Deer Lake Association Meeting

Current **ARTICLE IX – Dissolution of the Association**, be deleted in its entirety and replaced with the following:

ARTICLE IX – Dissolution of the Association

Section 1 – Motion to Dissolve: A motion to dissolve the association may be initiated at a regularly scheduled association meeting. Following approval of such a motion, written notification of the motion shall be mailed to all members no less than thirty (30) days prior to the next regularly scheduled meeting at which a vote will be taken on the proposed motion.

Section 2 – Ballots: Balloting on the proposed motion shall be accomplished as follows:

- A. A ballot, labeled “Ballot of Absentee Member to Dissolve Deer Lake Association” shall be included in the mailing of the proposed motion to allow members unable to attend the meeting to cast their vote.
- B. A ballot, labeled “Ballot of Member Present At Vote To Dissolve Deer Lake Association” shall be cast by members present at the meeting at which a vote is taken on the proposed motion.
- C. Both ballots shall contain an explanation of the proposed motion and provision for the member to list his/her name, lot number(s), date the ballot is cast, number of votes cast, and whether the vote(s) cast are in favor of or opposed to the proposed motion to dissolve Deer Lake Association.

Section 3 – Pass/Fail: Passage of the proposed motion shall require 2/3 (67%) of all ballots received by the time during the meeting at which the vote is taken to be In Favor of said motion.

Section 4 – Dissolution: In the event the proposed motion to dissolve Deer Lake Association passes, after any and all outstanding debts have been paid and all Association owned property has been properly liquidated, all funds held by the Association shall be divided by the number of lots held by all members current in their dues status. The sum derived from this action shall be paid to each member current in their dues for each lot they own.