

Section 1: ~~[Dispute Resolution Policy (Updated Dec 10, 2025), Section 3]~~ Recording Advisory Notices of Non-Compliance

ISSUE #1
In addition to the dispute-resolution methods described above, the Association may communicate with lot owners regarding unresolved covenant concerns through advisory notices, such as a Notice of Non-Compliance. Such notices: Serve solely as written advisories intended to encourage voluntary compliance, and May be recorded with the Bernalillo County Clerk, at the Board's discretion, when the severity, duration, or impact of the issue warrants public disclosure.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Dispute Resolution Policy (Updated Dec 10, 2025), Section 3 (p. 1): NM Manual Attorney Audit Finding (Dispute Resolution Policy (Updated Dec 10, 2025), Section 3 - ~~[Dispute Resolution Policy (Updated Dec 10, 2025), Section 3]~~ Recording Advisory Notices of Non-Compliance with Bernalillo County Clerk - 3. Advisory Notices of Non-Compliance. In addition to the dispute-resolution methods described above, the Association may communicate with lot owners regarding unresolved covenant concerns through advisory notices, such as a Notice of...

Statutory / Legal Reference: NMSA 1978, §§ 47-16-1 to 47-16-19 (New Mexico Homeowners Association Act); NMSA 1978, §§ 47-7A-1 to 47-7D-20 (New Mexico Condominium Act)

Statutory Comparison: Manual attorney review identified statutory and enforceability compliance risks under NMSA 1978, §§ 47-16-1 to 47-16-19 (New Mexico Homeowners Association Act); NMSA 1978, §§ 47-7A-1 to 47-7D-20 (New Mexico Condominium Act).

CURRENT WORDING IN DOCUMENT:

In addition to the dispute-resolution methods described above, the Association may communicate with lot owners regarding unresolved covenant concerns through advisory notices, such as a Notice of Non-Compliance. Such notices: Serve solely as written advisories intended to encourage voluntary compliance, and May be recorded with the Bernalillo County Clerk, at the Board's discretion, when the severity, duration, or impact of the issue warrants public disclosure.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Dispute Resolution Policy (Updated Dec 10, 2025), Section 3 ([Dispute Resolution Policy (Updated Dec 10, 2025), Section 3] Recording Advisory Notices of Non-Compliance with Bernalillo County Clerk - 3. Advisory Notices of Non-Compliance. In addition to the dispute-resolution methods described above, the Association may communicate with lot owners regarding unresolved covenant concerns through advisory notices, such as a Notice of Non-Compliance. Such notices: Serve solely as written advisories intended to encourage voluntary compliance, and May be recorded with the Bernalillo County Clerk, at the Board's discretion, when the severity, duration, or impact of the issue warrants public disclosure.) to conform with NMSA 1978, §§ 47-16-1 to 47-16-19 (New Mexico Homeowners Association Act); NMSA 1978, §§ 47-7A-1 to 47-7D-20 (New Mexico Condominium Act) and the manual attorney audit recommendations for Sandia Heights Homeowners Association, Inc..