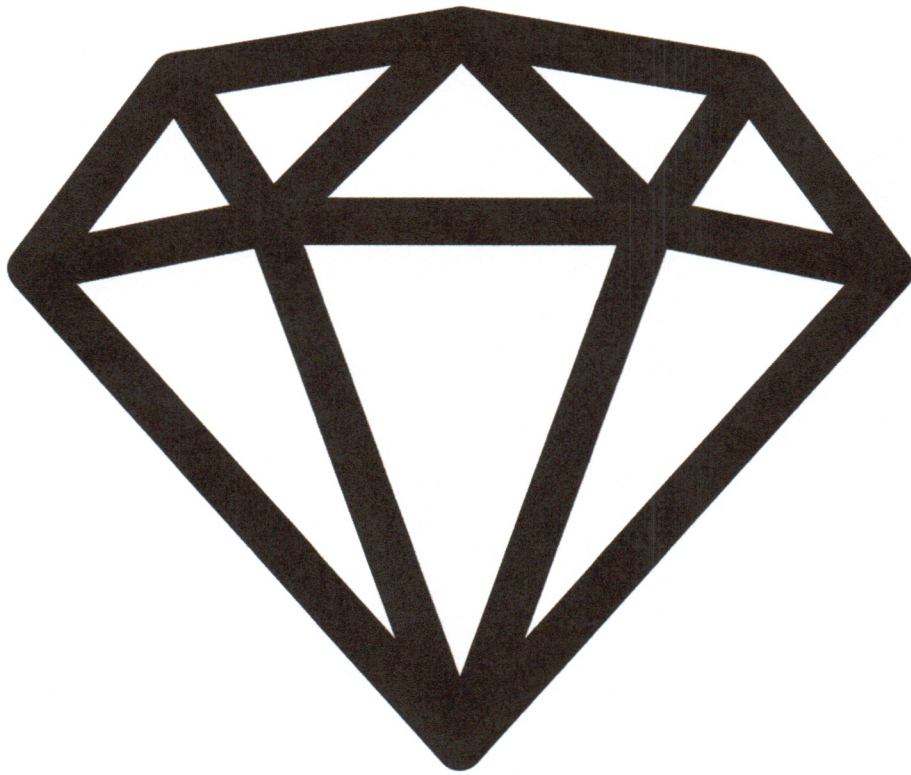


# Los Diamantes

Homeowners Association



Resident Handbook  
Rules and Regulations  
2021

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**MANAGEMENT COMPANY:**

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## **PREFACE**

This handbook has been compiled by your Association to outline the operation procedures of the Association and to provide other information about your Associations Property. The purpose of your Association is to maintain and enhance the Los Diamantes Homeowners' Associations ("Los Diamantes ") Property while making association living a pleasant experience for everyone. The Association concept is a device for engaging able people to manage the Community's assets. The advantage of a planned development is that the authority, as well as the responsibility for maintaining the Property, is retained by those with invested interest in the Community's welfare-the Property Owners. Living in a planned development can be a happy and rewarding experience. A planned development helps ensure that the original planning concepts and design that went into creating the Community are preserved, protected, maintained and enhanced.

### **EVERYONE BENEFITS FROM AN EFFECTIVE ASSOCIATION**

Each Owner should have access to electronic copies (at [www.silversagenm.com](http://www.silversagenm.com)) of the Homeowners' Association Declaration, Articles of Incorporation and Bylaws, generically together referred to as the Covenants, Conditions and Restrictions (CC&R's) for Los Diamantes, which are the governing documents along with the Rules and Regulations and the Architectural Guidelines, which are periodically updated and distributed by your Board. Please become completely familiar with these publications, since they set forth in detail, the rights, duties and obligations of each Owner; and they, not this Handbook are the official documents which cover these rights. These Rules and Regulations and the architectural guidelines supplement the CC&R's, and in case of conflict, the CC&R's shall prevail. Members unable to take advantage of electronic copies of these documents will be provided them at request with reasonable printing and mailing fees as applicable.

**PLEASE READ THIS INFORMATION CAREFULLY AND BE CERTAIN THAT YOUR FAMILY, GUESTS AND TENANTS UNDERSTAND THE RULES AND REGULATIONS ENTIRELY.**

If there are any questions or if you do not have copies of the Association's documents please go to the website, [www.silversagenm.com](http://www.silversagenm.com), or contact the Management Company. In order to maintain a responsible and successful Community, the governing documents must be observed. They insure the enjoyment of your community and the continuing appreciation of your individual investments. We trust that your knowledge of this information will enhance your daily enjoyment of your residence at Los Diamantes.

## **PURPOSE OF THE ASSOCIATION**

The purpose of your Homeowners' Association is to maintain, repair, replace and/or care for the common area Property and assets of Los Diamantes for the mutual benefit of all Owners. Your cooperation is essential in order to accomplish these purposes and common sense and consideration for your neighbors are the keys to its success. Each Owner is a member of the Los Diamantes HOMEOWNERS' ASSOCIATION, and Owner participation is both necessary and encouraged. Residential responsibility, cooperation and action have many rewards. One is that the Community continues to be a showcase long after all the residences are sold because the quality of the Community is preserved, maintained and enhanced.

## **COMMUNICATIONS**

Communications will be directed to those persons shown by the records of the Association as being the Owner of the Lot for which Assessments are due and will be sent to the most recent address of such Owner solely as reflected by the records of the Association. Any notice or communication directed to a person at an address, in both cases reflected by the records of the Association as being the Owner and address for a given Lot, will be valid and effective for all purposes pursuant to the Association and its Governing Documents until such time as there is actual receipt by the Association of written notification of any change in the identity or status of such Owner or their address or both.

## **ASSESSMENTS**

Each Owner of any property within the Association has agreed to pay on time to the Association all Assessments levied by the Association. Regular assessments are called Association Fees and payments are due in regular monthly installments. These fees are collected to pay the operating expenses of the Association, and to build reserves for the eventual replacement of Association property. Prompt payment of Association Fees is appreciated so the Association can pay its bills in a timely fashion.

## **ASSOCIATION FEE PAYMENTS**

Association fees are due and payable on the first (1st) day of every month and are late on the fifteenth (15th) day of every month. Fees should be remitted by check or money order payable to Los Diamantes Homeowners' Association. Payments should be sent by mail to the Management Company at PO Box 44123, Rio Rancho, NM 87174.

## **LATE CHARGES & INTEREST**

Any assessments which are not paid when due shall be delinquent. Delinquent accounts are subject to measures detailed in ARTICLE IV ASSESSMENT COLLECTION POLICY of this document. In any such actions by the Association in the event the collection of assessments is

turned over to an attorney, the Association shall be entitled to recover interest, costs, and attorney's fees.

## **FINES**

The Association may, after notice and an opportunity to be heard, levy fines against Owners for violation of these Rules & Regulations and the CC&R's.

## **LIENS**

The Association has a lien on a property for any assessment levied against that property or fines imposed against its Owner from the time the assessment or fine becomes due. The term "assessment" includes all fees, charges, late charges, fines and interest. An Association lien may be foreclosed in a like manner as a mortgage.

## **ASSOCIATION OPERATION**

### **BOARD OF DIRECTORS**

The Association is governed by a Board of Directors which is responsible for the operation, maintenance and enhancement of the Association. The Board of Directors consists of not less than three and not more than four elected individuals. Board Members are elected to a one-year term. If any Owner wishes to be nominated for election to the Board, a nomination should be submitted to the Board at least seven (7) days in advance of the annual meeting, along with a letter of willingness to serve, and a biographical sketch. Nominations may also be made by any member from the floor at the annual meeting.

### **MANAGEMENT COMPANY**

The Board of Directors has chosen a Management Company to handle the day-to-day operation of the Association. Board members may be contacted in writing through the Management Company by email at [associations.ssr@gmail.com](mailto:associations.ssr@gmail.com) or by US mail at PO Box 44123, Rio Rancho, NM 87174.

### **ANNUAL MEETING OF MEMBERS**

The Association holds a Members meeting once a year, in October, at which time Board Members are elected upon expiration of terms. Owners will be notified in writing in advance of the Annual Meeting. Notice is mailed to each Owner of record to the address of each Residence, or to the mailing address designated in writing by any Owner. Attendance at the meeting in person or by proxy is critical to the operation of the Association. In order to conduct official business at an Annual Meeting, a quorum of Owners must be present in person or proxy. A quorum is present when at least 10 % (8) of the Owners are present.

## **BOARD OF DIRECTORS MEETINGS**

Regular meetings of the Board of Directors are held quarterly at such place and hour as may be fixed from time to time by resolution of the Board. Board Meetings are open to the homeowners. Notice of Board of Directors Meetings is posted on [www.silversagenm.com](http://www.silversagenm.com) and may also appear on the quarterly statements.

## **HOW TO BE ACTIVE IN YOUR COMMUNITY**

Homeowner participation in Los Diamantes is essential to a healthy community. How can you participate?

- Get to know your neighbors.
- Consider running for a position on the Board.
- Read all Association material and newsletters. Review financial information and budgets you receive.
- Be sure to attend annual and special meetings, in person if possible, and by proxy if not.
- Contact the Management Company in writing by email or US Postal Service if there is an issue you feel needs to be addressed.
- Letters from Owners are presented to the Board.
- Report problems to the Management Company promptly and accurately.
- Attend a Board Meeting or two.
- If Committees are formed, consider serving.
- Be active in the Neighborhood Watch. Though the Neighborhood Watch is not part of the Association it is a vital group of your neighbors.

## **PEDESTRIAN GATES**

The pedestrian gates can be opened from the outside by the use of keys which the Management Company distributes for a nominal fee. Please do not prop open the pedestrian gates. Be sure the pedestrian gates close securely behind you every time they are opened.

## **AUTOMATIC VEHICLE GATES**

The community gates are for the benefit and enhanced safety of all community members. While the gates are not a guarantee of security or safety, they do serve as a deterrent to individuals who have no legitimate business within the Community. Proper and safe use of the gates are necessary for the benefit of all members. Using the gates properly is not always convenient, but it is important. All rules and regulations regarding gate operation should be followed. Cards or remote access devices (MicroClik Devices) may be ordered from the Association through the Management Company. Contact the Management Company for prices. Lost cards and changes in occupants should be reported to the Management Company immediately. Cards should be transferred to new owners, as are other keys and garage openers, however be sure the Management Agent receives notification of this change. Each home should report its telephone

number to the Management Company so the call box at the gate can be programmed to ring Owners phone. Changes in telephone numbers should be reported to the Management Company.

Vehicles may not tailgate through the gates. Each user should allow the gates to close, and activate the call box using their card, MicroClik device, or the call box. Albuquerque Police Department, Albuquerque Fire Department and the ambulance services have been contacted and given codes to enter the community. Gate operating problems should be reported to the Management Company.

## **IMPORTANT WARNINGS**

**THE ENTRY AND EXIT GATES ARE CONSTRUCTED  
OF HEAVY STEEL AND MOVE AUTOMATICALLY  
BY USE OF ELECTRIC MOTORS:  
DO NOT STOP YOUR VEHICLE IN SUCH A MANNER  
THAT THE GATE CAN MAKE CONTACT WITH YOUR VEHICLE  
DO NOT AFFIX ANY BODY PARTS (HANDS, ARMS, LEGS, ETC)  
TO GATES OR GATE OPERATORS  
CHILDREN SHOULD NEVER BE ALLOWED  
TO PLAY ON OR AROUND GATES OR GATE OPERATORS  
DO NOT STAND OR HANG ON GATES OR GATE OPERATORS  
AT ANY TIME  
GATES AND GATE OPERATORS ARE FOR VEHICLE USE ONLY  
DAMAGE AND/OR INJURY CAN OCCUR IF MISUSED**

### RESIDENT INSTRUCTIONS TO ENTER VEHICLE GATES

1. Via Proximity Card: (Card reader is mounted on the telephone entry. It opens the vehicle gates off Blake and 98th Street). Present card within three (3") inches of the Card Reader. Please note there is no front, back, up or down to the card; the card can be presented in any direction. Access will be granted when the Card Reader light turns green. Allow the gate to FULLY open, then PROMPTLY PROCEED THROUGH THE GATE. (Note: Cards are plastic and exposure to direct sunlight and/or extreme cold can damage the card. The cards will break if folded or bent.)
2. Via MicroClik Transmitter ("Clicker"): MicroClik transmitters operate within twenty-five (25') feet of the gate. This offers the GREATEST radio range. If the transmitter is used while in the glove compartment, purse, briefcase, on the floor, etc., the range will be reduced. Press the button of the MicroClik. Allow the gate to FULLY open, then PROMPTLY PROCEED THROUGH THE GATE. The entry gate is equipped with an "automatic timer to close". THEREFORE, YOU MUST PROMPTLY PROCEED THROUGH THE GATE ONCE IT IS FULLY OPEN. IMPORTANT: ONLY ONE (1) CAR SHOULD PROCEED THROUGH THE GATE AT A TIME. DO NOT TAILGATE!!



## RESIDENT INTRUCTIONS TO EXIT MAIN GATE

The exit gates will automatically open when you drive your vehicle over an "exit loop" which is buried in the roadway. Simply approach the gate SLOWLY. Wait for the gate to FULLY OPEN. PROMPTLY proceed through the gate. The exit gates are equipped with an "automatic timer to close". **YOU MUST PROMPTLY PROCEED THROUGH THE GATE ONCE IT IS FULLY OPEN. IMPORTANT: ONLY ONE (1) CAR SHOULD PROCEED THROUGH THE GATE AT A TIME. DO NOT TAILGATE!!**

**DOORKING TELEPHONE ENTRY SYSTEM:** (Located at the main entry gates)

1. The DoorKing. Telephone Entry System uses your telephone to let you talk with visitors and allow them access to Los Diamantes if you so desire. A visitor is instructed on how to find your name on the system's built-in electronic directory press the call button. The system then dials your telephone number, which has already been programmed into the system's memory, and your telephone will ring. The system keeps your telephone number confidential and your telephone number is NOT displayed on the directory.
2. When you answer your telephone, you will be in a normal conversation with the visitor. Be sure to speak clearly and strongly so the visitor can hear you. The call lasts for a limited amount of time. After that period, the system will automatically end the call.
3. When you answer a call, you may dial "9" to open the gate.
4. If you dialed "9", the system will open the gate for a preset period of time.
5. If you are on the telephone when a visitor tries to call you, the visitor will receive a busy signal, UNLESS you have Call Waiting. Be brief with your telephone calls if you are expecting visitors. If you have Call Waiting, you can simply switch over to the call from your visitor, dial "9" to allow access and then go back to your original call.

## **POWER FAILURE**

In the event of a power failure, the gates are equipped with a battery backup system. The gates will automatically open when power is interrupted. Gates will automatically close when power is resumed. If you approach gates during a power outage, proceed with extreme caution. Watch carefully for vehicles, pedestrians, and any/all other obstacles which might be confused or distracted due to power outage.

## **RULES AND REGULATIONS**

### **ARTICLE I**

### **GENERAL INFORMATION**

#### **Section 1 – Introduction:**

The rules and regulations contained herein are issued by the Board as authorized by the governing documents of the Association. This is a supplement to the Los Diamantes governing

documents. In the event of any conflict between the Rules and Regulations and the aforementioned documents, the provisions of the CC&R's shall prevail. The Association also falls under the jurisdiction of the City of Albuquerque, and County of Bernalillo and all ordinances and codes apply. Please read the Los Diamantes Rules and Regulations carefully.

**Section 2 - Purpose of Rules and Regulations.**

The Rules and Regulations are intended as a guide for the conduct and activities of all Owners, tenants, residents and their guests. Each Owner or resident living within the Community and using the facilities is entitled to maximum pleasure without annoyance or interference from others, subject to the governing documents.

**Section 3- Changes in Rules and Regulations.**

The Board may, in accordance with the Bylaws, alter, amend, revoke or add to these Rules and Regulations. When notice of any such alteration, amendment, revocation or addition is given to any Owner or resident it shall have the same force and effect as if originally made a part of the Rules and Regulations.

**Section 4 - Compliance with Rules and Regulations:**

All Owners, residents, tenants, and guests are required to abide by the provisions of the CC&R's, and the established Rules and Regulations. Owners are held responsible for the actions of the tenants, guests and other residents of their residence. OWNERS MUST PROVIDE A COPY OF THE CC&R'S AND THESE RULES AND REGULATIONS TO THEIR TENANTS. Additional electronic copies of any of the Association's Documents are available at [silversagenm.com](http://silversagenm.com). Hard copies of the Association's Governing Documents will be available by request from the Management Company for a reasonable printing fee. Anyone refusing to abide by these rules may face corrective action as decided the Board.

**Section 5 - Violations of the CC&R's and the Rules and Regulations:**

It is the right and duty of each resident to report violations in writing to the Board or its appropriate Committee through the Management Company. Violations will be brought to the attention of the Owner in writing by the Management Company following the policies established by the Board.

**Section 6 – Failure to Correct a Violation:**

Failure to correct a violation after notice and an opportunity to be heard, could subject an owner to special assessments and fines. Further failure to correct a violation may cause legal action to be taken. All expenses incurred by the Association to correct the situation will be the responsibility of the Owner and they will be billed, and their property lien.

**RULES AND REGULATIONS**  
**ARTICLE II**  
**USE OF THE LAND**

**Section 1 – Vehicles:**

Only street legal, operable, noncommercial passenger vehicles requiring only a class D license to operate, which have current registration, may be parked on the street. All such vehicles must be parked facing with traffic. No such vehicles may be parked on the curb, in the landscaping or in such a way as to interfere with or block any part of any driveway. Vehicles and trailers may be parked inside of a garage as long as it does not interfere with the operation of the garage door. Operable vehicles and trailers may be parked in a driveway so long as no part of the vehicle or trailer interferes with or blocks any part of the sidewalk. Driveway extensions must be approved by the Architectural Control Committee prior to construction. No vehicle or trailer may be parked in the landscaping or on the curb. ATV's and off-road vehicles are prohibited on the landscaping, sidewalks and streets located within the subdivision. RV's and Camper Trailers that cannot be parked in a driveway without interfering with or blocking the sidewalk may be parked on the street for the purpose of loading and unloading but may not be kept within the community overnight.

**Section 2 - Alterations, Additions and Improvements:**

All improvements to the exterior of a Dwelling or to a Lot in the association must be pursuant to article X of the CORRECTED DECLARATION OF PROTECTIVE COVENANTS AND BUILDING RESTRICTIONS FOR LOS DIAMANTES SUBDIVISION and all sections therein. All improvements require approval from the architectural review board. To request an application form and affidavit please contact the Management Company at [www.silversagenm.com](http://www.silversagenm.com).

**Section 3 - Pets:**

No animals, livestock, or poultry of any kind shall be raised, bred, kept, or maintained in any dwelling on any Lot, except that dogs, cats, or other domesticated household pets may be kept, provided they are not kept, bred, or maintained for any commercial purpose, and provided they do not disturb other Owners or become a nuisance in any way. Such pets shall be kept within suitable shelter and fencing for proper care. No pets shall be allowed to roam free. Association Members must comply with all federal, state, county and city ordinances relevant to their pets. †

**Section 4 - Trash Containers:**

All refuse containers shall be stored inside of a garage, in the back yard behind the fence or in a screened area except to make them available for collection on trash day. Screened areas must be approved by the Architectural Review Board prior to their construction.

**Section 5 – Exterior:**

Each Owner shall reasonably maintain the exterior of their Dwelling Unit and all Improvements thereon and on their Lot keeping the same free of weeds and debris. No Lot shall be used in

whole or in part for the storage of any property or object that will cause such Lot to appear in an unclean or untidy condition or that will be obnoxious to the eye.

**RULES AND REGULATIONS**  
**ARTICLE III**  
**VIOLATION ENFORCEMENT POLICY**

**Section 1 – Procedure for Handling General Violations:**

1. **Courtesy Letter – First Notice of Violation.** An Owner will be First Notified of a violation of the Association’s Governing Documents in writing and will be informed that if the violation is not cured within fourteen (14) calendar days from the date of the letter, the Owner will be subject to enforcement fines. The Courtesy Letter will be mailed by regular first-class mail. The Owner may contest the violation. All appeals must be made in writing by email or US Mail and sent to the Management company for review.
2. **Second Notice of Violation.** If after fourteen (14) calendar days of the date of the Courtesy Letter/First Notification of Violation, the violation is determined to still exist, a Second Notice of Violation will be sent by regular first-class mail. The Second Notice will specify the violation and the amount of the enforcement fine being imposed (see Schedule of Enforcement Fines Below), and the process to make an appeal in writing. The Owner will be informed that if the violation is not cured within fourteen (14) calendar days from the date of the letter, the Owner may be subject to additional fines.
3. **Third Notice of Violation.** If after fourteen (14) calendar days of the date of the Second Notice, the violation still exists and the Owner has not requested a hearing, the Association will send a Third Notice of Violation by first class mail. The Third Notice will specify the violation, the amount of the enforcement fine being imposed and the process to make an appeal in writing. The Owner will be informed that if the violation is not cured within fourteen (14) calendar days from the date of the letter, the Owner may be subjected to additional enforcement fines.
4. **Notice of Continuing Violation.** If after an additional fourteen (14) calendar days, the violation still exists and the Owner has not requested a hearing, a Notice of Continuing Violation will be sent by first class mail. The Notice of Continuing Violation will include the details of the violation, the amount of the enforcement fine being imposed and the process to make an appeal in writing. The enforcement fine may be imposed every fourteen (14) days until an accumulation of \$500.00 in aggregated fines, as long as the violation continues.

**Section 2 – Schedule of Enforcement Fines:**

The following is the schedule of enforcement fines that will be imposed for violating the Association’s Governing Documents.

Courtesy Letter – First Notice	No Fine – Warning
Second Notice of Violation	\$25.00
Third Notice of Violation	\$50.00

Notice of Continuing Violation	\$100.00
Second Notice of Continuing Violation	\$200.00

**Section 3 – Recurring Violations:**

A “recurring violation” is a type of violation that is cured, but occurs again in the future. (Examples include, but are not limited to: weeds, unauthorized parking of vehicles, trash cans not put away within the required time frame, etc.) If a recurrence of the same violation occurs within six (6) months of the original violation the violation enforcement process will proceed as if it is a continuing violation.

**Section 4 – Impact of Enforcement Fine:**

Imposition of an enforcement fine does not relieve the Owner of responsibility to correct the violation.

**Section 5 – Other Remedies:**

At any time, the Board may decide to pursue any other remedy available under law or at equity that is allowed under the Governing Documents.

**Section 6 – Time Frames:**

Homeowners may request an extension to resolve the violation which may be granted based on the individual circumstances.

**Section 7 – Collection of Enforcement Fines:**

All enforcement fines shall be collected in the same manner as any other assessment or monetary penalty pursuant to the Assessment Collection Policy.

**RULES AND REGULATIONS**  
**ARTICLE IV**  
**ASSESSMENT COLLECTION POLICY**

**Section 1 – Policy Objective:**

The Association will pursue collection of all Assessments pursuant to the Declaration and this Assessment Collection Policy.

**Section 2 – Ownership Interests:**

Pursuant to the Declaration, the person who is the Owner of a Lot as of the date an Assessment becomes due is personally liable for the payment of the Assessment. The personal obligation for delinquent Assessment shall not pass to the successors in title of the Owner unless expressly assumed by them.

**Section 3 – Handling Charges and Returned Check Fee:**

In order to recoup costs incurred because of the additional administrative expenses associated with collecting delinquent Assessments, collection of these fees and charges are part of the Collection Policy. These fees and charges, including a Collection Notice Fee, will be added to the amount outstanding and are collectible to the same extent and in the same manner as the delinquent Assessment.

**Section 4 – Application of Funds Received:**

All moneys received by the Association will be applied to amounts outstanding to the extent of and in the following order:

- A. First to the unpaid Assessment amount;
- B. Next, to interest accrued;
- C. Last to late fees, collection costs and attorney's fees incurred by or on behalf of the Association.

**Section 5 – Ownership Records:**

All collection notices and communications will be directed to those persons shown by the records of the Association as being the Owner of the Lot for which Assessments are due and will be sent to the most recent address of such Owner solely as reflected by the records of the Association. Any notice or communication directed to a person at an address, in both cases reflected by the records of the Association as being the Owner and address for a given Lot, will be valid and effective for all purposes pursuant to the Declaration and this Assessment Collection Policy until such time as there is actual receipt by the Association of written notification of any change in the identity or status of such Owner or its address or both.

**Section 6 – Notification to Owner:**

- A. DELINQUENT NOTICE. A payment by a member is deemed delinquent if it is unpaid fifteen (15) or more days after the due date. A - \$10.00 will be charged to the Owner's account.
- B. DEMAND NOTICE. No sooner than Ninety (90) days after the due date, the Association will send a notice via regular first-class mail to the Owner setting forth the amount of the delinquent Assessment owed. In addition, all unpaid assessments will bear interest at the Default Interest Rate of 15% per Annum. All fees associated with this letter will be charged to the Owner's account, including an additional Collection Notice Fee.
- C. No sooner than One-hundred and Eighty (180) days after the due date the Association may be turned over to an attorney for collections.

**Section 7 – Alternative Collection Courses:**

The Board, acting with input and recommendation from management and counsel, will evaluate which course of legal action appears to be in the best interest of the Association for recovery of unpaid Assessments. Where foreclosure of the Assessment lien in favor of the Association against a Lot, together with pursuit of personal judgment against the Owner, is determined to be advisable, or personal judgment alone, the Board will direct collection agency and/or counsel to proceed accordingly pursuant to New Mexico law.

**Section 8 – Verification Of Indebtedness:**

Where an Owner requests verification of the indebtedness Management will, upon notification of the Owner's request, supply such verification within fifteen (15) business days. The exercise of collection rights of the Association regarding Assessments will in all ways comply with the Fair Debt Collection Practices Act.