

77 35275

ARTICLES OF AMENDMENT

85

OF

VILLA ENCANTADA HOMEOWNERS ASSOCIATION

(A corporation organized for benevolent, charitable, civic, community welfare, educational, eleemosynary, general welfare, health, horticultural, professional, recreational, scientific, and social purposes and not for profit, having no capital stock.)

1. Article II, Purposes and Powers, Paragraph A.1, the introductory portion thereof (without its subparagraphs), is amended hereby to read and provide as follows:

"1. Promoting the health, safety, and welfare of the residents within VILLA ENCANTADA ADDITION, a subdivision within the City of Albuquerque, County of Bernalillo, State of New Mexico, as the same is shown and designated on the Plat thereof filed in the office of the County Clerk of Bernalillo County, New Mexico, on July 31, 1973, as the same may be amended from time to time, and such additions thereto as may thereafter be brought within the jurisdiction of this corporation by annexation as provided in Article VIII hereof, hereafter referred to as 'The Properties', and for this purpose to:"

2. Article II, Purposes and Powers, Paragraph B, of the Articles of Incorporation is amended hereby to read and provide as follows:

"B. To take title to the common properties and facilities for the benefit of the residents of VILLA ENCANTADA ADDITION, and to implement the Declaration of Covenants, Conditions, and Restrictions (the 'Declaration') concerning VILLA ENCANTADA ADDITION recorded in the office of the County Clerk of Bernalillo County, New Mexico, on July 31, 1973, in Book Misc. 325, at pages 15--33 of the records of Bernalillo County, New Mexico, as the same may be amended from time to time as therein provided, said Declaration being incorporated herein by reference as if set forth at length herein."

3. Article III of the Articles of Incorporation is amended hereby to read and provide as follows:

"ARTICLE III.

"Corporation Shall Not Afford Pecuniary Gain to its Members

RECEIVED

MAY - 4 1977

N.M. ST. CORP. COMM.
Corp./Franchise Tax Dept.

"The corporation shall not afford pecuniary gain, incidentally or otherwise, to its members; the corporation shall not be operated for profit or pecuniary gain, incidentally or otherwise; the corporation shall be non-stock; no profit or pecuniary gain shall accrue to the members hereof; and no profit shall be accumulated and none distributed to its members. No substantial part of the activities of the corporation shall consist of carrying on propaganda or otherwise attempting to influence legislation or participating in a political campaign. Upon any dissolution of the corporation, no member shall be entitled to any distribution or division of its remaining property or its proceeds, and the balance of all money and other property received by the corporation from any source, including its operations, after the payment of all debts and obligations of the corporation of whatsoever kind and nature, shall be dedicated to an appropriate public agency to be used for purposes similar to those for which this Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed, and assigned to any non-profit corporation, association, trust, or other organization to be devoted to purposes similar to those for which this Association was created. Provided, however, that any such dedication or distribution shall be used exclusively for purposes within those set forth in article II of these Articles of Incorporation and within the intentment of Section 501(c)(3) of the United States Internal Revenue Code of 1954 as the same may be amended from time to time."

4. Article VIII, Other Provisions, Paragraph A, of the Articles of Incorporation is amended hereby to read and provide as follows:

"A. Membership. Every person or entity who is a record owner of a fee or undivided-fee interest in any Living Unit which is subject by the terms of the Declaration to assessment by the corporation shall be a member of the corporation (a 'member'), provided that any such person or entity who holds such interest merely as security for the performance of an obligation shall not be a member. The rights of membership are subject to the right of the Association, acting by its Board of Directors, to suspend the voting rights and right to use the recreational facilities during the period that any assessment payable by the member remains unpaid for more than thirty (30) days; and for a period not to exceed sixty (60) days for any infraction of, default in, or breach of the By-laws of the Association by the member. No Owner shall have more than one membership. Membership shall be appurtenant to and may not be separated from ownership of any Living Unit which is subject to assessment by the corporation. Ownership of such Living Unit shall be the sole qualification for membership."

The foregoing Articles of Amendment were adopted by VILLA ENCANTADA HOMEOWNERS ASSOCIATION at a meeting of members held on April 21, 1977, at which meeting a quorum was present and two-thirds (2/3) or more of the votes which members at that meeting were entitled to cast were cast in favor of the amendments set forth in these Articles of Amendment.

Hamlin L. Hill
Hamlin L. Hill, President

Priscilla A. Ottino
Priscilla A. Ottino, Secretary

CERTIFICATION

I, the undersigned, do hereby certify:

THAT I am the duly elected and acting Secretary of VILLA ENCANTADA HOMEOWNERS ASSOCIATION, a New Mexico non-profit corporation; and

THAT the foregoing Articles of Amendment constitute and incorporate those amendments to the Articles of Incorporation of VILLA ENCANTADA HOMEOWNERS ASSOCIATION duly adopted at a meeting of members held on the 21st day of April, 1977; and

THAT a quorum was present at such meeting, and

THAT two-thirds of the votes entitled to be cast by the members present at such meeting were cast in favor of the amendments constituting and incorporated into these Articles of Amendment, all in accordance with the Articles of Incorporation and Bylaws of the Association, all applicable law, and the Declaration.

Priscilla A. Ottino
Priscilla A. Ottino, Secretary

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

88

M.H. The foregoing instrument was acknowledged before me this 31st day of April, 1977, by Hamlin L. Hill, President of VILLA ENCANTADA HOMEOWNERS ASSOCIATION, a New Mexico non-profit corporation, on behalf of said corporation.

S E A L

My commission expires:

Oct 22, 1980

Thomas L. Perry
Notary Public

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this 28th day of April, 1977, by Priscilla A. Ottino, Secretary of VILLA ENCANTADA HOMEOWNERS ASSOCIATION, a New Mexico non-profit corporation, on behalf of said corporation.

S E A L

My commission expires:

Oct 28, 1980

Thomas L. Perry
Notary Public

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
FILED FOR RECORD

MAY 4 10 28 AM 1977
6-554 88-88
EMERSON
CO CLERK & RECORDER
DEPUTY

RECEIVED

MAY - 4 1977

N.M. ST. CORP. COMM.
Corp./Franchise Tax Dept.

First Amendment to

89

the By-laws of

7 25276

VILLA ENCANTADA HOMEOWNERS ASSOCIATION

(a New Mexico non-profit corporation)

1. Article I, Definitions, Section 1, of the By-Laws is amended hereby to contain the following two additional subsections:

"(o) 'Class A Lot' shall mean and refer to any lot upon which there is a residence or single family unit, upon which construction has been completed, and which has been conveyed to an owner other than the Developer.

"(p) 'Class B Lot' shall mean and refer to any lot upon which a residence or single family unit has not been completed, or upon which a residence or single family unit has been completed but has not been conveyed to an owner other than the Developer."

2. Article II, Members, Section 1, of the By-Laws is amended hereby to provide and read as follows:

"Section 1. Membership. Every person or entity who is a record owner of a fee or undivided-fee interest in any Living Unit or Lot which is subject by the terms of the Declaration to assessment by the Association shall be a member of the Association (a 'member'), provided that any such person or entity who holds such interest merely as security for the performance of an obligation shall not be a member. The benefits of membership are subject to the right of the Association acting by its Board of Directors, to suspend the voting rights of any member who remains in default of any assessment payable by the member remains unpaid for more than thirty (30) days; and for a period not to exceed sixty (60) days for any infraction of, default in, or breach of the By-Laws of the Association, the Declaration, or the published Regulations of the Association by the member. No owner shall have more than one membership. Membership shall be appurtenant to and may not be separated from ownership of any Living Unit which is subject to assessment by the Association. Ownership of such Living Unit shall be the sole qualification for membership."

3. Article II, Members, Section 5.1(c) of the By-Laws is amended hereby to read and provide as follows:

RECEIVED

MAY - 4 1977

N.M. ST. CORP. COMM.
CO. R. F. FORMER Tax Dept.

"(c) The right of the Association, as provided in its Articles and By-Laws, acting by the Board of Directors of the Association, to suspend the voting rights and right to use the recreational facilities of its members during the period that any assessment payable by the member remains unpaid for more than thirty (30) days; and for a period not to exceed sixty (60) days for any infraction of, default in, or breach of the By-Laws of the Association, the Declaration, or the published Regulations of the Association by the member."

4. Article II, Members, Section 5.1(d) of the By-Laws is amended hereby to read and provide as follows:

"(d) The right of the Association to charge reasonable admission and other fees for the use of the recreational facilities; and"

5. Article III, Board of Directors, Section 7(b)(6), of the By-Laws is amended hereby to read and provide as follows:

"(6) To obtain and keep in full force and effect at the expense of the Association, insurance covering all of the Common Properties and Facilities and insuring the Association, its members, and all others having a security or other interest therein, against loss or damage by fire, those hazards covered by extended coverage insurance, vandalism, malicious mischief, and all other hazards which the Board of Directors may deem appropriate, in any amount sufficient to cover the full replacement cost of any loss, damage, repair, reconstruction work relating to all buildings, structures, and other improvements constructed upon or constituting any part of the Common Properties and Facilities, with such companies, and in such forms of policies, as the Board of Directors deems in the best interest of the Association; and to obtain and keep in full force and effect at the expense of the Association bodily injury and property damage liability insurance in such forms of policies, in such amounts of coverage, and in such companies, as the Board of Directors deems in the best interest of the Association; and any such insurance shall not prejudice the right of any owner to insure his Living Unit."

6. Article XIV, Miscellaneous Provision, Section 8, of the By-Laws is deleted hereby.

CERTIFICATION

I, the undersigned, do hereby certify:

