

**The Gardens Homeowners Association Inc.**  
**Minutes of the meeting of the Board of Directors**  
**Monday, August 2, 2021**  
**509 Cilantro-6:37PM**

**Board Members Present:** Kim Fusselman, Marylin Showalter, Jerry Simon, Gil Clarke

**Homeowners Present:** Juan Camacho, Steve Fusselman

**Treasurer's report:** \$5,100 Manhattan Gate cost for battery backup and motherboard is paid in full. Sue Gunckel reviewed the treasure's books. The results of that review will be discussed at the **annual meeting on September 18<sup>th</sup> at Los Duranes Community Center**. See the attached Treasury report for August.

**Landscape Committee Report/Dave Herstedt:** The board discussed thinning of the trees on Laguna Seca that are very close to the wires at a cost of \$1000, removal of 2 logs in the south commons area at a cost of \$400 and removing the Siberian elm tree that is dying and leaning close to the ditch bank road on the south commons at a cost of \$400. Kim and Steve suggested in order to be fiscally conservative with landscaping funds, removal of the logs could wait. The dying, leaning tree must be removed so the road won't be at risk for washing away should it fall over on its own. It also presents a safety risk.

The landscape Visa card remains in Chris name and since he is no longer on the board the signers on the card will need to be changed.

Rich Kraemer has volunteered to step in for Dave Herstedt on the landscape committee. Dave has agreed to mentor and train Rich. Gil will also assist Rich Kramer in this new endeavor. **Thank you, Rich Kraemer, for stepping up to volunteer for this role.**

**Action:** The board voted to remove the trees as well as the logs for a cost of \$1800. There is \$2,700 left in the landscaping budget, leaving \$900 for any purchases (fertilizer etc.) that Amado will be making in the next week. If additional money is needed for the purchases, the board will be approached. Approval for the action was unanimous.

**Action:** The board voted to change the signers on the business checking account. Chris Bigge will be removed from the account and Rich Kraemer will be added to the account.

**Gatekeeper Report/Jeff Hanson:** No new reports

**Old Business:** The July minutes were approved with many thanks to Julia Clarke for her comprehensive notes.

**New Business:** A delinquent landscaping concern was discussed.

**Discussion:** Mr. Camacho asked where to find the CCR's. He was shown how to access the gardens website and where to find the articles and policies. Kim stated that at the June board meeting many of the concerns that Mr. Camacho brought up were addressed. On November 13, 2004, there was a unanimous decision to equalize the dues structure for all residents to pay the same amount regardless of whether the residents live east or west of the ditch crossing Aloysia LN NW. The change in dues structure was addressed and voted on at a special meeting (not sure of date) of all residents; a quorum was met and the different dues structure was changed so that all residents in The Gardens are assessed the same amount. The changes to the 1999 CCR's to reflect that change was unanimously signed by the 2004 board members as stated in the minutes of that special 2004 meeting. However, the updated CCR's were either never filed with the state by the 2005 board members or they were misfiled by the state. The board has read through all the records that have been created since 1999 but could not find a copy of the updated CCR's. Steve Fusselman checked several times with the state department as well. The current board is rectifying the situation. The CCR's will be updated accordingly and refiled with the state.

Mr. Camacho stated he needed the 2005 CCR's in order to sell his house. Gil explained that there have been numerous sales in the neighborhood since that time and there has never been an issue with the sales. Jerry explained that when a purchase contract is signed for the sale of any home, either within The Gardens or anywhere in Albuquerque, the title company asks for certain information related to the financials of the home that is for sale, they want to know what the HOA dues are, are they current, if not how much is owed, etc. Prior to closing the realtor sends The HOA Treasure a state form NMAR Form 4700 (2020 Jan) New Mexico Association of Realtors Homeowners' Association (HOA) Document and Disclosure Certificate Request – 2020. This form also asks for several items such as but not limited to; amount of monthly common expense assessment and unpaid common expenses or special assessments, anticipated capital expenditures, amount of any reserves for capital expenditures (The Gardens has a reserve account for major road reconstruction), current operating budget, any knowledge of unsatisfied judgements or pending suits against the HOA, does the HOA have insurance, by-laws, covenants, and HOA rules, etc. Prior to purchasing a home the potential buyer is given all this information.

Mr. Camacho was thanked for bringing up the fact that the current CCR's on the website do not reflect the changes that were voted on and approved of in the special meeting held in November 2004.

There are 3 board positions open, one current member is willing to stay on the board. There have been 2 residents that expressed interest in the board.

All residents are encouraged to volunteer for open positions and all residents are encouraged to submit requests for questions or issues to be brought up at the annual meeting.

Submit requests for the annual meeting to Kim or any member of the board.

Shirley will make packets containing the agenda, minutes, proxy release etc. for the board to email to all residents prior to the annual meeting.

Residents are encouraged to attend the annual meeting on **September 18<sup>th</sup> at Los Duranes Community Center at 9:30AM** and if they are unable to attend the meeting to sign a proxy allowing a neighbor or board member voting rights. On **October 4<sup>th</sup>** the Homeowners Association with the newly formed board will meet from **6:30pm to 8pm** at the **Rio Grande Police Substation.**

Meeting was adjourned at 7:34

Respectfully Submitted,  
Shirley Hosler