

STATE OF NEW MEXICO
COUNTY OF CIBOLA
THIRTEENTH JUDICIAL DISTRICT COURT

RONALD SCHALI, MIKE REBB,
LINDA PEDERSEN, and DANNY MONTOYA,
as individuals, and on behalf of those
similarly situated,

Plaintiffs,

v.

Case No.: D-1333-CV-2025-00156

TIMBERLAKE RANCH LANDOWNERS
ASSOCIATION, a New Mexico Non-Profit
Corporation, and THE BOARD OF DIRECTORS
FOR THE TIMBERLAKE RANCH LANDOWNERS
ASSOCIATION, individually, and in their capacity
as Board Members of the Timberlake Ranch Landowners
Association,

Defendants.

PLAINTIFFS' APPLICATION FOR PRELIMINARY INJUNCTION

COME NOW the Plaintiffs in this matter, Ronald Schali, Mike Rebb, Linda Pedersen, and Danny Montoya, by and through their undersigned counsel of record, Brendon Hischar, to request the Court enter a preliminary injunction seeking the relief requested below. As grounds for their Application, the Plaintiffs state as follows:

A. Relief Requested.

1. The Plaintiffs respectfully request, pursuant to Rule 1-066 NMRA, a preliminary injunction that: (a) prohibits the Defendants from interfering with, closing, or prohibiting access to the Timberlake Trail System at the Timberlake Ranch Community, inclusive of any interference with the activities or membership of the Association's trails committee responsible for designing, planning, maintaining, and constructing the trails system; (b) orders the Defendants to uphold their existing agreement with the Liberty Mutual Insurance company to conduct appropriate fire

mitigation along the Timberlake Trail System (and elsewhere) in order to maintain the Association's fire insurance policy; (c) prohibits the Defendants from interfering with potential class members and the ability of class members to receive information about this lawsuit, including ordering Defendants to comply with record disclosure requirements for homeowners associations, as found in NMSA 1978, Section 47-16-5; (d) prohibits Defendants from spending money on expenses that are contrary to any injunction issued by this Court (including, but not limited to, spending money on signage to mark certain trails as off-limits); (e) freezes landowner annual dues at their current amount, and (f) prohibits Defendants from taking actions not expressly authorized by the Timberlake Ranch Landowner Association governing documents and the orders of this Court.

B. Background And Procedural History.

2. This Application for Preliminary Injunction arises in the context of a Class Action Complaint filed June 30, 2025, in which Plaintiffs, on behalf of themselves and a proposed class of 570 similarly-situated landowners controlling 743 lots, seek adjudication of easements, declaratory judgment, injunctive relief, and damages arising from alleged breach of duty on the part of certain Directors of the Timberlake Ranch Landowners Association.

3. The Timberlake Ranch community is located in the forested hills outside of Ramah, New Mexico. The community is an active community, with outdoor attractions and activities being a significant draw for many residents and their families.

4. The allegations of the Complaint focus on the alleged wrongful denial of access to a recreational hiking trail system that has been under construction for years using volunteer labor from members of the community, but which certain members of the Association's Board of Directors have recently decided to close or restrict, resulting in the present action.

5. The closure or restriction of the Timberlake Trail System, while disappointing to many residents of the community, is only, so Plaintiffs allege, a symptom of a much larger problem in the governance of the Association and the community, in which certain members of the Association Board appear to disregard the governing documents of the community and New Mexico state law with impunity.

6. Since recently filing the lawsuit, it appears to Plaintiffs that certain members of the Board of Directors have only "doubled down" on the conduct about which the Plaintiffs have complained.

Some of this alleged conduct includes, but is not limited to, imposing new and additional restrictions on the use of the Trail System by hikers, preventing maintenance on the Trail System (which imperils the community's ability to maintain fire insurance), and encouraging landowners to opt out of community newsletters and mailing lists that have been previously used to communicate information of import and relevance to the community, including about this lawsuit, and other legal actions.

7. For these reasons, Plaintiffs believe entry of an order enjoining Defendants from persisting in their present wrongful conduct is necessary to protect the interests of Plaintiffs and potential class members while this litigation remains ongoing.

C. Relevant Legal Standard for this Application.

8. "To obtain a preliminary injunction, a plaintiff must show that (1) the plaintiff will suffer irreparable injury unless the injunction is granted; (2) the threatened injury outweighs any damage the injunction might cause the defendant; (3) issuance of the injunction will not be adverse to the public's interest; and (4) there is a substantial likelihood plaintiff will prevail on the merits." *Labalbo v. Hymes*, 1993-NMCA-010, ¶ 11, 115 N.M. 314 (internal quotation and citation omitted).

D. Plaintiffs, Including Potential Class Members, Will Suffer Irreparable Injury Unless The Injunction Is Granted.

9. The Timberlake Trail System has been formally under construction since the year 2011, building on existing trails that had been in place for several decades prior. The construction of the trail system was facilitated by the actions of several past Association Boards, numerous hours of mostly volunteer labor provided by members of the community, and one or more land acquisitions. The Timberlake Trail System is a significant feature of the Timberlake Ranch community, and it is a source of recreation, landowner enjoyment, and—perhaps more tangibly—property value for the many members of the community.

10. The Association's Board of Directors has recently declared large sections of the trail system off limits to hikers (but not to an estimated five landowners who own horses and can still ride their horses on the trails). Although the Board has not closed the entire trail system, avoidance of the closed or off-limits areas now requires Timberlake Ranch residents, many of

whom are elderly, to travel over eight miles. In doing so, Defendants have effectively closed more than half of the current trail, thereby robbing the Timberlake Ranch community of a substantial source of recreation, enjoyment, and value, which are lost in time and cannot be easily remedied through future injunctive relief or the future award of money damages, especially for the elder members of the community who have made Timberlake Ranch their retirement home.

11. Besides things like recreation, enjoyment, and value, the loss of which are hard to quantify or even describe, the Board's recent, sweeping restrictions have also affected the maintenance of the trail system, which, on Plaintiffs' information and belief, has set conditions by which the Liberty Mutual Insurance company may suspend or cancel fire insurance for the community. Trail system maintenance, such as is no longer being conducted, has been a significant factor for the renewal of the community's fire insurance in the past. Loss of fire insurance could impact the ability of community members to use certain insured structures and common areas, such as the Timberlake Ranch community center and equipment storage facility.

12. More than just a recreational hiking trail, the Timberlake Trail System also provides a series of fire breaks through dry, heavily forested land, as recognized in a letter from the Forestry Division of the New Mexico Energy, Minerals and Natural Resources Department. Ongoing maintenance of the trail system, including by removing brush, undergrowth, and fallen trees, is part of the community's fire mitigation plan, and it is also a factor that the Liberty Mutual Insurance company and other insurance companies look towards in making decisions to continue coverage. Without fire mitigation, there will be no fire insurance. Moreover, the Association, as a direct result of the actions or inactions of the Board of Directors, has already lost a \$9,500.00 grant from the State of New Mexico to assist in performing such work, and the Association once again stands to lose another \$9,500.00 grant for the years 2025-2026 if its Directors persist in their current conduct, unless otherwise enjoined.¹

13. Losing fire insurance places individual landowners and the community at large at significant risk of uninsured losses from forest fires, including not only individual homes, but

¹ Immediately prior to the filing of this Application, the Board suddenly announced that the grant process has been merely "delayed" by a period of six months from when the process usually begins, and the Board, through the Association website, states it is taking steps to secure the grant and, by implication, comply with at least some of the fire insurance requirements. While Plaintiffs applaud and welcome this development, they nevertheless seek an order of this Court compelling the Association's Board to follow through on its promises.

also community common areas, such as forested areas and open spaces. Moreover, the restrictions on trail use, which have resulted in diminished fire mitigation, makes catastrophic fires more likely, which, in a dry, forested area such as Timberlake Ranch, may lead to the irretrievable loss of forested lands, with little chance of being restored in residents' lifetimes.² Such harm, like that of the loss of the use and enjoyment of the Trail System, potentially for years while this matter is litigated, is similarly irreparable.

14. Finally, Defendants have been actively encouraging residents to remove themselves from community mailing lists and other fora in which information about this lawsuit has been published, with no chance for residents who wish to receive information about this lawsuit to opt-in. These mailing lists had been used for many years to publish information of general interest to the community. While Plaintiffs likely can find ways to notify prospective class members if their upcoming motion for class certification is granted, residents' loss of access to these sources of community information, unless restored, is similarly irreparable. Defendants' actions are only compounded by their continued alleged noncompliance with state law in their apparent and ongoing refusal to provide landowner names and addresses consistent with the requirements of NMSA 1978, Section 47-16-5.

E. Defendants Will Not Be Damaged By The Injunction.

15. Plaintiffs seek injunctive relief that, at most, restores the status quo between the parties, in which residents of the Timberlake Ranch community were free to use the Trail System, and did use the trail system, for many years prior to the events that precipitated the present lawsuit. It is hard for Plaintiffs to see how continuing to use a Trail System that has been used for years, as well as conducting fire maintenance along those trails, and allowing residents to opt-in to community mailing lists, would cause any harm whatsoever to Defendants.

² See, e.g., "Hotter and drier conditions limit forest recovery from wildfires," available at <https://news.unm.edu/news/hotter-and-drier-conditions-limit-forest-recovery-from-wildfires>, dated March 6, 2023. (describing a recent study that dryland forests, such as those found in New Mexico, are less likely to regenerate following fires because of climate change and other factors).

F. The Injunction Is Not Adverse To Public Or Community Interests; In Fact, It Would Promote Such Interests.

16. Plaintiffs are seeking preliminary injunctive relief specifically to promote community interests, including in restoring the community's access to the Timberlake Trail System, conducting fire maintenance to maintain fire insurance, and restoring community access to certain mailing lists. None of these are adverse to community interests and, in fact, they only promote such interests.

G. Plaintiffs Are Substantially Likely To Prevail On The Merits.

17. In an application for preliminary injunction, Plaintiffs can show they are substantially likely to prevail on the merits where they can provide at least some proof they can establish each element of their claims. *See, e.g., Labalbo v. Hymes*, 1993-NMCA-010, ¶ 12, 115 N.M. 314 (upholding denial of an application for preliminary injunction where the plaintiff had not shown a party was a state actor, a key requirement for a statutory cause of action); *National Trust for Historic Preservation v. City of Albuquerque*, 1994-NMCA-057, ¶¶ 22-32, 117 N.M. 590 (upholding denial of an application for preliminary injunction where the plaintiff had not introduced appropriate evidence at the hearing on the application to establish an essential element of a statutory cause of action).

18. Here, Plaintiffs seek preliminary injunction on subjects that implicate at least three of the five causes of action raised in their Complaint: Adjudication of Express Easement, Adjudication of Easement by Prescription, and (at least in part, with respect to compliance with statutory disclosure requirements) Breach of Duty Under the Homeowner Association Act. Plaintiffs intend to present evidence that they believe will tend to show the following:

a. With respect to their easement claims, that past Association boards had specifically allowed use of the Timberlake Trail System and its "Equestrian Easements" by hikers and adopted common space rules providing for the same. Moreover, that the community, and many members of the community, have in fact used the Trail System for hiking openly, notoriously, peaceably, and continuously for a period of at least ten years. The hiking trail is a valued feature of the community. *See Exhibits A through Q.*³

³ Plaintiffs are confident they can make available the authors of these letters at hearing of this matter to properly authenticate and testify to the information contained within each letter. Plaintiffs intend to do so.

b. With respect to their Breach of Duty claim, in the part relevant to this Application, that one or more community members have made numerous proper requests for inspection of Association records under NMSA 1978, Section 47-16-5, without response. *See Exhibits A through C.*

19. In providing at least some evidence that Plaintiffs are likely to prove each element of the claims relevant to their Application at trial, Plaintiffs believe they have sufficiently demonstrated that they are substantially likely to prevail on the merits.

H. Conclusion.

20. Plaintiffs and potential Class Members similarly situated will suffer irreparable injury unless this injunction is granted. Moreover, the requested relief does not harm Defendants, benefits the public and the community, and Plaintiffs are substantially likely to prevail on the merits. For these reasons, Plaintiffs' Application should be granted.

Dated: September 29, 2025.

Respectfully submitted by,



Brendon Hischar
609 Gold Ave. SW, Suite 1Q
Albuquerque, NM 87102
505-313-9918
bhlawllc@gmail.com
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing paper or pleading was submitted through this Court's electronic filing system for filing and service to all counsel of record and was also e-mailed on September 29, 2025 to counsel at the following e-mail address:

Paul Frame (pframe@framelawpllc.com)
Attorney for Defendants

By: 
Brendon Hischar

Exhibit A

STATE OF NEW MEXICO
COUNTY OF CIBOLA
THIRTEENTH JUDICIAL DISTRICT COURT

RONALD SCHALI, MIKE REBB,
LINDA PEDERSEN, and DANNY MONTOYA,
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ASSOCIATION, a New Mexico Non-Profit
Corporation, and THE BOARD OF DIRECTORS
FOR THE TIMBERLAKE RANCH LANDOWNERS
ASSOCIATION, individually, and in their capacity
as Board Members of the Timberlake Ranch Landowners
Association,

Defendants.

AFFIRMATION IN SUPPORT OF APPLICATION FOR PRELIMINARY INJUNCTION

I, Ron Schali, hereby affirm under penalty of perjury under the laws of the State of New Mexico that the following statements are true and correct:

1. I am over the age of 18, of sound mind, have personal knowledge of the matters contained in this affirmation, and if called as a witness, I would and could testify competently.
2. I have read my Application for Preliminary Injunction. I verify that all statements of fact contained therein are true and correct to the best of my knowledge and belief.
3. I have observed that the trail system is closed as described in the Application, which, in my opinion, diminishes the value of the Timberlake Ranch community.
4. I have used the trail system for at least ten years, and I have observed many other residents doing the same, for at least this amount of time, or longer.
5. The Association Board still has not responded to my request or requests for information, as described in the Application.

The preceding statements are true and correct to the best of my knowledge and belief.

Dated: September 22, 2025.

A handwritten signature in black ink, appearing to read "Ron Schali".

Mr. Ron Schali
Affiant

Exhibit B

IN THE DISTRICT COURT OF THE STATE OF NEW MEXICO
STATE OF NEW MEXICO
COUNTY OF CIBOLA
THIRTEENTH JUDICIAL DISTRICT COURT

RONALD SCHALI, MIKE REBB,
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ASSOCIATION, a New Mexico Non-Profit
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FOR THE TIMBERLAKE RANCH LANDOWNERS
ASSOCIATION, individually, and in their capacity as
Board Members of the Timberlake Ranch Landowners
Association,

Defendants.

AFFIRMATION IN SUPPORT OF APPLICATION FOR PRELIMINARY INJUNCTION

I, Mike Rebb, hereby affirm under penalty of perjury under the laws of the State of New Mexico that the following statements are true and correct:

1. I am over the age of 18, of sound mind, have personal knowledge of the matters contained in this affirmation, and if called as a witness, I would and could testify competently.
2. I have read my Application for Preliminary Injunction. I verify that all statements of fact contained therein are true and correct to the best of my knowledge and belief.
3. Specifically, I am familiar with the fire insurance and grant requirements mentioned in the Application. Based on my own observations of things happening (or not happening) about the Timberlake Ranch community, I believe the community is no longer conducting appropriate fire break (trail) maintenance needed to maintain appropriate insurance.
4. I have also observed that the trail system is closed as described in the Application, which, in my opinion, diminishes the value of the Timberlake Ranch community.

5. I have used the trail system for approximately eight years (since 2017), and I have observed many other residents doing the same, for at least this amount of time, or longer.

6. The Association Board still has not responded to my request or requests for information, as described in the Application.

Dated: September 22nd ___, 2025.

___Mike Rebb_____

I am submitting this affirmation in support of my request for a preliminary injunction because I believe immediate court intervention is necessary to prevent further harm to the Timberlake Ranch community and its residents. The lack of communication from the Association Board, along with the ongoing closure of the trail system and insufficient fire break maintenance, creates urgent concerns for the safety, property value, and overall well-being of the community.

Mr. Mike Rebb

Affiant

Exhibit C

9/24/2025

To whom it may concern,

When someone moves into an HOA community, it is expected that the HOA board members are honest, fair, understand the rules and regulations, are prompt in their actions and responses to the community, and have good communication skills. None of that is true with the current Timberlake HOA board. In fact, it is just the opposite.

When I purchased property in Timberlake in 2017, I seriously debated moving into the HOA community. I have had the unfortunate experience of living in a past community that for a period of time, had a dysfunctional HOA board. The effects of a dysfunctional board can cause all kinds of problems, too many to list. *The simple fact is, the community never knows what terrible decisions the board members might make next.* That is not a fun way to live in a community, and there is always a concern what might be coming down the road.

Luckily at that time I purchased land in Timberlake, the board members were honest and fair. I often wondered however, what might happen when the board members leave their positions.

In less than a year, the current board has committed dozens of State of New Mexico HOA violations. The landowners have evidence of cronyism, favoritism, and self-dealing. The current decisions of the board to shut down the volunteer trail building in the community commons and telling landowners they will be cited by the sheriff if they hike on the trail easements, are just one of many examples of a dysfunctional board.

We had tried multiple times to reason with the board but they refuse to listen. The board has demonstrated they have a list of friends and enemies. If a landowner is on the enemies list, they are completely ignored. Because of the boards multiple State of NM HOA violations, some Timberlake landowners, of which I am apart of, have unfortunately had to file a class action lawsuit against the board. Due to the board's current terrible decision to restrict landowners from the trail system, we have now had to file an injunction against the board to allow the trail easements to remain open for all landowners.

Timberlake Ranch is a beautiful area. The topography of the mountains and natural beauty of the forest vegetation is hard to beat. I ultimately decided to move into an HOA community because I did not want to live in an area where humans have destroyed that natural beauty. I did not want to live next to neighbors who have trash all over their

property, exterior buildings half finished, and multiple junk cars, which is a common sight in surrounding areas not far from Timberlake.

We simply have a board that is dysfunctional, and they need to be removed from their posts. I certainly hope this can happen sooner rather than later so that landowners do not have to live in concern of what terrible decisions the current board members might make next.

Thank you

Mike Rebb

Timberlake landowner in good standing

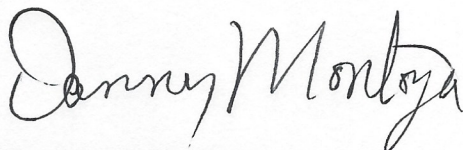
Exhibit D

September 22, 2025

To whom it may concern,

My name is Danny Montoya and have been a TRLA landowner since November 1994. I have hiked on the Timberlake Ranch equestrian easement to get to the hiking trail below the red cliffs. About 2010 the TRLA board voted to develop the hiking trails for our membership to enjoy Timberlake Ranch's beautiful scenery. When the original developers subdivided Timberlake Ranch, they created equestrian easements that can be found in the original deeds of those lots. They did that in order for landowners to have access to the common lands, in this case, the hiking trails. Now as a 79-year-old disable veteran if I want to take a short hike on the Timberlake Ranch hiking trail, I will have to go to one end of Timberlake Ranch to access the trail because of the current actions of the TRLA board. They posted signs on the equestrian easements that read: No Trespassing, Equestrian Only-No Hikers preventing me to get to the main roads. I will have to hike back to where I started. In case of an emergency, the equestrian easement will facilitate EMS crews to come to my aide or any landowner in need. Young or old, these equestrian easements are crucial for the safety of the TRLA landowners and the overall community. They also serve as fire breaks and paths for fighting forest fires.

In subdivisions such as Timberlake Ranch subdivision, prescriptive easements in the subdivision's declaration of protective covenants are what provide homeowners access to the common areas – equestrian easements and hiking trails.

A handwritten signature in black ink that reads "Danny Montoya". The signature is written in a cursive, flowing style with a large, prominent "D" and "M".

Danny Montoya

Exhibit E

September 22, 2025

To Whom it May Concern,

I have been a Member in Good Standing of Timberlake Ranch Landowners Association since 1994. I felt so strongly about this beautiful place and unique history that I have spent the last 20 years as an active volunteer for 16 years and a board member for 11 ½ years.

This last Sat. at a public board meeting I was appalled at their edict closing/suspending the trail system and access to 4 major ingress/egress trails to approximately 560 members due to their interpretation of Equestrian Easements. No human other than a horse owner can use the trail. They showed the signs that they will be posting stating NO TRESPASSING for hikers and that members seeing hikers should call the Sheriff's office.

This is a 100% reversal of previous boards since 2000 and all research of plat maps and legal opinions done in 2007 which was documented in the Timberlake Times, board meeting minutes and Board End of the Year Report presented at Annual Meeting. Unfortunately, the current board never reviewed history of the trail system when seeking legal advice from their current lawyer, and never gave him what has been in place since 2010 with Rules and Regulations for the trails and the common areas since then. A few revisions have been made through the years - the last one in 2023 which is currently on the TRLA website. All have stated that trails are for horses and hikers only.

There is now a toxic atmosphere throughout this peaceful place – pitting neighbor against neighbor with potential trespassing. I might add that two current board members have easements at the edge of their property. There never were problems in the past when a board member had an easement on their property. Members fear to stand and voice objection because of retaliation/censorship which has happened on social media, verbally and in writing.

The membership was never contacted about the reversal of trail use and the meeting that was scheduled on April 16, 2025 to discuss the trail system for the membership to ask questions was cancelled by the board and never rescheduled.

I can't begin to express my total sadness for all those who volunteered hours and hours of working on the trail system over the years and especially the last three for the recreational enjoyment of the entire membership. This board's action has no wisdom, common sense or understanding of stewardship.



Linda Pedersen

Exhibit F

John and Dawn Lashley

6262 N Camino Verde

Tucson, Az. 85743

520 664 5831

neondawn@msn.com

whipsails@msn.com

September 27, 2025

Cibola Court, Timberlake Community

Landowners and Board Members

Timber Lake Ranches

Dear Cibola Court, Timberlake Community:

- We have had property in Timberlake for over 15 years. Often volunteered on projects for the good of the community. One being the trail system. Now we have a group trying to exclude members of the community from using the trails.
- The Trails were made for both Hikers and the equestrian community to exclude the Hikers or either group is a mistake. Many of the Homes were purchased because of the lifestyle. To enjoy the outdoors!
- Please reconsider removing the signs we do not want a sign on the trail by our lot at Cottonwood Loop.
- We also believe that this board is not representing the majority of land owners in Timberlake. They have also wasted a lot of time and money on something that did not need to be changed!

Sincerely,

John and Dawn Lashley

Exhibit G

To Whom It May Concern,

This is a letter to express my gratitude for the hard work and effort it has taken to develop and maintain the Timberlake trail system. I have been a landowner for over 35 years and my husband and I have always wanted to retire here. We bought our property because we love to spend time in nature. We like to hike, ride our bikes, kayak and also just sit and look out at the trees and wild life around us. Timberlake has always been our destination for relaxation in our busy lives and, now that we are getting close to retirement age, we hope to spend much more time in Timberlake. We always heard about the friendly community of residents and the activities and opportunities the residents could share together. When they sold us our property they described trails in the Common areas and having access to them as well as having access to the lake. We were told of the easements that a lot of property owners have next to their land which was used for things like power poles or culverts or Common areas. These were described when we bought our land and we knew that an easement is something we did not have a full right of ownership to. I find it perplexing that some landowners feel they can control areas that do not belong to them in full ownership. Easements are important to maintain power lines and they are also very important for fire control. I think we can all agree that Timberlake is at risk if a wild fire happens to ignite on the subdivision even if it was caused by something like a lightening strike. Having a trail system would be an immense help to the firefighter's efforts to extinguish any fires that may start especially in the trees where we have a lot of dead wood to fuel it. These trails will help to keep our properties safe and accessible from all directions. Not only are they beautiful to hike on but the trails have other important purposes as well. We are all part of a landowner's association and we must consider the needs and desires of all of the landowners and what is best for the majority of us. The only fair way to know what the majority of the landowners want is to have a vote. Therefore by having a vote on the trail system we could save all the landowners a lot of legal fees and wasted time in court. Thank you for considering my opinion about the Timberlake trails.

Connie Galt
Block 21, Unit 8, Lot 11

Exhibit H

Ross and Danielle Cowan
6619 East Quail Hideaway Lane
Gold Canyon, AZ 85119
(480) 457 9720
September 27, 2025

To Whom it May Concern,

When we purchased a home in the Timberlake subdivision in 2020, we were very excited that living in this community also granted us access to hiking in the common areas, a major reason for our purchase.

While we have not kept that house, we have kept an undeveloped lot (061440M) with the hope of developing it in the future. However, if landowners are not permitted to use the common areas for hiking, we will most certainly sell the lot, as we have no interest in living in a community where we can't enjoy the beautiful common areas and hike on the trails that have and were still to be built.

Sincerely,

A handwritten signature in cursive script that reads "Danielle Cowan".

Ross and Danielle Cowan

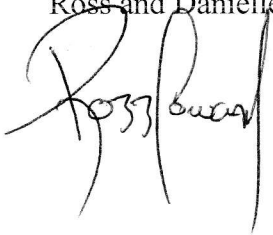
A handwritten signature in cursive script that reads "Ross Cowan".

Exhibit I

September 26, 2025

To Whom it may concern,

Regarding the posting in the Timberlake Times about closing the easement trails to hikers.

We purchased our land in Timberlake Ranch 2004 from one of the developer residents, Mr Ted Broderick.

He stated among many other qualities of the ranch that there are several miles of easements along the cliffs for residents to hike or ride horses, no motorized vehicles allowed.

Now suddenly we are told that hikers cannot utilize the beautiful trails that I among others personally helped Greg Brooks, Trail Director, clean up and enhance. I never owned a horse and never plan to. The loss of my rights to hike these easements is NOT what the developer wanted, and certainly NOT what he personally told me.

Please do not take this beautiful hiking trail away from the hikers within the Timberlake Ranch Community.

Sincerely,
Rick Antosh

Exhibit J

September 24th, 2025

To Whom It May Concern:

I am a resident of Timberlake Ranch, having moved here in 2021. One of the reasons my husband and I chose Timberlake Ranch was that the subdivision included the “Commons Area”, a public area originally set aside within the subdivision for use by all landowners. The developers of Timberlake Ranch designated 6 access points to the “Commons Area”, which is actually owned by all Timberlake landowners.

I am a horseback rider and was very excited to have a place to ride my horse without having to trailer out from my house. When I first moved here, the 6 access points, 2 direct and 4 easements across private lots, were not well marked or defined. The “Commons Area” itself was very overgrown and difficult to maneuver on, especially by horseback. A hiker would have an easier time, but still quite difficult.

Shortly after I moved here, another new resident approached the current board at the time and submitted a proposal to build a trail system within the Common Area to make it easier for residents to have access and enjoy the beauty that is the Commons Area. That board approved his request and trail construction began, fueled totally by volunteer labor (Timberlake residents). I personally have spent many hours working on the trail system.

A previous board had established a set of “Rules and Regulations for Use of the Commons Area” which has been followed by residents and is currently posted on the Timberlake Ranch website. These Rules and Regulations have been followed by residents for at least 30 years. The “Rules and Regulations” state that residents, both hikers and horseback riders may access the Commons Area via the 6 established points (2 direct, and 4 easements across certain properties, designated when Timberlake Ranch was established). Unfortunately, the developers named the 4 easements across private land, “Equestrian Easements”.

This current HOA Board has made a decision that only equestrians are allowed on the Equestrian Easements, even though the previously mentioned Rules and Regulations are still in effect and haven’t been officially changed or amended. At this point in time, of the over 500 landowners in Timberlake, only 12 own horses. This decision severely limits landowner access to the Commons as both direct access points are at one end of the Commons Land and the 4 equestrian easements are the main access points to different portions of the Commons (approximately 4 miles in length).

This decision by the current board is a travesty and should not be allowed to stand. Access to the Commons is the right of all landowners, based on the Bylaws established by the original

developers of Timberlake Ranch. The current board has spent a large amount of money (landowner dues) to hire a lawyer to do a search of documents looking for wording that “pedestrians” are allowed on the equestrian easements that are part of the deeds of the designated lots. Interestingly, the board did not include the Rules and Regulations of the Commons Area document in the information given to lawyer for his research. Based on this lawyer’s legal opinion (no mention of pedestrians in the documents he was given), the board made the decision that only horseback riders are allowed to use the main access points to the Commons. They also went one step further and purchased “No trespassing, Riders Only – No Hikers” signs to post at each of the equestrian easements. One of the board members even stated in the last board meeting, that hikers using the equestrian easements could be subject to citation by the McKinley County Sheriff’s Department for trespassing. This decision reverses a previous board ruling and also takes away one of the best reasons for living in Timberlake from 98% of the residents. This is ridiculous and an example of pure cronyism by the current board. They made this decision because of two landowners who are against the trail (one is a current board member who has one of the equestrian easements on her land).

The Board is elected to represent all landowners. The decision to ban hikers from using 4 of the 6 access points to the Commons because 2 landowners are against it, is not representing all landowners in my opinion. I am very upset by the decision of the board to limit access to the Commons. All landowners should have access to all areas of the Commons as designated by the original developers of Timberlake Ranch. The Commons Area is one of the reasons my husband and I decided to purchase in Timberlake Ranch when looking to re-locate after retirement. I must say that this decision by the board has made me re-think whether I want to continue living in Timberlake Ranch.

Sincerely,

Rosemary Carlson

20 Ash Drive

Ramah, NM 87321

(575) 439 7886

Exhibit K

September 25, 2025

RE: Timberlake Class Action Lawsuit

SUBJECT: Damage Caused by the Defendants' Malfeasance

To whom it may concern,

I am writing to share my personal perspective on this case, in support of the plaintiffs cause.

The trail is good for Timberlake. It is a valuable infrastructure asset, and also a point of community focus that we all have in common. Neighbors are routinely getting together to work on trail projects. Landowners are spending time together and forming friendships. This is exactly what Timberlake needs. I am dismayed that a few people entrusted to lead are trying to destroy this. Their lip-service to the contrary isn't fooling anyone.

The easements are on private property. The HOA has no jurisdiction to call sheriff for trespassing. This is so hurtful, I feel like my own HOA is attacking us. This Board actually thinks they are entitled use the sheriff to bully and control us. Bad things happen when people like them try usurp that kind of power. Where does that power grab end? This thought process on the part of the defendants is frightening and must be stopped. This transgression needs to be added to the class action.

The words "equestrian easement" are not the same as "hikers forbidden". It does not make sense to create the Timberlake subdivision with a crippling limitation like that. If the planners had intended "hikers forbidden" then the language would have had to be much more explicit.

The prescriptive easement cause of action is airtight and should be granted immediately.

The express easement cause of action is also strong. It is clear that there is an easement, and no language whatsoever about limitations or a context to interpret. I feel strongly that the express easement cause of action should be upheld in it's own right as well.

Limiting access will kill the trail and our ability to use the forest, simple as that. Why would our leaders take such an action to harm landowners? This has hampered my enjoyment and caused unnecessary grief for 2 full summers now. It is ludicrous and needs to stop.

Living near outdoor recreation areas was a primary consideration in my moving to Timberlake. I read about the Commons forest and access easements on the old TL website before I decided to visit. I found the horseshoe posts and they were conveniently located throughout the neighborhood. This was a major factor in my decision to buy here. I am outraged that a few people entrusted to lead are attempting to destroy this unique recreational characteristic that defines Timberlake.

The Board sent an email to scare landowners from reading the trails newsletter. This is yet another example of their bullying, intimidation, and censorship tactics. I don't recall giving up my constitutional right to free speech when I joined this HOA. Landowners must feel free to speak out and communicate among themselves. This action occurred after the class action was filed. I believe it was an attempt to manipulate potential plaintiffs in a case that is before the Court. This is actually a very big deal. It might even be criminal. New charges should be added and they must be held accountable.

Joshua States and Marv Springer, who joined the Board in May 2025, are now complicit in misdeeds that have occurred since the class action was filed. Specifically, the intimidation email about trails newsletter, the recent attempt to use sheriff as their bully, and the recent decision to post signs despite already being under suit for that same action. Josh and Marv must be added as defendants in the class action and held accountable.

I am likely to sell my property and leave once this case is settled. I don't see how this can be smoothed over to continue here. Sadly, other good people who I would have liked for neighbors have already moved away. This is very disheartening as I approach retirement age and have to start over.

I am likely to lose a significant amount of money when I sell my property. The actions of the defendants have already damaged the desirability, saleability, and real value of my property. It is going to get worse if they take away our access.

If I could separate my land from this HOA I would do so immediately. My preferred outcome is to dissolve the TRLA corporation and terminate the CCR's and bylaws. Then I could try to enjoy my life here in peace without all this nonsense. I will never agree to another HOA ever again, that damage is already done, and it is permanent.

This ongoing pattern of malfeasance from the defendants is tearing our community apart. They are not acting in our best interests. The self-dealing on behalf of their friends is flagrant. They are damaging our property values, limiting our enjoyment, and causing enormous grief and distress. I have serious misgivings about people with this distorted logic making decisions on my behalf. They are out of control and need to be removed and punished. This has been going on for a long time and it needs to stop.

In closing, I support the class action and believe it can help. I trust the plaintiffs to see to my best interests, and I am willing to testify under oath to help our cause. I plead to the Court to grant this injunction, and to ensure the defendants are held accountable for their actions. The injunction will provide some relief to landowners in the near-term, and could be the first step in a healing process that is much needed at Timberlake. Thank you for considering my thoughts.

Respectfully submitted,

Greg Brookes
Timberlake Landowner

Exhibit L

To Whom it May Concern,

I have owned property in the Timberlake Ranch Landowners Association (TRLA) since 2005 when my wife and I purchased our lot, designed and built our house. We thought we had found the perfect place to call home. Most of my life has been spent hiking and camping in the forests of the United States. Ownership in TRLA offered me the first opportunity in my life that I could access hiking in my own backyard, a dream come true. In 2010 I spent 3 years as a member of the TRLA board working with other board members to create a hiking trail that would go 9 miles from one end of the HOA common areas to the other. This was a goal of previous members of the association and supported by all previous TRLA boards. In fact, additional lots were acquired by the association to achieve this goal.

Recently, a new landowner (Greg Brookes) brought the skills and knowledge of how to build a United States Forest Service quality trail to our community and volunteered his knowledge and labor to do so. A previous board approved the project after several public meetings concerning the logistics and giving TRLA members an opportunity for input. The completion of this trail was halted by the current board due to a few landowner objections. A survey of landowners regarding this issue showed over 90% of the respondents were in favor of completing the trails. The current board has refused to accept this result because they did not approve of the survey and have to date refused to send out an "approved" survey to all landowners.

The current board has spent the last 2 years undermining landowner efforts to improve the recreational enjoyment of the HOA common areas. This board's actions have made the HOA an uninviting place to live by restricting my access to commons areas, and by manipulating board of director elections to prevent landowners who favor the trails from being elected to the board.

I no longer feel that I can enjoy recreation in TRLA. I no longer trust this current board to look out for the interests of all landowners. They appear to be interested in only supporting the interests of a fellow board member at the cost of undermining the purpose of the original developers intent of creating a community based on enjoying the beauty of the lands that are part of TRLA. I ask for the courts help in reestablishing TRLA member's trust in our leadership by recognizing that our current board of directors should cease and desist their acts of retaliation against trail work crews, should notify all landowners of their right to access the common areas via equestrian easements as "hikers", removal of signs prohibiting hikers and allow the construction and maintenance of the trails in the common areas as outlined in our HOA documents

My hope is that it is not too late to return our HOA to the wonderful place it was before this current board came to power so that current and future landowners will once again feel that we live in a special place that we can enjoy.

Sincerely, Ron Schali, TRLA landowner in good standing.

Exhibit M

Although I moved from Timberlake in July, 2021, I wanted to voice my opinion on the class action suit concerning the exclusion of hikers on easements. I lived in Timberlake for about 13 years and was very active on the Board of Directors, Fire Mitigation Committee and provided lots of input into the Policies & Procedures including detailed information about the equestrian easements. I spoke to many new landowners about the trail system by phone and drove them around to all the trailheads so they would know the proper access points. Over the years there was a lot of erosion in many places which did not allow horse access to some areas. So, when I heard that Ron Schali and others were actually getting volunteers to work on the trails I was so happy. Safety was always a concern as well as ensuring that people would not cross private property to access Common areas. When my husband and I purchased our property we were grateful that Common areas were for the enjoyment of "all landowners" to hike and ride their horses.

If a person buying property did not want hikers or horses close to their property, they should not have purchased a piece of property with an easement attached to their deed. I do not understand the logic behind not wanting hikers on the easements. These horse easements have been in effect ever since Timberlake was developed. So, how can landowners access the Common areas if these easements are shut off to hikers? It just doesn't make sense.

I understand an access was made on Yucca and Cedar, but this is at the north end of the development, which makes it harder for us "older folks" to have reasonable ingress and egress options.

It's my understanding that the present Board did not ask landowners for input before making these changes. It is very possible that this is in violation of Timberlake HOA documents. I also understand that the Board made these changes without an official vote and they did not wait for the legal process to be resolved in a court decision.

I also understand that this Board has not allowed Fire Mitigation measures to continue. I was very involved in this and it was reported at Board Meetings, newsletters, etc. that Timberlake was in the Highest Risk area. Why would this Board discontinue Fire Mitigation measures to protect all landowners?

For all of these reasons, I feel that the present Board consists of BULLIES and they are very ineffective.

Since I live in Wickenburg, AZ, I would not be willing to testify in Cibola Court. However, if I could provide further written information to them, I am most happy to do so.

Thank you for keeping me informed. Timberlake is a special place in my heart and I hate to hear what is happening to this beautiful place and to my friends who are trying to preserve and enhance its beauty.

Respectfully submitted,

Mary Jo Wallen

56911 S US Highway 93

Wickenburg, AZ 85390

1-505-269-5022

Exhibit N

I have lived in the area of Timberlake for over twenty years and bought land in Timberlake because of the natural beauty of the pristine environment and access to nature and recreation with a large Commons area for hiking and horse back riding. It was a place I could relax with my friends and was a healing place for me to be after work and when I retired. It has healed my back and is a balm for my mental health. In the last few years we had a trail builder who worked extensively on the Pacific Crest Trail who was an engineer who is great at trail building so areas in the beautiful Commons that were previously inaccessible became accessible for elderly hikers. It was a dream come true after living in Timberlake off and on for decades.

Recently people have moved to Timberlake and been elected to the board who are new and do not know the history of the use of equestrian easements/rights of ways that are protected in our Bylaws and CC&Rs or they want to change the rules. All other Boards have protected the rights of the majority of the landowners over individuals who have equestrian easements on their properties. There are currently two board members who have easements bordering or on their properties who wish to eliminate hiking on the easements that are the only access to the new Commons trails where the road does not meet the trail at one end and are being supported by the rest of the Board members.

The Board has stopped work on the trails to the point where only a few months of trail work has been allowed over the past year. The trail crew has been harassed and forbidden to use easements which has caused extra work loads, and trail workers have been falsely accused on many occasions of trail violations they did not commit. Made up CC&Rs were cited in a board meeting by a landowner to attack the trails. The trail crew members are people who are volunteers doing thousands of dollars of work for free for the entire HOA. When trail builders tried to run for office there were false charges made up against them to try to make them ineligible to run that were withdrawn , but made two people who worked on the trails feel so harassed they decided not to run.

What was a dream come true has turned into a feeling of being unsafe and excluded . I don't want my life to be about fighting off a Board working against the 99% of landowners who want to hike or walk peacefully in the forest. The board has consistently harassed the trail builders for over a year . Instead of a refuge, Timberlake is a place I want to move away from.

The Board used HOA dues to hire a lawyer to say no hikers can use the equestrian easements making over half of the trail inaccessible to most retirees due to the length of the trail and access at only one end. This would make much of the Commons inaccessible to me and take away the main reason why I chose to live here, to enjoy the recreational beauty of the common areas without fear of being arrested by my neighbors calling the sheriff as requested by the Board for using equestrian easements that have been open to hikers for 20-30 years.

Rachel Schali TRLA landowner

Exhibit O

To Whom It May Concern

Please honor an injunction for Timberlake Trails recorded as Rights-of-way- OR equestrian, Commons Easements. For reasons below:

Shirl and Michael Henderson TRLA landowners in good standing for 42 yrs.

Equestrian for 62 yrs now a walker (Do not have to own a horse to be an equestrian) Will remain an equestrian and no one can take that away.

Many hours riding on these Commons with no trails now we have an expert trail builder Greg Brooks landowner, that just wants something to do. Gregg with other volunteers (including me) have spent countless hours building these wonderful, safe, private trails for landowner's use and to see the beautiful views as well to enjoy.

Previous Boards have documented, adopted Rules and Regulations of the Common Areas with Notes referring to equestrian easements, trails Rules and equestrian guidelines which allowed hikers, walkers, horses. No motor bikes, ATV's/OHV's Motorized Vehicles. Along with GPS coordinates.

Now, we have this bullying, no transparent, causing friction, hate, & discontent, NO landowner's input, NO landowner vote, toxic Board. They are putting signs on our easements/commons to say: NO Trespassing, Equestrian only No Hikers! Must stay on your horse... what!!!

A board member has an easement on her property she did not want people waiving at her. So now this Board has taken her side and hired an attorney on our Landowner's money to take away our right to access our Commons. She along with her husband started out helping to build the trails and advised the Trail group where to put the trail on their easement. She also posted a NO Trespassing sign NO TRAIL ACCESS on her easements. Now she has violated her fiduciary duty as representing TRLA landowners and NOW eliminated ALL landowners!

She was advised by Communication director (I advised him of her actions & filing complaint) to remove her sign after several complaints were filed, and she remains on this board today.

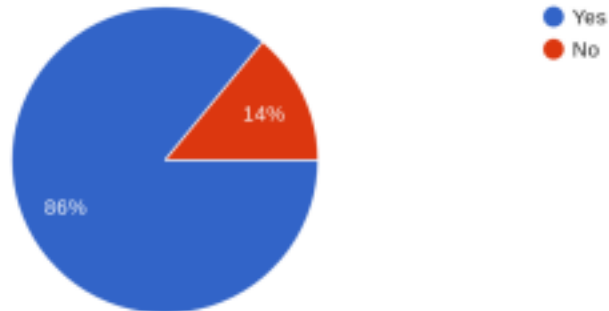
No Trail meeting for landowner's input scheduled at any time soon.

Sincerely Shirl & Michael Henderson

Exhibit P

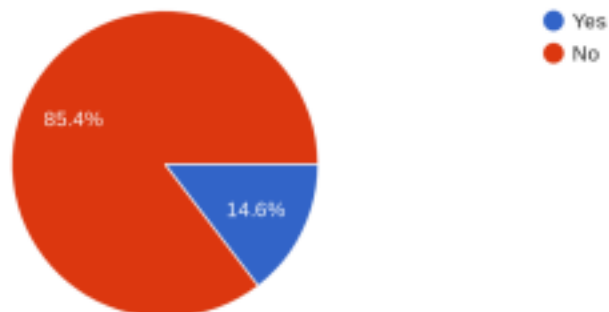
Should the board immediately lift their stop work order on trail work so the previously inaccessible common areas will be made safe and easily accessible for all landowners?

50 responses



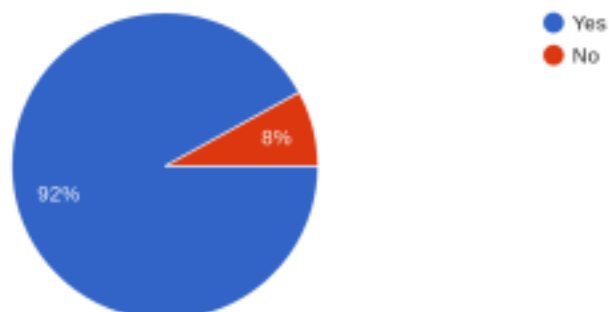
Do you want the board to pay an attorney to investigate the possibility of changing the HOA documents to remove easements/rights of ways that landowners lots at the time of purchase? (\$350/hr)

48 responses



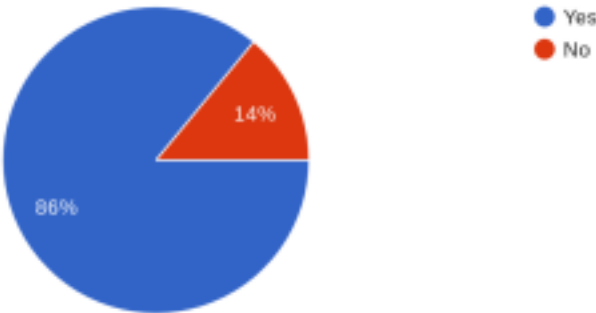
Should the HOA work toward the goal of having a trail from the Box S to the lake as envisioned by previous boards?

50 responses



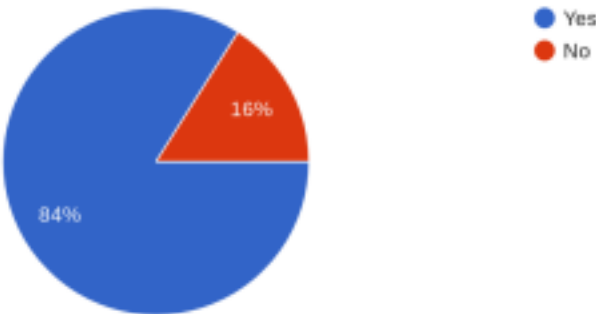
Trail systems in HOA's will likely raise your property value an average of 5% and sometimes even as high as 15%. Do you support the building of the trail system for this purpose?

50 responses



Are you a TRLA landowner who is here for the use of the common areas?

50 responses



Trail crew members and volunteers have donated time and tools. The estimated value of the completed trail by a trail building contractor is over ...ent of the trail system that is built by volunteers ?

50 responses

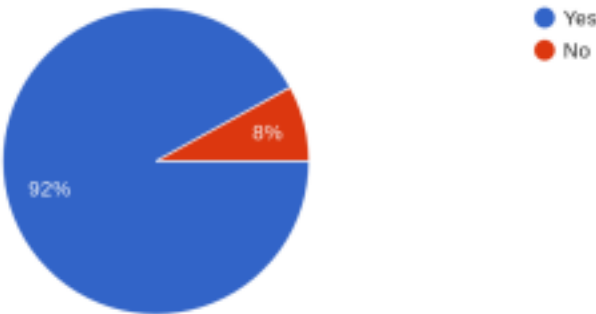


Exhibit Q

Timberlake Ranch Landowners Association Equestrian/Trail Project

The following historical information validates and supports the Equestrian/Trail Project and continued progress being made since September 2022.

- Ramah Lake Venturer/Sanchez Bros. (Developers of Timberlake Ranch) put in place 1200 acres of Common Land. Subdivision Act of New Mexico mandates a percentage of land be set aside as Common Areas. The plat maps of 1978 and 1979 for Cloh Chin Toh, Cibola 1 and Cibola 2, and 1979, 1982 and 1983 for McKinley Units 1-10 show Equestrian easements to access the common areas. *Exhibit A-4 of Amended & Restated Bylaws 2007.*
- Common Areas are for use by all landowners of 743 lots for recreational use.

Article II A. Amended and Restated Bylaws 2007

All Owners will be members of the Corporation (individually a "Member" and collectively "Members"). The rights of a Member are (1) the use of the Common Areas as provided in these Bylaws, (2) the right to participate in Corporation affairs as provided by the Articles, these Bylaws and applicable law and (3) voting as provided in these Bylaws. The rights of a Member to use the Common Areas are subject to the Regulations of the Corporation adopted by the Board as provided in the authority granted in these Bylaws. The rights of a Member are appurtenant to the Lot Interest of the Member.

- CCT has 8 Equestrian Easements (25') to gain access to Common Land. Cibola 1 has two Equestrian easements 10' wide to gain access to the National Forest and McKinley 1-10 have four (10') wide to access 316 acres of Common Land and one (20' wide) to access National Forest.
- In 2007 (NOVEMBER TIMBERLAKE TIMES) the Equestrian easements were researched and crosschecked with Warranty Deeds to substantiate their existence and lot owners were contacted. There were six Equestrian Easement trails marked with a post containing a horeshoe on top and "Trail" below after assessment to safety concerns. Equestrian Easements were specifically for horses and hikers. No trail bikes or ATVs are allowed. 2008 (MARCH Timberlake Times) had an extensive update on the Equestrian Easements. Cost to develop these easements with paid trail builders was not considered viable by the Board due to budgetary constraints.

Article IV Assessments Amended and Restated Bylaws 2007

*B. Purpose of Assessments: **The Assessments will be used exclusively for the purpose of promoting the recreation, health, safety and welfare of the Members in Amended & Restated Bylaws of TRLA in regard to Property, the Common Areas, and the roads north of the entrance to the Property serving the Property and the Common Areas, including, but not limited to, (i)***

maintenance, repair, construction and upgrading of roads, (ii) the purchase of insurance as required by these Bylaws, (iii) maintenance, repair, replacement and additions to the Common Areas and to the Property as provided in the Declarations and these Bylaws

- 6.17.2007 Memorandum from Cassutt, Hays and Friedman (Law firm representing TRLA) on Equestrian Easement Liabilities (Lot owners vs Association).
- In 2018 Equestrian Easement Guidelines and Etiquette Policy instituted.
- 8.12.23 Public Board Meeting. Power Point presentation of Rules and Regulations of Common Areas incorporating/replacing the 2018 document.
- Trail crew did not receive any startup TRLA money for the trail in the Common areas which four Equestrian easements will intersect per 9.18.22 "Proposal for Initial Trail Segment." \$1000 was set aside for the Trail crew in fall of 2023 by the retiring Timberlake Neighborhood Volunteers to use for purchase of equipment and/or signage. Completed on 9.14.24.
- Google Survey of Landowners in November of 2023 showed that 41% of the 153 participants bought property in Timberlake for recreational Use.
- May 2024 Timberlake Demographics in the Board End of the Year Report showed 185 homes in Timberlake and 570 landowners. By far the majority of members are recreational.

In Conclusion:

Timberlake Ranch was meant to be developed for recreational use. Many members will never build homes, but wish to use their lots in the summer months to explore and enjoy the beauty of this place. To deny the ability to finally develop a private trail system with volunteers and led by those with expertise in this area is a lost opportunity. History tells us that Timberlake flourished when there were individuals who invested here and shared their talents to expand, protect and develop the true potential of the Commons.

The only way to be stewards of 312 acres Common area to the NW, West and SW along the Cliffs and diminish trespassing is to have well-marked and well-built Equestrian trails leading back to a well-built and well-marked hiking/equestrian Common trail. The Rules and Regulations are in place, Legal opinion is in place, the qualified trail crew is in place, and to lose this speaks volumes of our inability to be proactive and see recreation potential. There will be less bushwhacking and safety concerns.

The Board (2011-2013) was able to acquire additional land for the Commons in hope of making it possible that the trail can go all the way to the north lake gate from Box S boundary.

Linda Pedersen

Landowner 28 years/Board Member 11 years/Volunteer 16 years.