

# CASA LOMA CONDOMINIUMS

## BY-LAWS

JUNE 2014

BY-LAWS  
OF  
THE CASA LOMA CONDOMINIUM

ARTICLE I –  
IDENTITY

Section 1. Name. The name of the Association established in the Declaration of Casa Loma condominium, as recorded in the office of the County Clerk of Dona Ana County, New Mexico, and these by-laws shall be the Casa Loma Condominium Association.

Section 2. Application. The provisions of these by-laws are enacted in accordance with the New Mexico Building Unit Ownership Act and shall apply to the Casa Loma Condominium, 2930 Claude Dove Drive, Las Cruces, New Mexico 88001, as more fully described in the above mentioned Declaration.

Section 3. Purpose. The purpose of the Association shall be the orderly management, maintenance and repair of the Casa Loma Condominium.

ARTICLE II – MEMBERS

Section 1. Membership. Each unit owner shall, upon acquisition of a unit within the Casa Loma Condominium, including the Developer prior to first sale of each unit, whether or not such unit yet be constructed, by a member of the Association and subject to these by-laws and any rules and regulations adopted by the Association. Membership in the Association shall not be separated from the ownership of a unit within the Casa Loma Condominium, and each unit owner's

membership in the Association shall ceased upon the conveyance of the unit owner's interest in the unit.

Section 2. Annual Meetings. The first annual meeting of the members of the Association shall be held on the second Tuesday of the sixth month following the sale of the fourteenth unit in the Casa Loma Condominium to a unit owner other than Declarant, beginning at the hour of seven o'clock p.m., for the purpose of electing directors and for the transaction of such other business as may properly come before the meeting. If the day fixed for the annual meeting shall be a legal holiday, then such meeting shall be held on the next succeeding business day.

Section 3. Special Meetings. Special meetings of the members of the Association shall be called for such purpose or purposes stated in the Declaration, or as otherwise allowed by law, by the President of the Association upon the majority resolution of the Board of Directors of the Association, upon written receipt of a written request for a special meeting from at least one fourth (1/4) of the membership of the Association, or by request of the President.

Section 4. Place of Meetings. Meetings of the members of the Association shall be held at such places as are designated by the Directors and indicated on the notice of the meeting, provided, however, that such places of meetings shall be within Las Cruces, Dona Ana County, New Mexico.

Section 5. Notice of Meetings. Written or printed notice stating the place, day and hour of a meeting and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered or mailed to each unit owner not less than fifteen (15) or more that thirty (30) days before the date of the meeting,

either personally or by mail to the unit owner's last known address, provided that notice of meetings may be waived before or after meetings and shall be waived by attendance.

Section 6. Quorum. At any meeting of the members of the Association, thirty percent (30%) of the voting rights represented in person or by proxy shall constitute a quorum. If any meeting cannot be organized for the lack of a quorum the members of the Association present at the meeting may adjourn the meeting from time to time until such time as a quorum is present, provided that, notwithstanding the presence of a quorum, the required minimum vote stated in the Declaration and/or these by-laws as to stated contingencies shall not be affected.

Section 7. Voting; Proxies. At any meeting of the members of the Association, the members shall be entitled to their proportionate voting rights as established in the Declaration. Members may cast their votes in person or by written proxy executed in writing by the unit owner(s). All elections for directors shall be decided by plurality vote, each member being able to cast his or her proportionate vote per director's position open for election, provided that there shall be not cumulative voting allowed. All other questions shall be decided by plurality vote except as otherwise provided in the Declaration of these by-laws.

Section 8. Order of Business. The order of business at all annual meetings and so far as practical at all other meetings shall be as follows:

- a. Roll call
- b. Proof of notice of meeting or waiver of notices\
- c. Reading of minutes of preceding meeting



- d. Reports of officers and committees
- e. Election of directors
- f. Unfinished business
- g. New business
- h. Adjournment

### ARTICLE III – DIRECTORS

Section 1. Number and Qualification. The affairs of the Association shall be governed by a Board of Directors composed of not less than three (3) persons, all of whom composed of not less than three (3) persons, all of whom must be unit owners within the Casa Loma condominium, and who shall, subject to the initial Board of Directors hereinafter named, be elected at the annual meetings of the members. Until the completion of construction and sale to a unit owner other than the Declarant of the fourteenth unit in the Casa Loma Condominium, there shall be an initial Board of Directors consisting of the following three (3) directors: Thomas Coyle, Laurel Coyle and David Coyle. Thereafter, at the next annual meeting of the members, three (3) directors shall be elected to serve one-, two-, and three-year terms. Each director shall hold office until the expiration of his or her term and until his successor shall have been elected and qualify at the annual meeting of the members of the Association.

Section 2. Powers and Duties. The Board of Directors shall have all powers and duties as provided in the New Mexico Building Unit Ownership Act, the Declaration, and any and all other such powers and duties as are necessary for the administration of the Association's affairs and the proper management, maintenance and repair fo

the Casa Loma Condominium, which powers and duties shall specifically include the authority to engage the service of a manager or managing agent.

Section 3. Regular Meetings. Annual meetings of the Board of Directors shall be held without other notice than herein provided immediately after, and at the same place as the annual meeting of the members of the Association. In addition, regular meetings of the Board of Directors may be held at such time and place as shall be determined, from time to time by a majority of the directors.

Section 4. Special Meetings. Special meetings of the Board of Directors may be called by the President on his own initiative and shall be called by the President upon receipt of written request of three (3) directors.

Section 5. Notice of Meetings. Notice of all meetings of the Board of Directors, except annual meetings, shall be given to each director, personally or by mail or telephone, at least five (5) days prior to the day of such meeting, provided that notice of meetings may be waived before or after meetings and shall be waived by attendance.

Section 6. Quorum. At any meeting of the Board of Directors, a majority of the directors shall constitute a quorum for the transaction of business, and the acts of the quorum shall be the acts of the Board of Directors. If any meeting cannot be organized for the lack of a quorum, the directors present at the meeting may adjourn the meeting from time to time until such time as a quorum is present.

Section 7. Vacancies. Vacancies in the Board of Directors caused by any reason other than the removal of a director by a vote of the members of the Association shall be filled by vote of the majority of the remaining directors, and

each director so selected shall be a director until a successor is elected at the next annual meeting of the members of the Association.

Section 8. Removal. At any regular or special meeting duly called for said purpose, any one or more of the directors may be removed with or without cause by vote of a majority of the members of the Association, and a successor may be and there be elected to fill the vacancy thus created. Any director whose removal has been proposed shall be given an opportunity to be heard at the meeting.

Section 9. Compensation; Expenses; Indemnity. Directors shall receive not compensation for their services as a director, provided that nothing herein contained shall preclude any director from serving the Association in any other capacity and receiving compensation therefore. Directors shall be reimbursed from the funds of the Association for all their expenses incurred on behalf of the Association with respect to their duties as a director. Directors shall have no personal liability for acts of the Board on behalf of the Association.

Section 10. Rules and Regulations. The Board of Directors may from time to time prescribe rules and regulations pertaining to conduct of the unit owners within the Casa Loma Condominium, their families, and tenants and guests respecting the use of the units and common areas and facilities of the Casa Loma Condominium. Copies of such rules and regulations shall be forwarded to all unit owners and shall be enforceable in the same manner as the covenants and restrictions contained in the Declaration.

Section 11. Assessments. The Board of Directors shall prepare an annual budget, including an item for a reasonable operating reserve, and shall determine the



annual assessments provided for in the Declaration, and shall, from time to time, determine such special assessments as are necessary in accordance with the Declaration.

Section 12. Order of Business. The order of business at all annual meetings and so far as practical at all other meetings shall be as follows:

- a. Roll call
- b. Proof of notice of meeting or waiver of notices
- c. Reading of minutes of preceding meeting
- d. Reports of officers and committees
- e. Elections of officers
- f. Unfinished business
- g. New business
- h. Adjournment

#### ARTICLE IV – OFFICERS

Section 1. Designation; Qualification. The executive officers of the Association shall be a President, a Vice-President, a Secretary, and a Treasurer, or a Secretary-Treasurer, all of whom shall be elected by and from the Board of Directors, provided that one person may hold the dual positions of Secretary and Treasurer. Such other officers and assistant officers as may be deemed necessary may be elected or appointed by the Board of Directors.

Section 2. Election; Term. The officers of the corporation shall be elected annually by the Board of Directors at their annual meeting and shall hold office until his successor shall have been duly elected and qualified or until removed by majority vote of



the Board of Directors with or without cause. Any vacancy in any office may be filled by the Board of Directors for the unexpired portion of the vacant office's term.

Section 3. President. The President shall be the chief executive officers of the Association and shall preside at all meetings of the members of the Association and the general powers and duties that are usually vested in the office of president of an association, including the power to appoint committees from the members and/or Board of Directors from time to time as is appropriate to assist in the conduct of the Association's affairs.

Section 4. Vice-President. The Vice-President shall take the place of the President and perform his duties whenever the President shall be absent or unable to act. The vice-President shall also perform such other duties as shall from time to time be imposed by the Board of Directors.

Section 5. Secretary. The Secretary shall keep the minutes of all meetings of the members of the Association and the Board of Directors, and shall be responsible for giving notice of all meetings, allowed in these by-laws, and mailing or otherwise delivering all other required notices including notices of assessments, and defaults, and notices of rules and regulations. The Secretary shall keep a current record of all unit owners within the Casa Loma Condominium which record shall, in accordance with these by-laws and the Declaration, constitute the membership of the Association. The Secretary shall also perform all the general duties incident to the Office of Secretary.

Section 6. Treasurer. The Treasurer shall have responsibility for the funds of the Association and shall be responsible for keeping full and accurate accounts of all receipts and disbursements in books belonging to the Association in accordance with

good accounting practice. The Treasurer shall be responsible for the deposit of all monies and other funds in the name, and to the credit of, the Association in such banks as are approved by the Board of Directors, and disburse funds as ordered or authorized by the Board of Directors. The Treasurer shall also perform all the general duties incident to the Office of Treasurer.

#### ARTICLE V – AMENDMENT

These by-laws may be amended by vote of seventy-five percent (75%) of the quorum of members of the Association provided that notice of the subject matter of the proposed amendment shall be included in the notice of any meeting at which the proposed amendment is to be considered, and further provided that no amendment shall affect the unit owners' interest in the common areas and facilities, increase any unit owner's pro rata share of the common expenses, nor amendment shall be unanimous. Any amendments approved by the members of the Association shall be certified by the President and Secretary and shall be effective when recorded in the Office of the County Clerk of Dona Ana County, New Mexico.

#### ARTICLE VI – MORTGAGEES

Section 1. Notice. Any unit owner who mortgages his unit shall notify the President or Secretary of the Association of the name and address of the mortgagee, and the Association shall maintain such information in the books of the Association.

Section 2. Unpaid Assessments. The Association shall, upon request of any mortgagee of a unit within the Casa Loma Condominium, report any unpaid assessments due from the mortgagee's respective unit owner.

## ARTICLE VII – COMPLIANCE

These by-laws are adopted to comply with the New Mexico Building Unit Ownership Act to which reference is hereby made to the definitions and provisions thereof in order to complement these by-laws.

Dated this \_\_\_\_\_ day of November, 1979.

IN WITNESS WHEREOF, the undersigned has executed these By-laws by its authorized agent.

COYLE ASSOCIATES, INC.,  
a New Mexico corporation

By

## Its President

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF DONA ANA )

The foregoing instrument was acknowledged before me this  
23 day of OCTOBER, 1979, by THOMAS COYLE  
1980,

President of Coyle Associates, Inc., a New Mexico corporation, on behalf of said corporation.

My Commission Expires:

4-19-83

NOTARY SEAL



OFFICIAL SEAL

Signature

David L. Coyle

DAVID L. COYLE

NOTARY PUBLIC-NEW MEXICO

Notary Public PUNDTARY BOND FILED WITH SECRETARY OF STATE

My Commission Expires

4-19-83

DONA ANA COUNTY CLERK

'80 OCT 23 PM 1 13

State of N. Mex., Co. of Dona Ana  
RECEPTION NO. 11236 I Herby  
certify that this instrument was filed  
for record and duly recorded on:

OCT 23 1980

at 1:19 o'clock P M in Misc  
Book 146 Page 811-849 of the  
records of said county. County  
DELLA GARCIA BARNCASTLE Clerk  
BY: [Signature] Deputy

COUNTY CLERK SEAL

