

I, David Sarricks, have prepared this document in my capacity as a landowner of Sugarloaf Mountain Owners' Association, Inc. (SMOA). As such, this document does not require submission to or approval from the SMOA Board of Directors. I additionally reserve the right to assert any remedies pursuant to the Association community documents; specifically, but not limited to, Bylaws §4.8.3 and 4.9.4, in addition to any remedies available at bar.

I, hereby, state the following:

- ❖ Due to the actions of the attendees, a quorum was never established; consequently, an Annual General Meeting (AGM) was not effectuated on September 6, 2025.
- ❖ The alleged removal of Treasurer for the Sugarloaf Mountain Owners' Association, Inc. (SMOA) (David Sarricks) as a Director on September 6, 2025 was not effectuated (Bylaws § 4.5).
- ❖ Nor did Director Sarricks purportedly resign (Bylaws § 4.6).
- ❖ At the putative AGM, Director Sarricks read Bylaws § 4.5 into the record and was ignored by the attendees.
- ❖ Attendees disrupted the purported AGM and prevented the tabulation of lawfully cast ballots (Bylaws § 4.1), arguably disenfranchising a number of owners.
- ❖ SMOA continues to have a lawfully elected board of five directors, in place, at this time (Bylaws § 4.1).
- ❖ Disturbing a lawful assembly is a criminal offense (NM §30-13-1)
- ❖ Any/all decisions, votes or demands proffered on September 6, 2025 are void as a matter of law.
- ❖ SMOA will suffer damages (cost of an unplanned, unbudgeted, mailing of notice for an AGM and other unknown expenses) and would likely have a civil cause of action for monetary relief.
- ❖ An AGM and the tabulation of the lawfully cast ballots may be compelled by court order and enforced by the Catron County Sheriff's Department (NM §53-8-13).
- ❖ SMOA has sought an advisory opinion from counsel and fully expects the above statements to be confirmed.
- ❖ Potential litigation and cost of an advisory opinion will likely increase the amount of damages suffered by SMOA.
- ❖ SMOA is in possession of a complete audio file of the purported September 6, 2025 meeting, which show that these facts will not be in dispute.

RESOLUTION

Upon successful completion of the following actions, I David Sarricks, SMOA Treasurer, will tender my resignation:

1. An AGM will be properly noticed to all 169 owners, informing the owners of why notice of a subsequent meeting is necessary.
2. The AGM will be held without interruptions and meeting decorum will be maintained by all attendees at all times.
3. All ballots received by September 6, 2025 will be tabulated;
4. Owners who previously did not submit their ballot by September 6, 2025 and who attend the AGM in person will have the opportunity to submit their ballot to the Secretary for tabulation.
5. The elected board will be seated (Bylaws § 4.1) according to the votes tabulated.
6. Both “special meeting” questions will be resolved, according to the votes tabulated for each measure.
7. The “grader question” will be open for civil discussion.
8. Per Declaration § 2.4, the Board may adopt rules and regulations for the conduct of meetings and the management of the Association. The newly elected board will consider the proposed Election Procedures as posted on the Association website. There will be a member comment period before the board votes on final adoption of the rules.
9. The newly elected board will draft rules, pursuant to Declaration section 2.4, to govern the conduct of Annual General Meetings. There will be a member comment period prior to any vote to adopt such rules.
10. The events of September 6, 2025 will be memorialized as a corporate record (NM §53-8-27) and the newly elected board will publish an account of the events of September 6, 2025 for the benefit of the entire membership. Such account may be published on the Association website and disseminated by USPS or email, at the discretion of the board.

DAVID SARRICKS

DATE