



Four Hills Village HOMEOWNERS' ASSOCIATION

P.O. BOX 50505, ALBUQUERQUE, NEW MEXICO 87181-0505

August 18, 2016

Dear Reserve Neighbor,

Regarding architectural control and covenants enforcement in Four Hills:

1. Typically, when a developer completes building in a given area, the builder assigns authority and responsibility for architectural control and covenants enforcement to an entity. There are 21 installments (blocks of development), each with its own covenants in Four Hills. With the exception of The Reserve, the developer did not assign this responsibility to the FHVHA. Therefore, the FHVHA lacks legal standing to bring enforcement actions in these areas.
2. The Reserve is different. In 2005 the builder assigned such responsibility for The Reserve to the FHVHA and the FHVHA accepted it. The FHVHA is a neighborhood association not a true homeowners' association. For a full description of this, please see <http://fhvha.weebly.com>, the top of the Board tab which is the home page. Because we are a neighborhood association, active (dues-paying) membership is voluntary. Dues are minimal, \$25/year/household. The FHVHA therefore recognizes that it does not have and does not foresee any situation when it would have the means (funds) to enforce covenants in The Reserve via legal action if necessary. Therefore we cannot continue to have this responsibility. The following statement was published in The Albuquerque Journal, legal section on August 16, 2016: "Notice is hereby given that The Four Hills Village Homeowners' Association, a registered, recognized neighborhood association, renounces its authority and responsibility for enforcing architectural control and covenants in The Reserve and gives that authority and responsibility to present and future property owners in The Reserve, individually and collectively."
3. This done, the situation in all of Four Hills is consistent:
 - a. The FHVHA does not have the legal standing to enforce architectural control or covenants. However, it can serve as a vehicle to facilitate communications that may help neighbors come to a mutually-acceptable arrangement regarding covenants issues. There is a covenants complaint procedure and corresponding form on the web under the Covenants tab and it's been quite effective in the past in many cases. The Director/Officer responsible for covenants will investigate complaints made by active (dues-paid) members and write a letter requesting an

offending property come into compliance. This has been very effective in some cases in the past and ineffective in others. This process also provides anonymity for those active members who would like the FHVHA to help.

- b. The FHVHA does not provide legal advice. It is the Board's understanding that enforcement actions may be taken by property owners within any installment against an offender in that installment. Per the Bylaws, the Board may elect to financially support such an action.
- c. A map of Four Hills delineating the installments can be found on the FHVHA web site, Covenants Tab. All the covenants for which copies could be obtained are posted there as is a voluntary covenants complaint form and procedure.
- d. The Architectural Control Tab similarly has a voluntary process which is encouraged and has been effective at maintaining civility and harmony in Four Hills when used.
- e. Violations of City Code (ordinances) are a separate matter. The FHVHA will assist with those. Ultimately the City will enforce code violations. The City is not involved in covenants or architectural control.

The FHVHA does many things for dues-paid members, such as publishing The Chronicle quarterly. The Chronicle provided updates on current events that may impact your daily lives and your property values. The FHVHA annual Four Hills Directory, distributed also only to dues-paid members, is a very convenient way to find your member neighbors as it's done both by last name and by street address. We also sponsor events such as security seminars, shredding events, car shows and other events done in conjunction with The Canyon Club. Our Board meetings are open to all dues-paid members (see the web). For \$25, it's a great value, and you can join online at the web address above, Membership tab.

This was mailed to each dues-paid in The Reserve and will be posted on our web site. See the Covenants Tab.

Respectfully,

Four Hills Village Homeowners' Association Board of Directors