

EXHIBIT B

1



Amendment to

BYLAWS OF

Dona Ana Title Co., Inc.
GF # ACC/RC

**EL MIRADOR HOMEOWNERS
ASSOCIATION, INC.**

2



Amended 6 March 2007

3



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DECLARATION OF COVENANTS Deputy: William Zimmerman
Amanda López Askin, County Clerk, Dona Ana, NM



1. THIS DOCUMENT PURPORTS TO BE AN AMENDMENT TO THE BYLAWS.
2. THE AMENDMENT PURPORTS TO BE FROM MARCH 6, 2007.
3. THIS AMENDMENT WAS RECORDED 15 YEARS, 11 MONTHS AND 18 DAYS AFTER THE PURPORTED VOTE INDICATED ON PAGE 3, NO. 5. NO EVIDENCE OF THE PURPORTED BALLOTS OR VOTING RECORDS HAVE BEEN PROVIDED BY THE BOARD DESPITE MULTIPLE WRITTEN REQUESTS.

ARTICLE III - DIRECTORS

4 → Section 9. Compensation; Expenses; Indemnity. Directors shall receive no compensation for their services as a Director, with exception of the Treasurer whose compensation shall be a waiver of the their monthly Association Dues while in office, 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 funds of the Association for all 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 of Directors on behalf of the Association.

4. THE SPECIFIC WORDING OF THE PURPORTED AMENDMENT IS PROBLEMATIC.

A. WHAT DOES IT MEAN BY "ASSOCIATION DUES"?

NO DEFINITION FOR THIS TERM EXISTS IN THE BYLAWS OR DECLARATION.

THE DECLARATION DEFINES "ASSESSMENTS" AS HAVING 4 CATEGORIES:

"REGULAR ASSESMENT"; "SPECIAL ASSESSMENT"; "RECONSTRUCTION ASSESSMENT"; AND "CAPITAL IMPROVEMENT ASSESSMENT"

THE TEXT MAKES NO DISTINCTION BETWEEN THE TYPES OF ASSESSMENT BEING WAIVED, NOR DOES IT INDICATE THEIR AGGREGATION. 15 YEARS AND 11 MONTHS AFTER THE FACT IT DOES NOT SEEM POSSIBLE TO DETERMINE THE ORIGINAL INTENT OF THE MEMBERS WHO PURPORTEDLY VOTED, WITHOUT CONDUCTING A REVIEW OF THE NOTICE TO MEMBERS, MEETING MINUTES, VOTING RECORDS AND BALLOTS CAST IN THE CLAIMED VOTE.

1). WHY COMPENSATE A VOLUNTEER OFFICER ROLE?

THE OFFICE OF TREASURER IS A VOLUNTEER ROLE FOR WHICH COMPENSATION CREATES A CONFLICT OF INTEREST. THE OFFICER'S TIME AND EFFORT BECOME SELF-SERVING WHEN COMPENSATED, INSTEAD OF FURTHERING A CAUSE.

2). WHO PROPOSED THIS IDEA, AND WHAT REASONS DID THEY GIVE?

3). IS THE ROLE OF TREASURER ONEROUS AND TIME-CONSUMING?

3). IF SO, WHY NOT JUST HIRE A PROFESSIONAL ACCOUNTANT, RATHER THAN PAY A NONPROFESSIONAL?

B. WHAT DOES IT MEAN BY "WHILE IN OFFICE"?

4). IS IT BECAUSE THEY WANTED TO INCLUDE THIS WAIVER FOR THE PERIOD IN WHICH DANA PROPERTIES WOULD BE ASSUMING THE DUTIES OF TREASURER?

A TREASURER HOLDING OFFICE WHILE HAVING NO DUTIES SHOULD NOT BE COMPENSATED.

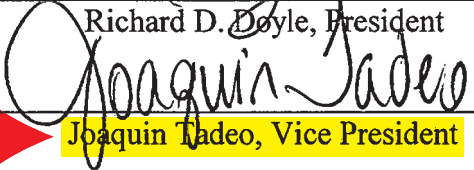
THIS "AMENDMENT" WAS RECORDED THE SAME DAY THE BOARD OF DIRECTORS 'VOTED' TO HIRE DANA PROPERTIES, INC.

5. THIS AMENDMENT DOES NOT COMPLY WITH THE SECTION AS IT CLAIMS; IT HAS NOT BEEN CERTIFIED BY THE SECRETARY OF THE ASSOCIATION, AND IT VIOLATES DECLARATION § 5.9, WHICH FORBIDS OFFSETS OF ASSESSMENTS "BY ANY REASON".

IN WITNESS THEREOF, Association has caused **Article III Section 9 Compensation; Expenses; Indemnity**, of Exhibit B, Bylaws of El Mirador Homeowners Association, Inc. to be duly amended as per **Article V Amendment**, by a majority vote of the members of the Association, via printed ballot, at the Annual Meeting of the Members held on March 6, 2007.

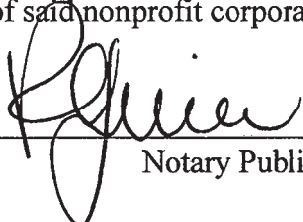
EL MIRADOR HOMEOWNERS ASSOCIATION, INC.


Richard D. Doyle, President


Joaquin Tadeo, Vice President

STATE OF NEW MEXICO)
COUNTY OF DONA ANA)

The foregoing instrument was acknowledged before me this 9 day of February, 2023 by Richard D. Doyle, President of El Mirador Homeowners Association, Inc., for and on behalf of said nonprofit corporation.


Notary Public

STATE OF NEW MEXICO
NOTARY PUBLIC
RUTH AGUIRRE
COMMISSION #1126807
COMMISSION EXPIRES 08/13/2023

My commission expires 8/13/23

6. JOAQUIN TADEO WAS NOT THE SECRETARY OF THE ASSOCIATION ON MARCH 6, 2007 OR FEBRUARY 23, 2023. AMENDMENTS TO THE BYLAWS MUST BE CERTIFIED "BY THE PRESIDENT AND SECRETARY AND SHALL BE EFFECTIVE WHEN RECORDED IN THE OFFICE OF THE COUNTY CLERK".

STATE OF NEW MEXICO)
COUNTY OF DONA ANA)

The foregoing instrument was acknowledged before me this 22ND day of FEBRUARY, 2023 by Joaquin Tadeo, Vice President of El Mirador Homeowners Association, Inc., for and on behalf of said nonprofit corporation.


Notary Public

My commission expires 6/12/23

STATE OF NEW MEXICO
NOTARY PUBLIC
RONALD J. COLDREN, JR.
COMMISSION #1112412
COMMISSION EXPIRES 06/12/2023

STATE OF NEW MEXICO
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