



TIERRA GRANDE

IMPROVEMENT ASSOCIATION, INC.

**Policy: LIEN – Property in Tierra Grande
on which there is a Structure AND
in Arrears of Assessment Payments**

Brief Description: The purpose of this document is to articulate a policy regarding pursuing collection of past due assessments for properties in Tierra Grande on which there are structures

Effective: July 1, 2017 – Updates Effective July 1, 2020

Approved by: TGIA Board of Directors on June 28, 2017

Responsible Administrator: Susan Moran

Policy Contact: TGIA PO Box 1388, Rio Communities, NM 87002
505-864-2345 or info@TierraGrande.org

Applies to: Tierra Grande Members

Reason for Policy: To implement a process for pursuing collection of past due assessments on properties in Tierra Grande on which there are structures. In accordance with:

Valencia County: New Mexico Statute 47-16-1 Notice of Homeowners Association filed on June 4, 2014 Instrument #201405086. And in accordance with that certain Indenture filed for Units 1, 2, 3, 4, 13, 14 recorded in Book 240 Page 551 and Book 35 Page 565, January 5, 1973 and Units 19, 20, 21, 22, 23, 24 recorded in Book 35 Page 566, June 12, 1973 as amended by the Revised Notice of Amendment to Protective Covenants as recorded on May 6, 2013 Instrument #201304823 of the Public Records of Valencia County, New Mexico.

Socorro County: New Mexico Statute 47-16-1 Notice of Homeowners Association filed on June 4, 2014 Instrument #201401206. And in accordance with that certain Indenture filed for Units 5, 15, 16, 17, 18 recorded in Book 313 Page 376, June 12, 1973 and Units 8, 10, 11, 12 recorded in Book 307 Page 696, January 5, 1973 as amended by the Revised Notice of Amendment to Protective Covenants as recorded on July 10, 2013 Instrument #201301474 of the Public Records of Socorro County, New Mexico.

I. INTRODUCTION

The Board of Directors of TGIA dislikes having to pursue collection efforts against any of its owners; however, TGIA has a duty to its other members who are in good standing to collect the funds for operation of the Association and for expenditures which benefit the subdivision

II. DEFINITION

NMSA 47-16-6(B) (2013): The association shall have a lien on a lot for any assessment levied against that lot’s owner from the time the assessment or fine becomes due. If an assessment is payable in installments, the full amount of the assessment shall be a lien from the time the first installment becomes due. The association’s lien may be foreclosed in like manner as a mortgage on real estate.

AND

Indenture: Article IV. Section 4.04: If the Owner of any Lot or Living Unit subject to the Annual Charge shall fail to pay the Annual Charge by January 1 of each following year, TGIA shall have the right to enforce the lien which is hereby imposed in its favor, to the same extent, including a foreclosure sale and deficiency decree, and subject to the same procedures as in the case of mortgages under the applicable law, and the amount due by such Owner shall include the Annual Charge, as well as the cost of such proceedings, including a reasonable attorney's fee and the aforesaid interest.

A. Procedures

- Liens will be filed against a property on which there is a structure(s) and that is in arrears on payment of Assessments to TGIA
- TGIA has notified the property owner several times that foreclosure and/or lien proceedings will move forward if payment on the debt is not paid
- TGIA will notify the property owner that a lien is being placed on the property if the payment is not submitted to TGIA within the ten (10) days as stipulated in the final notice to the owner
- If there is a mortgage on said property – the owner will be notified that the mortgage company will be notified of the impending lien.
- The lien will be removed when payment in full has been received and the payment has cleared the bank

B. FINE Scale

- 1st Notice – No Charge
- 2nd Notice - \$250
- 3rd Notice - \$500
- 4th Notice - \$1,000
- Placing a Lien on the property for failure to pay TGIA the fees/fines - \$100
- Fees/fines are cumulative and liens renewable every two (2) years for an additional - \$500

II. **HISTORY**

Adopted by the TGIA Board of Directors: 06/28/2017
Amended by the TGIA Board of Directors April 17, 2020

- To add informing the mortgage company
- to add the Fine Scale

Sample Forms

- TGIA Letter to Property Owner – informing them that a lien is being placed against their property
- TGIA Notice of Lien(s)
- TGIA Release of Lien(s)