



Annual Membership Meeting

Sunday, May 25, 2008 --- 1:00 PM

Cliff View Restaurant—State Road 512

- Sealed ballots, membership dues and donations will be accepted at the door
- 2008 membership stickers will be available for paid members
- **Updates on the Brazos Canyon Volunteer Fire Department**
- UBPOA business
- Any questions or concerns can be brought to the meeting
- Refreshments!!

Check out our website: www.ubpoa.org

Thanks to Peaches Hines for maintaining our website ! Check out the great pictures !!

Brazos Loses Fire Chief Michael Hays



This past winter was a difficult one for those who live in the Northern New Mexico Area. The winter snows were heavy and deep. On February 19, 2008, we lost the Brazos Canyon Volunteer Fire Department (BCVFD) due to a propane leak and explosion. The worst part, though, is that we lost a Brazos neighbor and friend, Michael Hays, in the explosion. Michael and Ramona were members of UBPOA and Ramona served as the Treasurer for several years.

The BCVFD is working hard to rebuild the Fire Station and replace the equipment needed for fire suppression and emergency rescue. An update on what is happening with the Fire Department will be presented at our annual meeting.

Please actively support the BCVFD's fund raising efforts and give generously.

Snow on Diefenbaugh cabin on SR 512
February 10, 2008.



UPBOA Spring 2006

UBPOA Covenants Update

At the 2007 meeting of the general membership, the UPBOA Board was instructed to seek legal guidance concerning road ownership and the 1998 UPBOA covenants. Mr. Victor Carlin of Moses, Dunn, Farmer, and Tuthill Law Firm was contacted and did extensive legal research concerning these issues. On September 13, 2007, Mr. Carlin informed Association Board members that he believes the 1998 Covenants appear to have been created and recorded by the UBPOA without any authority, statutory or otherwise. To minimize liability, Mr. Carlin advised the UBPOA to rescind the 1998 Covenants. While other covenants exist and remain in force in the Brazos, these other covenants do not obligate the UBPOA with regard to roads and road maintenance.

Mr. Carlin's research included these findings:

1. As a general rule, the language, lot lines, road dedications and road locations shown on the recorded subdivision plats control over any conflicting language in any subsequently recorded deed.
2. Road ownership, and liability for road maintenance, is unclear in many areas of the Brazos Lodge Estates.
3. The UBPOA does not own any of the roads.
4. In an attempt to resolve problems created by the "hit and miss" plats and covenants recorded by the developers of Brazos Lodge Estates, in 1998, the UBPOA created and recorded its own set of Covenants. Said Covenants state that the UBPOA must maintain all roads off SR 512.
5. The UBPOA has no authority to levy a fee on property owners to maintain the roads, and it has no source of funds other than voluntary donations.

The situation described in paragraphs Nos. 4 and 5 above creates a self-imposed, unfunded obligation/liability for the UBPOA

Based on the foregoing, the UBPOA Board of Directors called a special meeting of the general membership. The meeting was held Tuesday, March 11th, at 6:30 pm at 5900 Domingo RD NE in Albuquerque. All UBPOA members in good standing were notified by letter two weeks prior to the meeting. At that meeting, the membership voted unanimously to rescind the 1998 Covenants. That has been done.



**UBPOA Members Enjoying
the
Annual
Picnic
August 2007**

Road Maintenance

The Association Board feels the UBPOA should continue to do limited road maintenance as it has in the past and to the extent that donated funds are available. The UBPOA Board will publish established guidelines it will adhere to in doing road maintenance.

We all travel the roads in the Brazos to get to our cabins, to get to the pond, and to visit our Brazos neighbors and friends. In addition, the roads are critical for Fire Suppression and Emergency vehicles to access our cabins if the need should arise.

The heavy snowfall this past winter has done extensive damage to our roads. The Association Board is encouraging each property owner to contribute \$100 per developed lot and \$50 per undeveloped lot to do road maintenance. The money you donate will help pay to keep our major roads passable.



Balloon Toss Contest



The winners of the water balloon toss!!

2008 Board Nominees

The term of three (3) board members will expire this year. Please refer to the statements below for basic information on each candidate running for office, each for a three year term.

Note: in accordance with UBPOA by-laws, only paid members are eligible to vote. Please fill out the 2008 Dues Statement and send it in with your ballot, following these steps:

1. Detach the **Ballot** from the **Dues Statement**
2. Mark the **Ballot**, voting for **three (3)** candidates
3. Place the ballot in the envelop marked **Ballot Only**
4. Seal the Ballot envelope
5. Place the **Ballot Only** envelope, the **Dues Statement** and your payment in the **self-addressed return envelope** and send it in prior to May 20, 2008.

T.J. Allard: My wife, Heather, and I have been members of the Brazos community since 2003. I have been an active member of the Fire Department and am now the Fire Chief for the Department. I also sit on the Board of Directors of the Brazos Mutual Domestic Water Consumers Association. I have been a member of the UBPOA Board of Directors for three years and have been President of the Association for the last year. The Board has successfully worked multiple items over the last three years but there is more to do. I would like the opportunity to complete the work that the Board has started and look forward to continuing to serve our Community.

Jeff Harris: My lovely wife, Judy, and I have been cabin owners in the Brazos since 1995. I am retired from PNM and am now a small business owner in property management and development. I have served previously on the UBPOA Board and have been a member of various non-profit boards and public boards. I would appreciate your vote.

Wanita Eberhardt: My first visit to the Brazos Canyon was in August of 1959. We fell in love with the area and were able to buy our property in 1977. We built our cabin in 1985. For several years I have taken an active part in the making of the quilt and the selling of tickets for the Fire Department's annual quilt raffle. I have also worked each year at the Fire Department's Garage Sale. I would be honored to serve our Brazos community as a member of the UBPOA Board. We have enjoyed the fellowship of the community and look forward to the years ahead.

**Upper Brazos Property Owners' Association
2008 Dues Statement**

Name _____

Brazos Lot location (cabin # and road name): _____

Email address: _____

OK to Publish? Yes ___ No ___

Annual Dues (Fiscal year April 1, 2008 to march 31, 2009)	\$50
Road Fund Donation (<i>Enchantarama members please disregard</i>) <i>Suggested amount: \$100 per developed lot \$50 per undeveloped lot</i>	
Deer Feed Donation	
Pond Fund Donation	
Total Amount Enclosed (<i>Make payable to UBPOA</i>)	



Cut along this line

Ballot

- ✓ **Vote for three (3).** See enclosed information for each candidate. Place this ballot in the **Ballot Only** envelope, seal and place in the self-addressed return envelope with your annual dues (\$50) and contributions payment.

T.J. Allard _____

Wanita Eberhardt _____

Jeff Harris _____

Write In Candidate _____



UBPOA Annual Meeting
Sunday, May 25, 2008
1:00 PM
Cliff View Restaurant

Approved Agenda

- Welcome
- Membership update
- Appointment of ballot counters
- Reading and approval of May 2007 Minutes
- Treasurer's report
 - Road contributions
 - Deer fund contributions
 - Pond fund contributions
- Actions from 2007 annual meeting
 - Covenants report
 - Deer feeding
 - Roads---ownership and maintenance
- Pond report
 - Aerator placement
 - Access and actions taken by UBPOA
- General community issues
 - Corkins' Lodge waste water treatment facility
- Organizational reports
 - Brazos Canyon Volunteer Fire Department
 - Wildland/Urban Interface Corporation
 - New grant
 - Brazos Water Association
- Issues from the floor
- Election of officers
- Door prizes
- Refreshments and fellowship

UBPOA Accomplishments



The Upper Brazos Property Owner's Association was established in 1970. At that time, eight cabins were broken into with many items stolen. Brazos Water Co-Op members established the Association to create a separate organization to deal with general matters of the area, not specific to water related issues. These are some of the actions taken by the Association over the years to benefit the Upper Brazos community.

Pond:

- Dug out the pond and over the years have done extensive repairs and maintenance
- Ran a water line from the water gallery to the pond to supply water
- Purchased and installed an aerator to keep it healthy for fish
- Purchased Japanese carp to clean it of algae
- Contacted and worked with the State to have the pond stocked regularly with fish

Trash:

- When the County mandated a monthly trash assessment, UBPOA secured a dumpster for the area and placed steel doors on it to keep the bears out
- Labor Day Weekend the Association secures a dumpster for yard debris to help with fire safety

Fire Safety:

- Assisted with formation of a committee to establish the Urban Wildlife Interface Corporation that obtained over \$66,000 grant money. The monies were used to assist residents in creating a defensible fire space around their cabins
- Assisted the BCVFD with the purchased a fire siren and placed at Corkins Lodge
- Had the siren moved and mounted on the BCVFD in 2005.
- Many UPBOA members have worked closely with the BCVFD to ensure its success

Road Maintenance:

- Petitioned the State to asphalt SR 512 and to do road maintenance over the years
- Petitioned the State to widen the Chavez Creek bridge to allow for faster evacuation in case of fire
- Did road maintenance and upkeep as financially able on main roads off SR 512 This has included grading, installing culverts to divert runoff, and gravel
- Promoted Judy Gebman's initiative to have Brazos residents "adopt" sections of SR 512 from Route 84 to the entrance of Corkins Lodge to pick up trash and keep our roadside clean and beautiful
- Purchased and installed road signs for each of the roads off of SR 512

Deer:

- Built a hay shed for storage of winter deer feed
- In the summer, the shed is used to store donated items for the BCVFD garage sale

Water:

- Assisted the Brazos Water Association with land for a large water storage tank

Education:

- Worked with the Game and Fish Department to educate residents concerning bear safety and feeding
- Purchased and distributed Cabin Watch Signs for all residents to post near their cabin

Socialization:

- Organize an annual picnic with games for all Brazos property owners to enjoy

Community Advocate:

- Provides the organizational structure necessary for Upper Brazos residents to collectively address issues of concern that affect the entire community