

EIGHTH JUDICIAL DISTRICT  
COUNTY OF COLFAX  
STATE OF NEW MEXICO

**Cause No. D-809-CV-2020-00183**

**BOARD OF DIRECTORS OF  
ASSOCIATION OF ANGEL FIRE  
PROPERTY OWNERS, INC.,** a  
New Mexico non-profit corporation,

Plaintiff.

v.

**ANGEL FIRE RESORT OPERATIONS, LLC,**  
a New Mexico limited liability company.

Defendant.

**ORDER REGARDING MOTION TO COMPEL**

THIS MATTER having come before the Court for hearing on the Plaintiff's Motion to Compel on April 22, 2021, the Court having reviewed the pleadings, exhibits, and being otherwise fully advised in the premises:


**FINDS:**

1. The motion seeks a determination that Plaintiff AAFPO is a "Homeowner Association" pursuant to the New Mexico Homeowner Association Act. Defendant Resort has taken the position that AAFPO is not a Homeowner Association, as defined by the Act. The Court declines to make this determination as part of a decision on this Motion to Compel.
2. In the Motion, the Reply and at hearing Plaintiff seeks to compel discovery of Requests for Production that seek discovery regarding (1) all annual reports regarding how the Annual Assessment was spent; (2) identification of a segregated account in which the

Annual Assessment is placed; (3) identification of any account in which the Annual Assessment is placed; (4) records of any account in which the Annual Assessment have been placed; and (5) records of what assessments have been collected by the Resort and who is in default in payment of assessments. The Resort has stated that it is willing to produce this information subject to appropriate confidentiality conditions.

3. The Court finds that it is appropriate for these documents to be produced subject to a Protective Order that would allow AAFPO to seek a determination from the Court that specific documents should not be subject to the Protective Order.

IT IS THEREFORE ORDERED that the Resort will provide AAFPO with a form of Protective Order consistent with this Order on or before Tuesday, May 4, 2021. The parties will either submit an agreed upon Protective Order or competing Orders on or before Friday, May 14, 2021 for the Court to determine what Order will be entered. Responsive documents will be produced within ten (10) days of Entry of the Order.

  
EMILIO J. CHAVEZ  
DISTRICT JUDGE

Respectfully submitted,

RODEY, DICKASON, SLOAN AKIN & ROBB, P.A.

By:     /s/ Charles K. Purcell      
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Approved as to form:

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#### CERTIFICATE OF SERVICE

I, the undersigned Employee of the District Court of Taos County, New Mexico, do hereby certify that I served a copy of this document to all parties listed.

By \_\_\_\_\_ Date: \_\_\_\_\_

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