



OCTOBER 2021 UPDATE

AAFPO REFUSES TO HOLD AN ELECTION

Following yet another loss in court, the AAFPO Board continues to do everything they can to avoid holding a fair and honest election to which the members are entitled. What is it going to take for this Board to be held accountable and to hold an election? They have already confirmed 11 qualified candidates. They have been ordered by the court to fill all 7 open seats. Validity of the Resort's database has been verified by the court-appointed Special Master.

It is time to take action and demand your right to vote!

On May 20, 2021 the AAFPO Election Committee confirmed 11 qualified candidates to run for 7 open ballot seats. Shortly thereafter, AAFPO unilaterally reduced the number of open seats from 7 to 3. However, they were soon ordered by New Mexico District Court Judge Chavez to place all 7 seats back on the ballot. See *Order Granting Permanent Injunction Against AAFPO - July 22, 2021* at: <https://1mnsr1tzk003sdrpi2w58gx-wpengine.netdna-ssl.com/wp-content/uploads/2021/08/Order-Granting-Permanent-Injunction-Against-AAFPO-July-22-2021-002.pdf>.

What did the Board do next? Did they hold an election? No. Instead, they attempted to disqualify 7 of the 11 candidates they had just certified. And once again, Judge Chavez ruled against them dismissing their case. See *Order Dismissing AAFPO's Case Against Candidates - September 15, 2021* at: <https://1mnsr1tzk003sdrpi2w58gx-wpengine.netdna-ssl.com/wp-content/uploads/2021/10/Order-Dismissing-AAFPOs-Case-Against-Candidates-September-15-2021.pdf>.

Desperate to avoid an election the Board once again went to Court, this time complaining the eligible voter list produced from the Resort's database was unreliable and incomplete (despite the same process employed for 25 years, including recent elections seating Penni Davey and Holly Ham as directors). Judge Chavez appointed retired District Court Judge Nan Nash to serve as a Special Master to examine the validity of the database, and the process the Resort used to produce the eligible voter list. Judge Nash submitted her report to the Court confirming the lists provided by the Resort to AAFPO on multiple occasions were "true and accurate compilations of data derived from the Resort's database." See *Report of the Special Master - October 11, 2021* at: <https://1mnsr1tzk003sdrpi2w58gx-wpengine.netdna-ssl.com/wp-content/uploads/2021/10/Report-of-the-Special-Master-October-11-2021.pdf>.

Make no mistake, this Board fears allowing the membership to vote in a fair and honest election, and each court action they file to keep you from voting wastes your money otherwise spent on the membership amenities.

It is time to say enough is enough!

Angel Fire Resort Operations, LLC