



OSHARA VILLAGE HOMEOWNERS' ASSOCIATION COMMITTEE CHARTER

Santa Fe, New Mexico

Assessment & Compliance Committee (A&CC)

June 2026

Committee Name: Assessment & Compliance Committee (A&CC)

Mission Statement: To support the HOA Board of Directors, in Executive Session, which is required to discuss confidential (protected from public disclosure) homeowner financial data, debt HOA accounts, and pending legal actions regarding specific delinquent assessments.

Purpose: To protect the HOA's financial health by monitoring accounts with delinquent assessments of \$400.00 or more, and to oversee the assessment payment timeline, ensuring compliance with New Mexico Property Law. The A&AC has the Board of Directors approval for recording Liens and initiating Claims in Santa Fe County Magistrates Court. A compliant and effective A&CC oversees the monitoring of delinquent assessments by systematically tracking debts, notifying owners, preparing required files, and transitioning escalated accounts to the Santa Fe County Magistrate Court or the County Recorder's office. The Charter and operational workflow establish how the A&CC operates in New Mexico.

CC&R Compliance Authority: Timely payment of HOA Assessments is required by HOA's CC&Rs and is critical to maintaining HOA's public spaces and financial requirements.

Article 5, ASSESSMENTS, Section 5.2 within the Declaration of Covenants, Conditions and Restriction (CC&R) for the Homes at Oshara Village states *"No Owner shall be relieved of such Owner's obligation to pay any of the Assessments by abandoning or not using such Owner's Lot ..."* and **Section 5.16 Billing and Collection Procedures** states- *"The Board shall have the right to adopt procedures, for the purpose of making, billing and collecting the Assessments and Special Use Fees."*

1. Action Plan & Workflow:

Step 1: "Notice of Intent to File a Lien" Notice

- **Trigger:** An account reaches a delinquency of \$400.00 or more.
- **Action:** The A&CC has the authority to send a **"Notice of Intent to File a Lien"** via Certified Mail with Return Sender Receipt and First-Class Mail to the delinquent assessment owner.
- **Details:** The letter notifies the owner of the outstanding balance, late fees, and warns that formal "Claim of Lien" procedures will begin if not resolved within 30-calendar days.

Step 2: "Claim of Lien"

- **Trigger:** Delinquency continues for 30-calendar days after the **"Notice of Intent to File a Lien"**.
- **Action:** The A&CC has the authority to officially record a **"Claim of Lien"** (Notice of Delinquent Assessment Lien) in the Santa Fe County Clerk's Office.



Step 3: "Notice Intent to File a Claim in Small Claims Court"

- **Trigger:** The lien does not secure payment, or the balance exceeds the Board's preferred threshold.
- **Action:** The committee prepares and sends a final **Notice of Intent to File in Magistrate/Small Claims Court** via Certified Mail with Return Sender Receipt and First-Class Mail to the delinquent assessment owner.

Step 4: Submit/File Claim in a "Civil Complaint with Santa Fe County Magistrates Court"

- **Filing:** The committee has the authority to file a Civil Complaint packet at the Santa Fe County Magistrate Court.
- **Costs & Service:** Filing fees are typically around:
 - Court filing fee - currently \$77.00
 - Sheriff's service fee- currently \$40.00
 - Any additional Court costs permitted by Law.

2. A&CC Monthly Report: Present a formal monthly report to the Board of Directors regarding the following:

"Notice of Intent to File a Lien".

- Total Number of delinquent assessment accounts sent the **"Notice of Intent to File a Lien"**.
- After receiving this notice, the Total Number delinquent assessment accounts that:
 - Responded by Paying in Full (payments made to the management company)
 - Responded and requested to discuss/meet with the A&CC, requested a reasonable, mutually agreed upon payment plan to pay the total delinquent assessment due
 - Did not respond

"Claim of Lien"

- Total Number of delinquent assessment accounts that a **"Claim of Lien"** was filed within Santa Fe County Clerk's Office.

"Notice Intent to File a Claim in Small Claims Court"

- Total Number of delinquent assessment accounts that were sent the **"Notice Intent to File a Claim in Small Claims Court"** - after receiving this notice, the Total Number delinquent assessment accounts that:
 - Responded by Paying in Full (payments made to the management company)
 - Responded and requested to discuss/meet with the A&CC, requested a reasonable, mutually agreed upon payment plan to pay the total delinquent assessment due
 - Did not respond

"Claim in Small Claims Court"

- Total Number of delinquent assessment accounts that **"Claim in Small Claims Court"** was initiated and filed.
- Provide information, updates and outcomes specific to delinquent assessment accounts referred to Small Claims Court.

3. The A&CC has the authority:



- a. Discuss reasonable and timely payment plans and accept reasonable and timely payment plans, negotiate reasonable and timely payment plans and reject payment plans that are unreasonable or untimely.
- b. Agreed upon reasonable and timely payment plans will be put in writing and signed by the property owner and any member of the Committee.
- c. Provide a copy of the signed agreed upon payment plan to the HOA management company.
- d. Monitor compliance of the agreed upon payment plan.
- e. If the property owner fails to follow the agreed upon payment plan and payment dates, the A&CC will immediately proceed to the next step without further notification.

4. The A&CC and the Board of Directors do not have the authority to negotiate or reduce HOA Assessment fees or Special Assessment fees.

5. Upon “**Claim/File Claim in a Civil Complaint with Santa Fe County Magistrates Court**” is submitted, only one member of the A&CC can represent the Board of Directors during the Court process. The member has the authority to communicate, present documents, discuss, reject and or negotiate during the Court process.

6. Committee Member Costs: The A&CC member(s) agree to pay costs out of pocket for photocopying, Certified Mail, Return Receipt, First-Class mailing, Court Filing Fee and Sheriff's Service Fee, are responsible for keeping and submitting receipts for each delinquent assessment account to the management company in order for the Board to reimburse the A&CC member(s) for such costs.

Important New Mexico Compliance Reminders

- **Delegation Rules:** While this committee can plan, monitor, and draft documents, they should not personally attempt to harass owners for debt. This Committee is not performing the functions or responsibilities of any specific debt collection agency such specific debt collection activities must be executed legally by a licensed collections attorney or collection agency to adhere to fair debt practices.