

**Mariposa Community Association, Inc.**  
**Resolution on Enforcement**

WHEREAS, Section 8.3 of the Community Charter for Mariposa Residential Property (the “Charter”) states, “The decision to pursue enforcement action in any particular case shall be left to the Board’s discretion.”

WHEREAS, Section 8.3 of the Charter states, “For example, the Board may determine that, in a particular case:

- (a) the Association’s position is not strong enough to justify taking any or further action;
- (b) the covenant, restriction, or rule being enforced is, or is likely to be construed as, inconsistent with applicable law;
- (c) although a technical violation may exist or may have occurred, it is not of such a material nature as to be objectionable to a reasonable person or to justify expending the Association’s resources; or
- (d) that it is not in the Association’s best interests, based upon hardship, expense, or other reasonable criteria, to pursue enforcement action.”

WHEREAS, the City of Rio Rancho has departments and enforcement mechanisms that are better suited to address certain violations;

WHEREAS, reasonable people may disagree on whether particular action or condition of property violations are a provision of the Charter or the Association’s Rules;

WHEREAS, the Association desires to avoid involvement in disputes between neighbors; and

WHEREAS, the Association desires to treat all residents fairly and enforce the Charter in a uniform fashion.

NOW, THEREFORE, the Association hereby adopts the following guidance when making a determination for when to take enforcement action against one Owner based on the reports of another Owner or resident.

1. To protect the privacy interests of the Owners of Mariposa, the Association generally does not intend to enforce violations of the Charter or Association Rules that cannot be observed from the street.
2. As reasonable people may differ on what actions rise to the level of a nuisance, the Association will generally require reports from Owners from at least two different Units, or be personally observed by the Association’s agent, before enforcement action is taken against reported violations relating to nuisance-type behavior, such as violations relating to noise, light, or smell.
  - a. If a report from an Owner is accompanied by a police report or incident report from another government agency that reflects a government agent observed the nuisance, the

Association may take action based on the report from a single Owner, plus the observance by the government agent of the violation.

3. All communications from residents or Owners to representatives of the Association regarding potential violations must comply with the Amendment to the Rules of Mariposa Community Association, Inc. Regarding Improper Treatment of Owners, Residents, Employees and Contractors adopted by the Board of Directors.
4. Alleged violations of local ordinances or state law should be reported to local law enforcement or government agency responsible for enforcing said ordinance.
5. As many violations are temporary in nature, violations that can be observed from the street will generally only be enforced if confirmed by an agent of the Association during said agent's violation inspection to allow a reasonable time for the Owner to cure the violation.
6. To conserve the resources of the Association, enforcement action will generally not be taken against technical violations of the Association's Charter or Rules that are not reasonably likely to negatively impact other Owners of the community.
7. The Board considers trash cans to be concealed from the street and adjacent Units if they are located behind a gate or wall, in the back yard, or in the garage.
8. The Board of Directors may deviate from this policy in its reasonable discretion.

This policy is hereby adopted by the Board of Directors at an executive session meeting held on March 16, 2026.

Name: **Roger Theis** \_\_\_\_\_

Signature:  \_\_\_\_\_

Title: **President** \_\_\_\_\_






# 2026.03.16 Resolution on Enforcement

Final Audit Report

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