



**STATE OF NEW MEXICO
COUNTY OF SANDOVAL
THIRTEENTH JUDICIAL DISTRICT**

GREGORY B. PACK

Plaintiff,

v.

No. D-1329-CV-2021-01649

**NORTHERN MEADOWS PROPERTY
OWNERS ASSOCIATION, INC.**

Defendant.

AMENDED ORDER AND JUDGMENT

THIS MATTER came before the Court on February 17, 2022 on a hearing for Determination of Damages, the Plaintiff being present and represented by Stephen P. Curtis, Esq., the Defendant not appearing and previously being defaulted on the Merits of the case and the Court having received evidence and having heard argument and otherwise being fully advised.

THE COURT FINDS, after reviewing all exhibits accepted by the Court, as follows:

1. § 47-16-5 (D), NMSA (1978) allows for imposition of \$50.00 penalty per calendar day for a willful failure to produce financial and other records within ten business days after receipt of written request by a member of that association.

2. After reviewing Plaintiff's Exhibits 3-12 it is determined that the information contained in these Exhibits constitute a continuous request for records from Defendant, and a willful failure by Defendant to produce these records, beginning March 6, 2020 for a total of 697 days incurring a penalty of \$34,300.00.

3. All records requests subsequent to the March 6, 2020 date are determined to be part of the initial request and the Court denies any penalties requested in Exhibits 4-12.

IT IS THEREFORE ORDERED that plaintiff is entitled to damages in the form of a \$50.00 per day penalty against Defendant beginning on March 6, 2020 for a total \$34,300.00.

IT IS FINALLY ORDERED Judgment be issued against Defendant and in favor of Plaintiff in the amount of \$34,300.00 bearing an annual interest rate of 8.75 percent.



GEORGE P. EICHWALD
District Court Judge