

## **New Life Settlement Synopsis Letter from Steve Seligman, 28 September 2009**

Two years and six months after New Life presented its plan to convert the house at 12008 Persimmon Avenue into an 11 bedroom assisted living facility, in which a maximum of 12 people would reside with no garage, we're happy to report that PRORA and the other parties have reached a settlement with New Life Assisted Living, LLC that is agreeable to all parties. The lawsuit is resolved, and a Stipulation of Dismissal with Prejudice has been filed with the Court.

There are two substantive parts to the settlement:

- a) .....at no time, will there be more than five persons residing or receiving services or assistance at the Property.....
- b) The insurance companies for several of the individual PRORA neighbors, who were named as counterdefendants/additional defendants in New Life's counterclaim, agreed to pay New Life a sum of money, to facilitate the settlement.

This was a very long, very expensive, very challenging situation. However, the agreement that no more than five persons will reside at the Property is consistent with the consensus that was reached by the neighborhood, during the first and second town hall meetings in March and April of 2007, where there was unanimous desire to seek to enforce the Residential Use provision of the protective covenants.

Many neighbors have contributed generously to fund this lawsuit, and we thank them. However, we still have a large outstanding legal bill of approximately \$50,000.00. We're asking everyone that receives this email to make a contribution of \$250.00. We don't want PRORA to get a reputation as an organization that doesn't pay its bills, and there may be adverse consequences to the neighborhood if the bill doesn't get resolved.

We know these are difficult economic times, but PRORA needs your financial support. If \$250.00 seems like a lot, please try thinking of it as \$23.83 per month, for a year.

We live in the best, most beautiful neighborhood in Albuquerque. Time after time, people tell us that's why they choose to live here. We have great neighbors, a great appearance, and great spirit. PRORA is an important part of that picture.

PRORA is also much more than about New Life. Over the past 20 years, PRORA has accomplished much:

1. Beautiful medians on Lowell, Academy, and Spain all the way from Tramway to Juan Tabo
2. Impressed and colored concrete, instead of weeds, on Lowell, Academy, and Spain (again) all the way from Tramway to Juan Tabo, and on both sides of Spain

3. Walking path on Tramway from Spain to Academy
4. Reversed a company's plan to buy a house on Tamarac and convert it into an executive apartment, to house transient, visiting executives
5. Reversed a builder's plan to build a 28 foot tall house, which was two feet over the allowable height limit, after the house was already framed. The builder took it down to 26 feet, as requested
6. Annual Neighborhood Picnic
7. Annual Neighborhood Garage Sale
8. Safety Patrols at times like Halloween and Prom Night
9. Got the City to resolve substandard water pressure, which was adversely affecting and a fire hazard to 43 homes in PRORA.

A lot of people worked long and hard since February of 2007, to resolve the situation with New Life. Now we need your help pay the legal bill. Even if you've already given, please send a \$250 check immediately to:

PRORA  
PO Box 20822  
Albuquerque, NM 87154

If you can't send a check for the whole \$250, please send a check for \$23.83, with a note to the treasurer that you'll send 11 more of the same, over the next 11 months.

Please don't ignore this request. PRORA has done great things over the past 20 years. We all need to make sure that it's able to continue to serve.

Sincerely yours,

Peppertree / Royal Oak Residents Association

[www.prora.us](http://www.prora.us)

PO Box 20822

Albuquerque, NM 87154