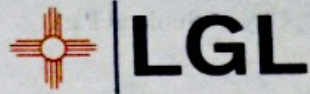


ALBUQUERQUE

Randy M. Autio
Nick Autio
Patrick F. Trujillo
Michael I. Garcia
Lea Corinne Strife
6121 Indian School Road NE, Ste. 202
Albuquerque, NM 87110
Telephone: (505) 889-0983
randy@nmlgl.com
nick@nmlgl.com
patrick@nmlgl.com
michael@nmlgl.com
cori@nmlgl.com



NM Local Government Law, LLC

SANTA FE

*Charles Rennick
Randall D. Van Vleck
1440-B S. St. Francis Dr.
Santa Fe, NM 87505
Telephone: (505) 889-0983
charles@nmlgl.com
van.vleck@nmlgl.com
*Also admitted in Texas

September 9, 2022

VIA ELECTRONIC & U.S. MAIL

Javier Perea, Mayor
Michael Martinez, City Manager
City of Sunland Park
1000 McNutt Rd, Suite A
Sunland Park, NM 88063
javier.perea@sunlandpark-nm.gov
Michael.Martinez@Sunlandpark-nm.gov

**RE: Cease and Desist Letter regarding development in annexed areas of Santa Teresa
PGST, et al. v. City of Sunland Park, et al.,
Case Nos.: A-1-CA-36279 and A-1-CA-36363**

Dear Mayor Perea and Mr. Martinez:

This firm represents the Provisional Government of Santa Teresa and the purpose of this letter is to request that you cease and desist all activities related to permitting, development and improvements within the annexed areas of the Santa Teresa territory. This includes any and all past and future developments, including the cessation of any approval or processing any building permits or land use applications relying on the incorporation petition that was filed in 2016.

Please be advised that the recent ruling by the New Mexico Court of Appeals has found that "the district court had no basis by which to affirm the approval of Socorro Partner' annexation petition to Sunland Park" making the annexation of the area in dispute invalid. The Memorandum Opinion containing the most recent ruling entered on July 25, 2022 in *PGST, et al. v. City of Sunland Park, et al.*, Case Nos.: A-1-CA-36279 and A-1-CA-36363 is attached for your review.

Based on this ruling, our clients are asserting their jurisdiction over the area in dispute and consider any and all approval of development activities by the City of Sunland Park to be invalid. We understand a Petition for Writ of Certiorari has been filed with the New Mexico Supreme Court, however in the absence of a ruling by the Court in the alternative, the Court of Appeals Opinion stands, and no action should be taken contrary to that ruling.

Javier Perea, Mayor | City of Sunland Park
Michael Martinez, City Manager | City of Sunland Park
September 9, 2022
Page 2

The areas of the proposed municipality of Santa Teresa are currently within the jurisdiction of Dona Ana County and all permits can only be issued in that area by the County. The Court of Appeals made clear that under the doctrine of prior jurisdiction, none of Sunland Park's annexations after the Incorporation Petition are valid.

Thank you for attention to this matter.

Sincerely yours,

/s/ Randy M. Autio

Randy M. Autio

RMA/clm

Enclosure: As stated.

cc w/ encl.: Nelson J. Goodin | Doña Ana County Attorney
via email Bradley A. Springer | Mynatt Martinez Springer P.C.
Alan J. Dahn | Mynatt Martinez Springer P.C.
David M. Mirazo | Dickinson Wright PLLC
Mary Gonzalez | Provisional Government of Santa Teresa