



June 2020

Vol. 36 – No. 6

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SHHA Office

12700 San Rafael Avenue NE, Ste. 3
Albuquerque, NM 87122

Office Hours: M-F, 9 AM - 4 PM

Closed on federal holidays

Phone: 505-797-7793

Fax: 505-856-8544

Website: www.sandiahomeowners.org

Emails: sandiaheights@comcast.net

shha@sandiahomeowners.org

Coronavirus Update

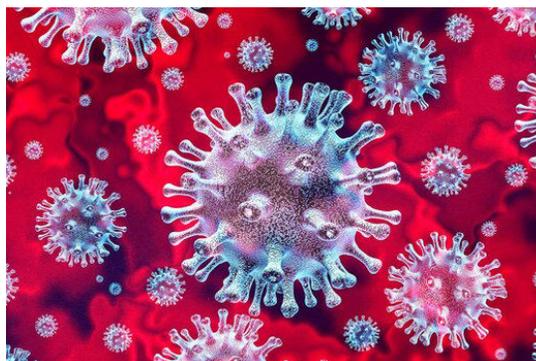
As of writing this in mid-May, Governor Lujan Grisham has allowed some easing of restrictions and a slow reopening of businesses. The SHHA office reopened May 20 under the following restrictions. All customers must wear a mask; the staff will as well. Sanitize your hands upon entering. Only one person or couple allowed in the office at a time. Please visit only for essential business, which includes construction/remodel applications, covenant violation complaints, notary services, review of contractor binders, and copy/fax service. Please adhere to social distance guidelines.

The Governor's May 9 public letter reads, in part, "Let me be clear by what I mean when I say social distancing. Social distancing **does not** mean going about your regular life with your friends and family with a little bit of extra space between you. Each coronavirus infection is a risk to others. Every single death is a tragedy. Saying that 'there are going to be deaths anyway,' is simply unacceptable. Social distancing **does** mean staying true to the responsibility we have to our neighbors, our loved ones and our communities, to keep one another safe. You have a newfound super power right now: the ability to save lives. By staying home as much as you can, by keeping six feet distance from people, by always wearing personal protective masks when you do go out, and by washing your hands and frequently used surfaces, you can help protect yourself and vulnerable New Mexicans. Social distancing is, ultimately, what will allow us to reopen New Mexico's economy. Right now, we're tentatively hoping to begin 'phase one' of reopening New Mexico in mid-May—but only if that course of action is supported by science and data."

Looks like we'll be sheltering in place for the foreseeable future. We'll say it again: Sandia Heights is a great place to shelter in place!

On the lighter side, your GRIT editor wrote a parody on Don McLean's "American Pie" for our current times. You can see it here:

<https://youtu.be/-SiPYW7ntRA>



Covenants 101

By Bob Thomas, Covenant Support Committee Chair & Teresa Cordova, Realtor with Coldwell Banker Legacy

The Beginning

Sandia Peak Tram Company (Tram Co.) was the original Grantor of most of the Sandia Heights Covenants. The Tram Co. assigned its rights and duties to enforce the various covenants for Sandia Heights to the Sandia Heights Homeowners Association (SHHA) and its Architectural Control Committee (ACC), and filed this Assignment with Bernalillo County on February 27, 1995. After this Assignment, the duties of what had been the Tram Co.'s ACC were reallocated, with SHHA's ACC being responsible for monitoring and upholding the covenants. Thereafter, SHHA's Board delegated the responsibility of enforcing certain aspects of the Covenants to its Covenant Support Committee (CSC), as provided in SHHA's Bylaws.

The Covenants allow the Grantor (or its assign, SHHA) and any property owner the ability to enforce the Covenants. SHHA also has standing to sue and enforce the Covenants on behalf of its members because (1) its members would have standing to sue in their own right, (2) the interests SHHA seeks to protect are germane to SHHA's purpose, and (3) neither the claims asserted, nor the relief requested requires the participation of individual members in this lawsuit.

See *American Civil Liberties Union of New Mexico v. City of Albuquerque*, 2008-NMSC-045, ¶ 30, 144 N.M. 471; *Forest Guardians v. Powell, et al.*, 2001-NMCA-028, ¶ 21, 130 N.M. 368. SHHA meets these requirements.

Seller Responsibility

Under New Mexico law, it is a clearly defined obligation for a seller (owner) of a property to make certain that all disclosures, including the relevant and applicable Covenants, are provided to prospective purchasers prior to the date of closing.

Relative to the sale of individual lots (whether improved or not; i.e., regardless of whether there is a home on the lot), statute NMSA 1978 § 47-16-12 requires that no later than 7 days before closing, a lot owner shall "furnish to a purchaser copies of (1) the declaration of the association, other than the plats and plans; (2) the bylaws of the association; (3) any covenants, conditions or restrictions applicable to the lot; (4) the rules of the

association; and (5) a disclosure certificate from the association."

New Mexico law does not suggest that any party other than the seller of a parcel or home constructed on a lot in Sandia Heights has an obligation to furnish the materials described in the statute to a prospective purchaser. To this end, absent their ownership of a property for sale, there is no specific legal obligation imposed upon lenders, real estate brokers or title companies to furnish information relative to the SHHA Bylaws, Covenants, or other documents specific to the subject property.

The Homeowner's Association Act which took effect July 1, 2013, further provides that a seller of a property located in an HOA must provide the HOA's community documents to a potential buyer. The NM Association of Realtors form, "Seller's Disclosure of Homeowner's Association Documents" states in section 1, "The New Mexico HOA Act requires Seller or Seller's Agent/Broker to provide the following HOA Documents to Buyer." It goes on to list the documents. The seller is responsible for accurately filling out and then signing this Disclosure and providing it along with the HOA's community documents to a potential buyer.

The title company is responsible for doing a search on the property and providing a Title Commitment along with all documents referred to therein for the buyer's review. This would include the Codes, Covenants and Restrictions (CCR) as they are recorded, but not any of the other HOA documents.

Buyer Responsibility

All homeowners in Sandia Heights, regardless of whether or not they are members of SHHA, are bound by the SHHA Covenants for their specific unit. When you purchase your property, under New Mexico law it is the responsibility of the seller to disclose the SHHA Covenants/Community Documents to you. It is not the responsibility of the transaction real estate brokers, the lender or the title company. Even if you have not been informed of the Covenants, you are still bound by the SHHA Covenants for your specific unit. The SHHA Covenants are legal *Use Restrictions* and are enforced by the Covenant Support Committee to maintain the value of your property and your neighbor's property.



11 Rules for Staying Safe While Walking

Parks & Safety Committee

This article is adapted from one written by Wendy Bumgardner and found at www.verywellfit.com.

Walking is a healthy activity, but you need to know the rules of thumb for pedestrian safety. This is especially true if you are walking in areas of Sandia Heights where there aren't sidewalks or paths separated from the road. Always observe traffic safety rules when walking in public areas. **To stay safe walking, follow these rules of the road!**

- 1. Walk Facing Traffic.** If there is no sidewalk and you must walk on the side of the road, choose the left side where you are facing oncoming traffic. Walking opposite traffic gives you the best chance to see vehicles approaching and be able to take evasive action when needed. This may be confusing because the opposite rule is true for cyclists, who must travel in the same direction as the vehicular traffic flow.
- 2. Cross Safely.** Your mother was right—you should look both ways before crossing any street. At controlled intersections, it is wise to cross only when you have the pedestrian crossing light. Even then, vehicles and cyclists may have a green light to turn and won't be expecting you to be in the crosswalk. Make eye contact with any driver or cyclist who may be turning. Give them a wave. Make sure they see you. In an interaction between a vehicle or a cyclist and a walker, the walker can only lose! Even if you are obeying traffic signs and signals, motorists and cyclists might not notice you. Always stay aware of surroundings when crossing any street.
- 3. Walk on Roads Single File.** Unless you are on a sidewalk separated from the road or you are in a wide bike/pedestrian lane, you should walk in single file. This is especially important on a road with lots of curves, or un-level terrain (such as Sandia Heights) where traffic has only a split-second chance of seeing you. Walking abreast can also cause you to become distracted by conversations with your walking buddy(s) and create a situation of not paying proper attention to traffic or road signs. While it can be enjoyable to walk down the road two to three abreast chatting, drivers don't expect it, and you would lose in that collision!
- 4. Stay Aware of Bikes and Runners.** Share the road or path with cyclists and runners. Bike riders should alert you when approaching from behind with a bike bell or a "passing on the left/right." Listen for them,

and move to walk single file, allowing them to pass safely. Runners should also call out when passing.

- 5. Be Visible.** Wear bright colors when walking in the daytime. At night, wear light-colored reflective clothing or a reflective vest to increase visibility and carry a light. Drivers are often not expecting walkers to be out after dark and you need to give them every chance to see you. Be just as cautious at dawn or twilight, when drivers still have limited visibility.
- 6. Be Predictable.** Make a practice of staying on one side of the path while walking rather than weaving randomly from side to side.
- 7. Keep the Volume Down.** Don't drown out your environment when listening to music with your earbuds or headphones. Keep the volume at a level where you can still hear bike bells and warnings from others using the same path.
- 8. Hang Up and Eyes Up.** Distracted walking due to chatting, texting, or playing games on a mobile device while you walk is almost as dangerous as doing those things while driving. You are distracted and not as aware of your environment. You are less likely to recognize traffic danger, tripping hazards, or passing joggers and cyclists. Adopt habits that can keep your phone in your pocket, or at least make it a practice to stop in a safe place to complete your call.
- 9. Walk Dogs on Short Leashes.** It is terrifying and tragic to see dogs running out into traffic or getting into a dog fight, whether on or off a leash. But when walking your dog on a long leash, there is also a danger that you will trip other walkers or cyclists. You will keep your dog safer—as well as those who pass by you—if you use proper leash walking etiquette. Bernalillo County laws require dogs be leashed at all times except in explicitly designated locations.
- 10. Know When to Stop Walking.** Heat exhaustion, dehydration, heart attack, or stroke can strike walkers of any age. Learn the symptoms of medical emergencies and carry your cell phone (in your pocket) to dial 911. Even if you are a seasoned, well-trained walker, you may experience one of these problems and need to cut your walk short.
- 11. Be Aware of Stranger Danger.** Street safety is a concern for many walkers. Choose your walking route for paths frequented by other walkers, joggers, and cyclists. Acting alert and aware can dissuade dangerous people from making you a target.

Enjoy these rules for safer walking in Sandia Heights!

APRIL CALLS TO SANDIA HEIGHTS SECURITY PATROL

The following statistics are the latest provided by Sandia Heights Security since the last GRIT. **Please be reminded that Sandia Heights Services (they provide water, sewer, trash and recycle collection, and security services) is a subscription service separate from Sandia Heights Homeowners Association membership.** Also, Membership in SHHA does not include Sandia Heights Security membership. You can call Security to confirm your membership with them. If you have questions, please call **Sandia Heights Security** at 856-6347, **mobile** 263-4654.

APRIL 2020	# of calls		# of calls
Alarms	7	Special Request/Vacation	12
Attempted Breaking and Entering	1	Suspicious Activity	1
Customer Assist	1	Suspicious Person	2
Fire/Smoke	1	Suspicious Vehicle	7
Lost/Found Pet	1	Theft	1
Newspaper/Package Pickup	1	Threat/Personal	1
Noise Complaint/Suspicious Noise	1	Vandalism	1
Parking Problem	1	Attempted Vehicle Burglary/Break In	1
Special Extra Patrol	5	Total Calls	45

Useful Numbers: Emergency Police/Fire/Rescue: 9-1-1 (Be sure to let the operator know you are in Sandia Heights – an unincorporated area of Bernalillo County) **Bernalillo County Sheriff Non-Emergency:** 798-7000 **Bernalillo County Fire Department Non-Emergency:** 468-1310 **SHS Water/Sewer Emergencies (M-F 7AM – 4PM):** 856-6345 **SHS Water/Sewer Emergencies After Hours:** 888-5336 **NM Gas Co. Emergencies:** 697-3335 **PNM Outage & Emergencies:** 1-888-342-5766

Announcements & Notices:

- **Office hours:** Monday – Friday 9 AM – 4 PM.
- **Board Meeting:** Tentatively scheduled for Wednesday, June 10, 2020 at 7 PM at the SHHA Office.
- **Office Closures for Holiday(s):** None
- **Notary services, copies (20 per month) and faxes, e-mail alerts, and contractor evaluation binder** are free to members.
- **Committee meeting dates** are posted on our website calendar: www.sandiahomeowners.org.
- **Classified ads** can be found on the website on the top bar menu under Notices and Information/Classifieds.
- **Safety vests for sale** in the SHHA Office. \$2 per vest for members. Cash or check only.
- **Tram passes for sale** in the SHHA Office. \$7 per ticket for members on a **first-come first-served basis**. Cash or check only. Tickets purchased must be for one date at a time per residence. To view the Tram Pass Procedures for SHHA Members go to <http://sandiahomeowners.org/notices-and-information/notices-and-information/96-tram-passes>.
- **ACC Color Reference Guide** is available to borrow in the SHHA Office for up to 30 days. \$20 refundable deposit is required. Cash or check only.

Do you receive email alerts from SHHA?

From time to time SHHA will send email alerts to members. These emails include but are not limited to a reminder that the GRIT newsletter is available to view online, reminders about the SHHA Annual Meeting,

community events like shredding or e-recycling, and notifications on emergency situations in the community. If you do not receive these alerts and would like to, send an email with your name and address (for verification of membership) from the email address where you'd like to receive the alerts to shha@sandiahomeowners.org or sandiaheights@comcast.net to sign up.



SHHA Member Benefits:

Check out the entire SHHA Member Benefits Program and the discounts offered to SHHA members at www.sandiahomeowners.org, under the **Notices and Information** tab. Each participating merchant offers a discount to SHHA members. The following is a list of participating merchants:

Abel Plumbing & Heating
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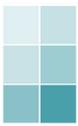
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 on Market
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Responding to Home Emergencies

By Bob Bower, ACC Chair

[NOTE: This is one of the articles that I like to publish periodically for the benefit particularly of our new residents. I hope the information is useful!]

As many of you know, emergency situations involving your home can occur from time to time. If you happen to encounter a situation such as a broken or clogged water or sewer line, repair or replacement of your septic system, a leaky roof, stucco damage (particularly at the parapet locations), a large tree or tree branch that may pose a danger to your property if not trimmed or removed, a collapsed garage door, or any other situation where the urgency of the issue requires quick action on your part in order to prevent or minimize property damage, the ACC does not want to stand in your way. You do not need to submit an ACC application form for these types of situations. Just let the SHHA office know that you are tending to an emergency situation and, if applicable, heavy equipment may be needed to fix the problem. The phone number at the SHHA office is 797-7793. This information will help the office answer questions from your neighbors who may be inquiring about what is going on at your residence.

As a reminder, be careful when selecting a contractor to handle an emergency repair or for any other repairs or modifications to your residence. There are many

individuals looking for business and some of these folks may not be properly licensed or insured. You bear the risk of poor-quality workmanship and a host of other problems if you choose to use an unlicensed or uninsured contractor. I have included articles in *The GRIT* on this subject over the past several years, so take some time and familiarize yourself with just how to make sure your contractor is properly licensed and insured before you “sign on the dotted line.” Don’t be a victim of an unlicensed or uninsured contractor!

Once your emergency issue has been solved and you wish to pursue a permanent fix, you are then required to submit an application to the ACC. Examples of this include replacing your roof, re-stuccoing your residence, or replacing a large tree. Keep in mind that trees which will exceed the height of your roofline when they reach maturity are not authorized since they can interfere with the views of your neighbors. The ACC does not need an application for replacement or repair of your septic system. Wastewater systems are handled by the Bernalillo County Public Works Department and they will issue the proper permits and perform the proper inspections to ensure that the septic system meets County requirements.

From all of the members of the ACC, please remember that the Committee is here to help you in any way we can through all phases of your home improvement projects.



ACC Activity Log

Summary of **Approved Projects** activity since the last GRIT:

19 Cedar Hill Road – Reroof with Tesla Solar Roofing
30 Juniper Hill Loop – Roof Mounted Photovoltaic Panel Installation
309 Big Horn Ridge – Roof Mounted Photovoltaic Panel Installation
352 White Oaks Drive – New Construction
420 Live Oak Court – Replace Windows/Sliding Doors and Restucco
506 Black Bear Loop – Restucco and Install Cantera Stone Trim Around Windows
547 Black Bear Loop – Shade Structure Installation
925 Tramway Lane – Addition of Windows
1025 Tramway Lane – Replace windows w/ one window
1134 Marigold Drive – Landscaping
1165 Laurel Loop – Reroof
1215 Rockrose Road – Reseal and Install Bricks in Driveway, Replace Railroad Ties in Patio with Pavers and Paint/Stain Front Door
1422 San Rafael Avenue – Roof Mounted Photovoltaic Panel Installation
1453 Honeysuckle Drive – Roof Mounted Photovoltaic Panel Installation
1572 Eagle Ridge Court – Roof Mounted Photovoltaic Panel Installation
1806 Tramway Terrace Loop – Install Screen Door, Courtyard Gate, Gravel in Back Yard, Replace Windows
1829 Tramway Terrace Loop – Landscaping
1921 Quail Run Drive – Repaint Areas of House and Garage Door
2440 Tramway Terrace Court – Gazebo Installation
2451 Tramway Terrace Court – Fence Replacement
2777 Wolfberry Place – Repair and Paint Stucco
2819 Tramway Circle – Fence Replacement
2897 Tramway Place – Repaint Garage Door, Canales and Wood Accents

Visit the website: www.sandiahomeowners.org to read about all projects currently under ACC management.

Hummingbirds

By Susan McCasland, GRIT editor

I think we all love to see hummingbirds in our yards. New Mexico is blessed with 17 species of these tiny dynamos, but there are four you are most likely to see in Sandia Heights.

The first arrivals are the Black-chinned and Broad-tailed Hummingbirds. The Black-chinned males have greenish backs and black chins and throats; females have a green back and grey chest and belly. The Broad-tailed males have a bright pink throat and females have a dark-spotted throat. Also, the Broad-tailed hummers are loud when they fly—it sounds like they're screeching!

Around the Fourth of July the Rufous Hummingbirds start arriving. These are the easiest to spot. Both males and females have rust-colored feathers. In addition, the males have bright orange throat patches. They are also quite aggressive defending feeding territories. Last in, towards late July or August, is the tiny Calliope Hummingbird. Males have red streaks on their throats and generally green backs. The females have green backs and an off-white chest and belly.

There are many flowers you can plant to attract hummingbirds. You can also set up a feeder, though be aware that bears also like hummingbird food, so bring your feeders in at night. It is easy to make your own hummingbird food. Simply mix 3 to 4 parts water to one part white granulated sugar. Heat it slightly in the microwave and stir so that the sugar goes into solution. **DO NOT USE RED FOOD COLORING** as this can be harmful to the hummers. The red on the feeder is sufficient to attract them. Thoroughly clean the feeder once a week or so.

Fun facts: a hummer's heartrate is around 1200 beats per minute and they take about 250 breaths per minute! They are only found in the Western Hemisphere. They are migratory and the ones we see in our neighborhood mostly winter in Mexico and Central America. The Rufous goes as far north as Alaska and northern Canada to nest.



MAX SANCHEZ & TERESA CORDOVA

NEIGHBORHOOD EXPERTISE

INTEGRITY

DEDICATION

SUPPORT:

Community Involvement as Hosts of the Annual Food Drive, Shredding Event, Easter Egg Hunt and Yearly Sponsor of the Artist Studio Tour

EXPERIENCE:

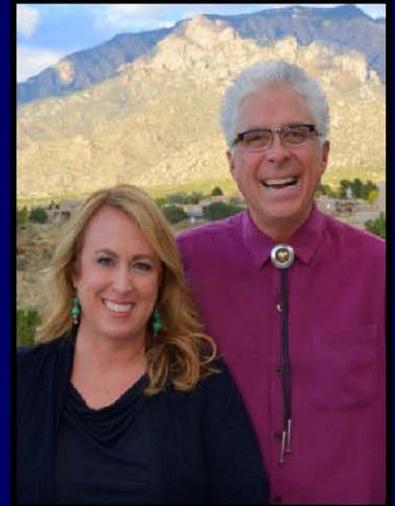
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Sandia Heights MARKET UPDATE PAST YEAR 6/2019 to 6/2020

Larger homes Over 2300 sf on Larger Lots: 12 For Sale Avg price/sf \$197.44

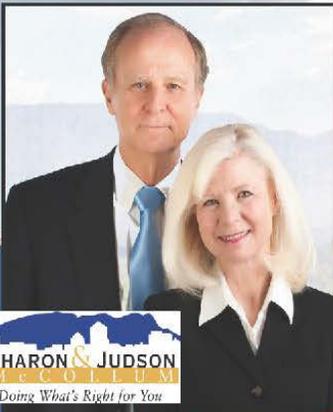
5 Pending Avg Asking Price/sf. \$174.24 | 78 Homes Closed past year to date Avg Sold Price/sf \$194.09

Smaller homes on smaller lots :16 for sale Avg Price/sf \$207.95

8 pending Avg Asking Price \$178.67 p/sf | 55 closed past year Avg Sold \$186.22/sf

Note Price is always based on condition, updates, location and views

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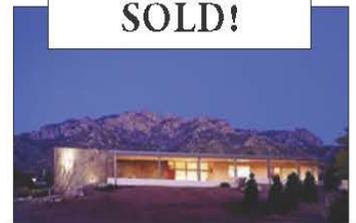
617 Cedar Hill Road NE

SOLD!



1945 Quail Run Loop NE

SOLD!



79 Juniper Hill Place NE

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SANDIA HEIGHTS HOMES ARE STILL SELLING!

How are you all doing? I hope well, and you're practicing safe, social (I heard the word should be "physical") distancing. We will get through this, and hopefully get our lives back to "normal" (or, the "new normal"?)

Here is a snapshot of what's been happening in Sandia Heights, since the Governor's "stay-at-home order" on March 24th. There are currently 18 "active" (for sale) homes on the market, 10 are "pending closing" (under contract), and 11 have closed since then. That's a total of 39. That is surprisingly good!

Real Estate has been considered an "essential service" by the Governor so activity has slowed some, but not a lot. We are now required to wear masks, gloves are advised, and some people ask for booties to be worn. We're seeing a lot more "on line" activity where videos and virtual tours are becoming more popular (sold my first home where the Buyers didn't physically see the property before writing an offer), and of course there's "ZOOM". I think all of these things will be part of what we do from now on in the Real Estate World.

ACTIVE Properties (for sale) - Listing Count:18

Averages Sqft: 3,455 \$/Sqft: 224.58 DOM/CDOM: 67/71 O-Price: 766,078 L-Price: 759,083
Price High: 1,150,000 Low: 485,000 Median: 742,000

PENDING Properties - Listing Count: 10

Averages Sqft: 2,541 \$/Sqft: 200.80 DOM/CDOM: 43/50 O-Price: 500,395 L-Price: 490,795
Price High: 720,000 Low: 315,000 Median: 489,500

CLOSED Properties - Listing Count: 11

Averages Sqft: 2,576 \$/Sqft: 182.14 DOM/CDOM: 64/91 O-Price: 488,536 L-Price: 482,264 S-Price: 464,591 SP% LP: 97.02
Price High: 700,000 Low: 259,000 Median: 454,000

Property Type Count: 39

Averages Sqft: 2,973 \$/Sqft: 206.51 DOM/CDOM: 60/71 O-Price: 619,673 L-Price: 612,214 S-Price: 464,591

*Price statistics for closed listings based on sold price. All other statuses and Totals based on current list price.



FOR SALE

1503 Eagle Ridge Road NE

4/5 Bedrooms • 3.75 Bathrooms • Sandia Heights
5,000 SF • List Price \$975,000 • MLS# 965461



FOR SALE

301 Spring Creek Place NE

4 Bedrooms • 2.75 Bathrooms • Sandia Heights
3,882 SF • List Price \$1,075,000 • MLS# 965314

FOR A FREE REAL ESTATE REVIEW, CALL OR EMAIL GREG

Community Event Bulletin Board

None of these groups are sponsored by SHHA. Information is provided to keep residents informed.

Sandia Heights “Cork & Fork” Dining Activity: Due to the pandemic, dining activities are cancelled per directions of the Governor’s Office. When the situation resolves we will again meet on the second Saturday of every other month, hopefully starting in September, gathering in the homes of our members. Each small dinner group is typically 6–8 people, including the hosts. We try to switch up the groups, with everyone rotating (host/attendee) as the year progresses. The host decides the menu theme and prepares a main dish, with attendees contributing to some part of the meal—along with a wine to go with their dish. The emphasis is on food and fun rather than formal elegance. Though most of the dinners are smaller, there are 2 whole-group dinners during the year, one a September kick-off, and an end-of-season gathering in July. The dinner group was started in September 2005, with 15 interested couples from Sandia Heights. Adult Sandia Heights residents are welcome. To inquire or join any time of year, call Paula Baxter at (505) 330-1518.

Notice: Any corrections to the printed version of the GRIT can be found on the website: www.sandiahomeowners.org

Letter to the Editor

Rousing round of applause to Keith Julian for his engaging and educational piece in the May issue of *The Grit*. Keith wove multiple historical threads together with skill and the result was an easy but very insightful read into the post-Columbian history of our collective home. (How about a follow-up on Juan Tabo?) Well done and sincere thanks!

Hugh Prather, SHHA Member





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