

URGENT & TIME SENSITIVE - FINAL REQUEST FOR APPROVAL

2 messages

Evelyn Keiling <elkeiling@gmail.com>

Thu, Mar 19 at 9:57 AM

To: Emily Ottens <Emily.Ottens@fsresidential.com>

Cc: Evelyn Keiling (HempMamaEvelyn) <elkeiling@gmail.com>, Bobby Keiling <rwkeilingphotography@gmail.com>

Good morning.

Please see attached correspondence (with exhibit) and distribute to each of the Board of Directors for LMCA immediately. This letter coincides with my original APPEAL with Executive Summary dated February 17, 2026 and my letter to the Board of Directors dated March 11, 2026, respectively.

Thanks for your attention to this matter and I look forward to the Board's timely response.

Sincerely,

Evelyn Keiling, TTE, The Keiling Living Trust

[Quoted text hidden]

LETTER - FINAL REQUEST TO BOD OF LMCA - March 19, 2026.pdf, EXHIBIT A - FINAL REQUEST - HOA_Photo_Exhibits.pdf

Emily Ottens <Emily.Ottens@fsresidential.com>

Sat, Mar 21 at 7:44 PM

To: Evelyn Keiling <elkeiling@gmail.com>

Cc: Bobby Keiling <rwkeilingphotography@gmail.com>

Good evening, Evelyn,

Thank you for your message and for your patience. We understand your desire for immediate distribution to the Board of Directors and a prompt response; however, please note that Board packets and agendas are finalized approximately one week prior to each scheduled meeting. Board members serve as volunteers and are not obligated to respond to individual homeowner inquiries outside of formal meetings. Additionally, Board discussions cannot occur via email if doing so would constitute a quorum. All deliberations regarding homeowner requests must take place during duly noticed meetings, in accordance with governing requirements. For this reason, Board members are advised to refrain from engaging in discussions outside of these meetings.

Your appeal was formally submitted and reviewed by the Board of Directors during the February Executive Session meeting. On February 3rd, I responded to acknowledge your request, and you were invited to attend and present your appeal directly to the Board, with meeting dates and times provided for both the February Open Session and Executive Session. You requested that your appeal be heard in Executive Session and indicated that you did not plan to attend.

The Keiling Living Trust & Evelyn Keiling, TTE
6041 East Pebbles Court
Cave Creek, AZ 85331

Date: March 19, 2026

URGENT & TIME SENSITIVE

TO: BOARD OF DIRECTORS
Lone Mountain Community Association
% FirstService Residential
9000 North Pima Parkway, #300
Scottsdale, AZ 85258

CC: Emily Ottens, Community Manager, FS Residential

RE: **FINAL REQUEST FOR APPROVAL - WALL PAINTING PLAN & GOVERNING
DOCUMENT INTERPRETATION (SECTION 5.8.1)**

Dear Members of the Board of Directors and FirstService Residential,

I am writing to submit my final request for acknowledgment and approval of my wall painting plan following multiple prior denials, as the March 31 compliance deadline is now approaching.

It is my intent to proceed with repainting my walls using a professional painter, with the color matched to the primary color of my home. This approach will result in a cohesive, high-quality finish that aligns with the architectural design of my property and contributes positively to the overall appearance of the community.

The walls on each side of my property collectively total approximately 502 square feet, representing more than seven columns of wall, and require repair and repainting due to normal wear. In addition, portions of this wall were not properly constructed or finished originally, resulting in underlying issues that require correction as part of this work. Given the scope of both the repairs and repainting, it is important that the final result is professionally executed and visually consistent, rather than creating a segmented or mismatched appearance. A consistent, well-executed finish across this entire area is essential to maintaining the visual integrity of the property.

I have obtained multiple quotes for this work, with my most recent professional estimate totaling approximately \$3,250 for proper repair and repainting. Given this level of investment, it is especially important that the outcome is cohesive and consistent with my home, rather than creating a conflicting or mismatched appearance.

BOARD OF DIRECTORS - LONE MOUNTAIN

March 19, 2026

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I also recently invested approximately \$2,000 to replace my side gate, selecting a color that complements the existing color scheme of my home. This improvement was made in good faith to enhance the overall appearance of my property and did not incorporate Behr Pepper Spice, as it was not consistent with the design of my home. Requiring a conflicting wall color would create a mismatched appearance and undermine the cohesive look I have worked to achieve.

Governing Document Consistency

In reviewing the Association's Design Guidelines, Section 5.8.1 clearly states:

"No approval is required for an Owner to paint the side of a wall facing their Residential Unit, provided that the color matches the main color of the home."

Based on this explicit language, my proposed plan falls squarely within what is permitted.

It is also my understanding that the CC&Rs are the controlling governing document of the Association and take precedence over Design Guidelines or subsequent rule interpretations.

While the Board and Architectural Review Committee may adopt and amend design standards, those standards must remain consistent with, and cannot override or materially expand upon, the rights granted to homeowners under the CC&Rs.

Amendment vs. Application of Guidelines

I understand the Association's position that the Design Guidelines have been amended to require Behr Pepper Spice for front-facing walls. However, the central issue is not solely whether a guideline has been amended, but whether that guideline is being applied in a reasonable and consistent manner that achieves its intended purpose.

Inconsistent Enforcement and Outcomes

Based on current observable conditions throughout the community, the enforcement of this requirement has not resulted in uniformity. There are visible inconsistencies in color tone, application quality, and overall execution. In many cases, the result is a patchwork effect that detracts from the visual harmony the guideline is intended to achieve. I have personally observed numerous walls with varying shades, mismatched finishes, and unprofessional applications, creating an overall appearance that is inconsistent and, in some cases, an eyesore.

BOARD OF DIRECTORS

March 19, 2026

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The Association's own records support this concern. The December 16, 2020 Board Meeting Minutes acknowledge that a wide variety of wall colors existed throughout the community and that the Board discussed standardization while also stating the intent to "allow what we have to continue."

Additionally, the April 22, 2025 meeting minutes confirm that many homeowners continue to repaint walls using non-conforming colors despite updated guidance, demonstrating that consistent enforcement has not been achieved.

Photographic examples illustrating these inconsistencies are included for your reference (see attached Exhibit A – Community Wall Conditions).

I am also aware that this issue extends beyond my individual property. A petition regarding wall color requirements has circulated within the community and received approximately 174 homeowner signatures, reflecting broader concern regarding the current approach. Additionally, I am aware of multiple homeowners who have recently completed exterior and wall painting projects consistent with their home color schemes, including one neighboring property that repainted both the home and walls in 2023 in a coordinated manner consistent with longstanding community practices.

I have also observed that a number of properties with smaller wall areas have proceeded with repainting under the current requirement, likely due to the burden of potential fines rather than alignment with a consistent design preference. At the same time, there remain numerous properties throughout the community that reflect the longstanding approach of matching wall colors to the home itself, consistent with the original design intent established by the builder and reflected in the governing documents. This further highlights the lack of uniformity in both application and outcome.

Reasonableness of Enforcement

Even where a guideline has been amended, it must still be applied in a manner that is reasonable, consistent, and aligned with its intended purpose. The current outcomes indicate that this standard is not being met.

My proposed approach—a professionally executed paint application matched to my home—directly supports the goal of a cohesive and visually appealing community and avoids contributing to the inconsistencies that are currently present.

BOARD OF DIRECTORS

March 19, 2026

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Good Faith Compliance

This request is made in good faith with the intent to comply with the governing documents while maintaining a high standard of appearance for my property and the community.

Based on the clear language of Section 5.8.1, the controlling authority of the CC&Rs, and the observable results of current enforcement, I respectfully request that the Board acknowledge and approve my plan to proceed.

If the Association maintains its denial, I respectfully request a written explanation identifying the specific provision within the CC&Rs that authorizes overriding the language of Section 5.8.1, as well as a detailed explanation of how this requirement is being applied consistently across all similarly situated properties.

In addition, I respectfully request that no fines, penalties, or enforcement actions be assessed or initiated while this matter remains under review and pending resolution.

If a reasonable resolution cannot be reached, I am prepared to pursue further review through the Arizona Department of Real Estate to seek clarification and resolution of this matter.

Thank you for your time and consideration. I look forward to your timely response, so I may move forward with the structural repairs and painting necessary to complete this project.

Sincerely,



Evelyn L. Keiling, TTE - The Keiling Living Trust

Attachment: Exhibit A - Community Wall Conditions, Lone Mountain Community

Photographic Exhibits – Community Wall Conditions

Evelyn Keiling – Lone Mountain Community Association

The following exhibits document observable inconsistencies in wall color, application quality, and overall visual outcomes throughout the community.

Exhibit 1



Visible variation in wall color tone between adjacent sections, demonstrating lack of uniformity.

Exhibit 2



Noticeable difference in shading and finish, resulting in inconsistent visual appearance.

Exhibit 3



Patchwork effect where repainting does not match surrounding wall sections.

Exhibit 4



Inconsistent color application creating uneven visual continuity along the wall line.

Exhibit 5



Fading and mismatched repaint areas contributing to an overall uneven appearance.

Exhibit 6



Adjacent properties displaying differing wall tones despite intended standardization.

Exhibit 7



Uneven paint coverage and variation in finish quality across wall sections.

Exhibit 8



Color mismatch between segments indicating inconsistent application of guidelines.

Exhibit 9



Visible inconsistency in tone and finish disrupting overall community aesthetics.

Exhibit 10



Example of non-uniform repainting resulting in a fragmented and visually inconsistent appearance.

URGENT & TIME SENSITIVE - FINAL REQUEST FOR APPROVAL

Emily Ottens <Emily.Ottens@fsresidential.com>

Sat, Mar 21 at 7:44 PM

To: Evelyn Keiling <elkeiling@gmail.com>

Cc: Bobby Keiling <rwkeilingphotography@gmail.com>

Good evening, Evelyn,

Thank you for your message and for your patience. We understand your desire for immediate distribution to the Board of Directors and a prompt response; however, please note that Board packets and agendas are finalized approximately one week prior to each scheduled meeting. Board members serve as volunteers and are not obligated to respond to individual homeowner inquiries outside of formal meetings. Additionally, Board discussions cannot occur via email if doing so would constitute a quorum. All deliberations regarding homeowner requests must take place during duly noticed meetings, in accordance with governing requirements. For this reason, Board members are advised to refrain from engaging in discussions outside of these meetings.

Your appeal was formally submitted and reviewed by the Board of Directors during the February Executive Session meeting. On February 3rd, I responded to acknowledge your request, and you were invited to attend and present your appeal directly to the Board, with meeting dates and times provided for both the February Open Session and Executive Session. You requested that your appeal be heard in Executive Session and indicated that you did not plan to attend.

On March 4, 2026, you were notified of the Board's decision to deny your request. Subsequently, on March 17, 2026, I responded to your March 11th, 2026, inquiry regarding governing authority and Association records. That response included the current Design Guidelines in full. For clarification, the statement referenced in your attachment regarding Section 5.8.1 is inaccurate, as you did not include the full sentence. For your convenience, the full section was included in my prior response and copied below to help clarify your misinterpretation of the guidelines.



Your variance request to paint the walls using the primary color of your house remains denied. I would be happy to include your most recent communication in the April Executive Session meeting packet for the Board of Directors and will plan to do so. As your current request reiterates previously addressed questions and includes some inaccurate information, we want to ensure clarity moving forward. Homeowners are welcome and encouraged to attend monthly Board meetings. An invitation and access link for the meeting scheduled on Tuesday, March 24, 2026, was sent to you on March 20, 2026. If you did not receive this email, please let me know and I will gladly resend it.

Sincerely,

FINAL NOTICE OF INTENT TO FILE PETITION FOR HEARING - IMPROPER RULE ADOPTION & EXCEEDING BOARD AUTHORITY

Emily Ottens <Emily.Ottens@fsresidential.com>

Tue, Mar 24, 2026 at 4:49 PM

To: Evelyn Keiling <elkeiling@gmail.com>

Cc: Bobby Keiling <rwkeilingphotography@gmail.com>, "Evelyn Keiling (HempMamaEvelyn)" <elkeiling@gmail.com>, Emily Ottens <Emily.Ottens@fsresidential.com>

Good afternoon, Evelyn,

Thank you for reaching out. I've already informed you that your correspondence will be shared with the entire Board of Directors as part of the Board packet for next month.

Do you understand that the Board of Directors cannot have discussions outside of the monthly meetings? I'm sorry I cannot accommodate your request for same day discussion.

Please advise,

EMILY OTTENS

Community Manager

9000 E. Pima Center Pkwy

Ste 300 | Scottsdale, AZ

85258

Direct 4805514376

From: Evelyn Keiling <elkeiling@gmail.com>

Sent: Tuesday, March 24, 2026 9:32 AM

To: Emily Ottens <Emily.Ottens@fsresidential.com>

Cc: Bobby Keiling <rwkeilingphotography@gmail.com>; Evelyn Keiling (HempMamaEvelyn) <elkeiling@gmail.com>

Subject: FINAL NOTICE OF INTENT TO FILE PETITION FOR HEARING - IMPROPER RULE ADOPTION & EXCEEDING BOARD AUTHORITY

URGENT & TIME SENSITIVE

Attention: ALL BOARD MEMBERS

Good morning.

Please see attached correspondence and Exhibit A; please distribute this correspondence **immediately** to each Board member for review and response within five (5) business days. Please be sure each Board Member sees this correspondence for discussion today. Thank you.

FINAL NOTICE EMAILS

Marcia Hahn <lmhoamarcia@gmail.com>

Fri, Mar 27 at 8:34 AM

To: Evelyn Keiling <elkeiling@gmail.com>

Cc: Emily Ottens <Emily.Ottens@fsresidential.com>

Evelyn, I am responding to your most recent email dated March 24, 2026 and can confirm that the board did receive this information as well as the Exhibit A that you attached. Emily Ottens did distribute this initially to all board members as you requested and she has provided you with background information on this issue.

If I am not mistaken, you are seeking the CC&R provision that allows the Board authority to make changes to paint colors. The CC&R's along with the Design Guidelines are documents that work together. To answer your question directly, please refer to the CC&R Section 3.1.3 and 5.10.2 that provides the authority.

Thank you for your correspondence and have a good weekend.

[Quoted text hidden]

The Keiling Living Trust & Evelyn Keiling, TTE
6041 East Pebbles Court
Cave Creek, AZ 85331
623.687.5762

Date: March 24, 2026

URGENT & TIME SENSITIVE

TO: BOARD OF DIRECTORS
Lone Mountain Community Association
% FirstService Residential
9000 North Pima Parkway, #300
Scottsdale, AZ 85258

CC: Emily Ottens, Community Manager, FS Residential

RE: **FINAL NOTICE OF INTENT TO FILE PETITION FOR HEARING - IMPROPER RULE ADOPTION AND EXCEEDING BOARD AUTHORITY**

Dear Members of the Board of Directors and FirstService Residential:

I am writing to provide FINAL NOTICE regarding the Association's requirement mandating Behr Pepper Spice for front-facing block walls.

After multiple documented attempts to resolve this matter directly with the Association, it is clear that this requirement constitutes a substantive rule change that exceeds the authority granted to the Board under the CC&Rs and materially alters the architectural integrity of the community.

Summary of Violations and Concerns

The current requirement raises the following issues:

- Creation of a new restriction not contained within the CC&Rs
- Improper use of Design Guidelines to impose a mandatory, exclusive color standard
- Conflict with governing document hierarchy (Design Guidelines are subordinate to the CC&Rs)
- Mischaracterization of a substantive rule change as a "clarification"
- Material alteration of the original Lennar community design and architectural intent
- Loss of architectural harmony, congruency, and coordinated color palettes
- Inconsistent application and visibly uneven outcomes across the community
- Unnecessary financial burden placed on homeowners
- Potential arbitrary and capricious enforcement

Documented Timeline of Requests and HOA Responses

To ensure clarity and accuracy of record, the following reflects my documented efforts to resolve this matter:

- February 2, 2026 – I submitted my initial formal request via email seeking approval to paint my walls to match my home.
- February 3, 2026 – I received a response from the HOA (Emily) advising that I was required to complete a formal appeal form.

- February 17, 2026 – I submitted the required Appeal Form along with a detailed Executive Summary for formal Board review.
- March 4, 2026 – I received a formal denial of my request. Note: No explanation or citation to governing authority was provided.
- March 5, 2026 – I submitted an appeal via email requesting reconsideration.
- March 9, 2026 – I received further communication from the HOA again denying my request, without addressing the substance of my appeal or providing governing authority.
- March 11, 2026 – I submitted a formal follow-up letter requesting clarification and the legal basis for the denial.
- March 19, 2026 – I submitted an additional formal letter and final request for approval, again seeking compliance with the CC&Rs and a clear explanation of authority.
- March 24, 2026 – I am submitting this Final Demand Letter after exhausting all reasonable efforts to resolve this matter directly with the Association.

At no point throughout this process did the Association provide a citation to any specific provision of the CC&Rs that would justify either the denial of my request or the enforcement of a mandatory wall color requirement.

Board Position and Governing Authority

The Association has taken the position that it may impose this requirement through Design Guidelines without amending the CC&Rs.

However, Design Guidelines are subordinate to the CC&Rs and may not be used to create new restrictions or impose mandatory standards that materially alter the architectural character of the community.

The requirement that “the only” permitted wall color is Behr Pepper Spice is not a clarification—it is a new, exclusive restriction that replaces the original Lennar design framework, which relied on coordinated and complementary color palettes.

This represents a clear overreach of authority.

Impact to the Community

The consequences of this requirement are visible throughout the neighborhood.

Rather than achieving uniformity, the community now reflects a fragmented and inconsistent appearance. Walls that were originally designed to complement their respective homes are now mismatched and visually disruptive.

In addition, many homeowners—acting under pressure to comply—have completed repainting without proper preparation, including failure to repair cracks and surface defects prior to painting. The result is widespread inconsistency in workmanship, visible defects, and uneven finishes.

In many instances, the applied color does not match neighboring properties, resulting in noticeable variation even within the same required color standard.

BOARD OF DIRECTORS - LONE MOUNTAIN

March 24, 2026

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The cumulative effect is significant and has materially degraded the visual integrity of the community. As a homeowner, it is deeply discouraging to witness the current condition of the neighborhood and the loss of the cohesive, thoughtfully designed character it once had.

Legal Considerations

Arizona law requires that association rules be reasonable, applied consistently, and grounded in the governing documents. See *Johnson v. Pointe Community Association, Inc.*, 205 Ariz. 485 (App. 2003), and *Tierra Ranchos Homeowners Association v. Kitchukov*, 216 Ariz. 195 (App. 2007).

The current requirement raises serious concerns under these standards.

Reservation of Rights

I formally dispute the validity of this requirement and any enforcement action associated with it. I reserve all rights under A.R.S. § 33-1803 and A.R.S. § 32-2199.01 to challenge any fines, penalties, or enforcement actions.

Final Position and Next Steps

At this stage, I have fully participated in the Association's internal process. Based on the Board's repeated denials and stated position, further discussion or attendance at meetings will not result in a meaningful resolution.

I am providing the Board with one final opportunity to resolve this matter by:

- Reversing the denial of my request; and
- Allowing me to paint my walls to match the primary color of my home, consistent with the original design intent of the community

If I do not receive written confirmation within five (5) business days, I will proceed with filing a Petition for Hearing with the Arizona Department of Real Estate without further notice.

Closing

This matter is not about preference—it is about authority, adherence to governing documents, and preservation of the architectural integrity of the community.

I respectfully request that the Board reconsider its position before further escalation becomes necessary.

Sincerely,



Evelyn Keiling

Attachment: EXHIBIT A

EXHIBIT A – PHOTOGRAPHIC EVIDENCE

The following photographs document the real-world impact of the mandated wall color requirement within the community. Upon review, the viewer will observe consistent patterns of visual inconsistency, substandard workmanship, and loss of architectural harmony across multiple properties.

Importantly, the Association's governing documents support maintaining and repainting walls in a manner consistent with the original architectural design of each residence. Specifically:

- CC&R; Section 5.1.1 and 5.1.3 require consistency with original design and materials
- CC&R; Section 5.1.4 allows repainting in the same/original color without approval
- Design Guidelines emphasize architectural harmony and compatibility

Painting walls to match the home reflects the original Lennar design and is the appropriate method for maintaining harmony.

The imposed uniform wall color has instead created inconsistency, mismatch, and visual disruption.

The photographs demonstrate:

- Inconsistent wall colors between homes
- Tone variation despite same required color
- Mismatched walls vs home color
- Poor prep with visible cracks
- Uneven finishes and patchwork
- Loss of builder design harmony
- Fragmented streetscape appearance

Exhibit A-1



Exhibit A-2

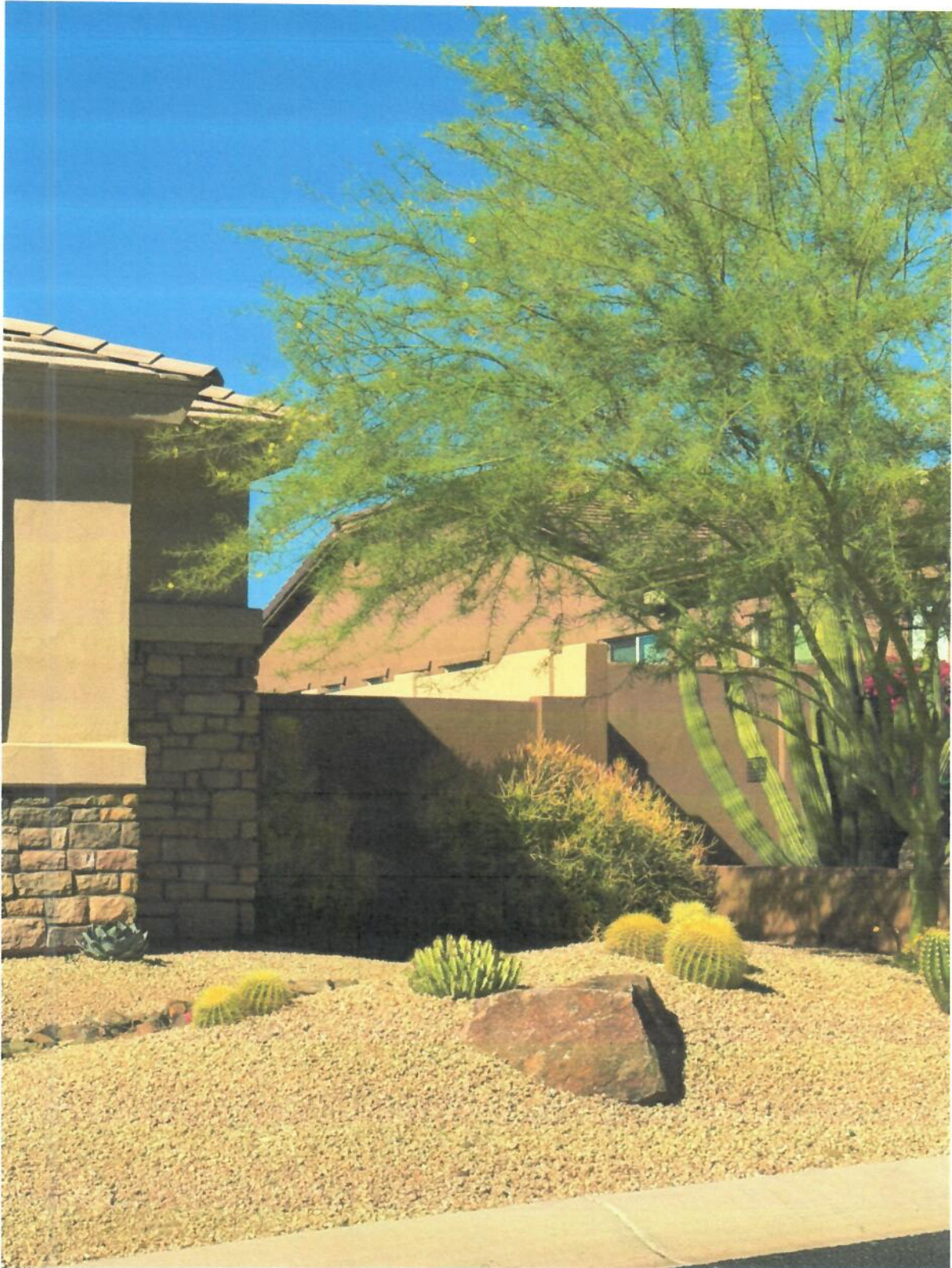


Exhibit A-3



Exhibit A-4

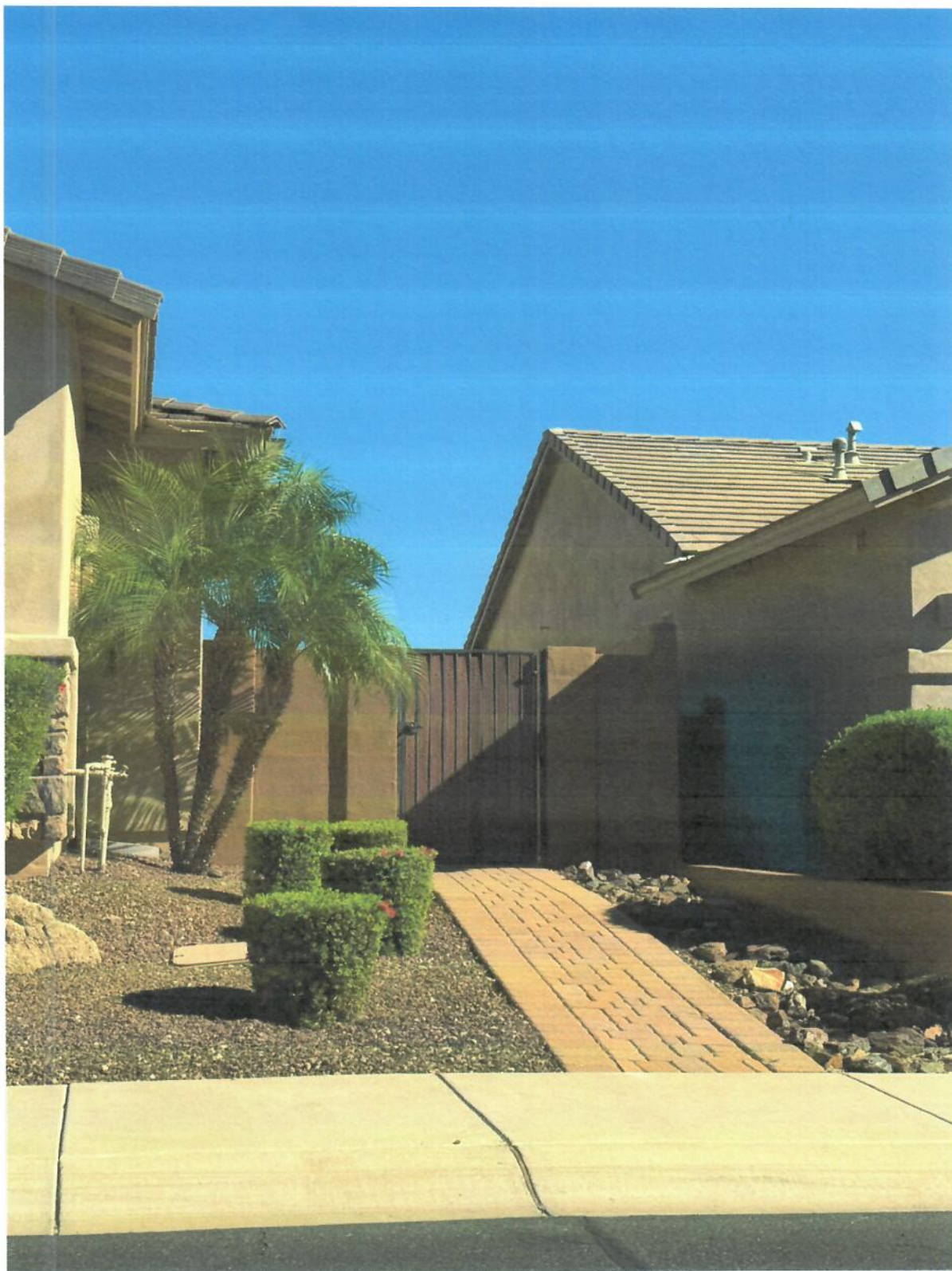


Exhibit A-5

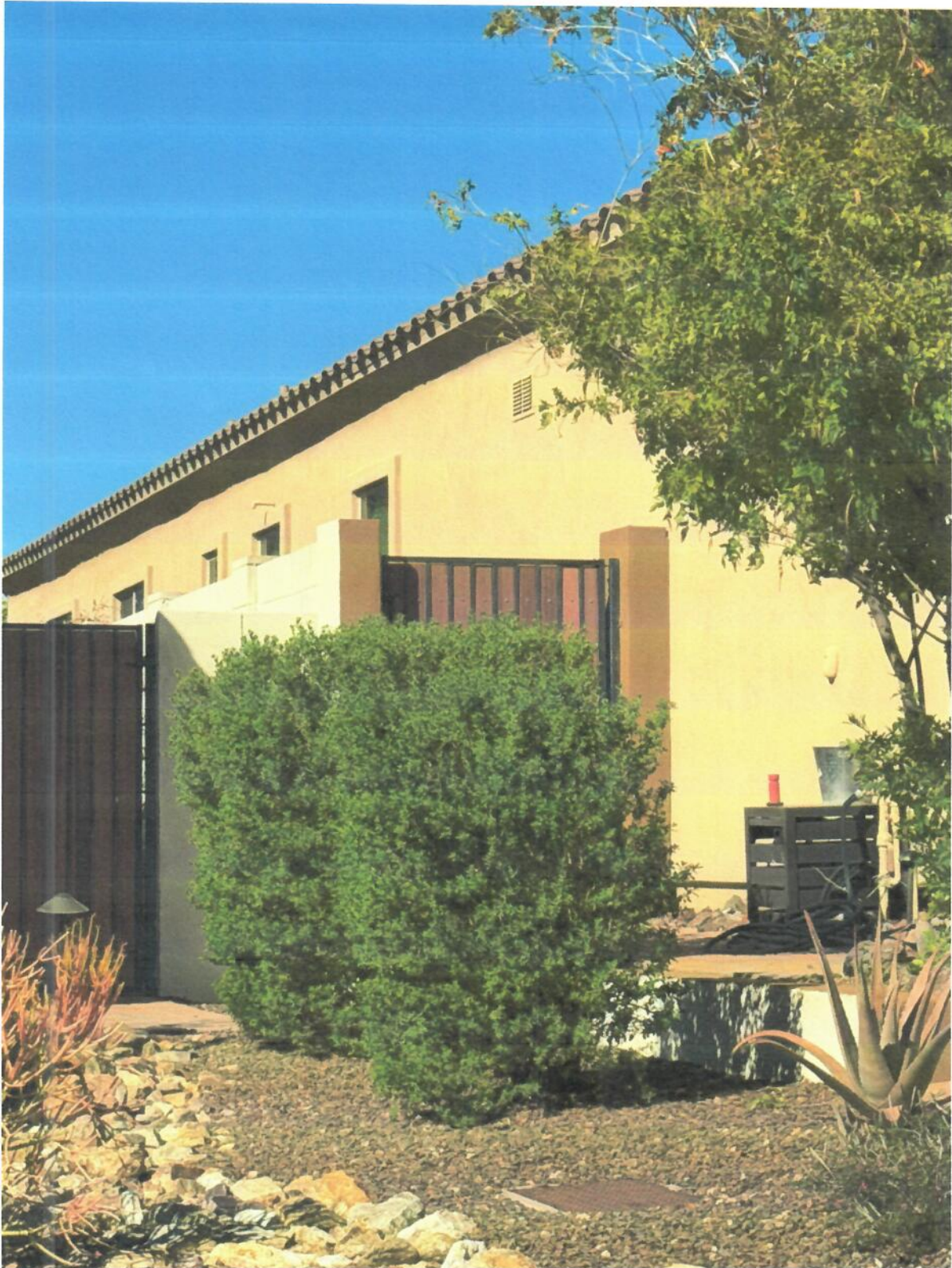


Exhibit A-6

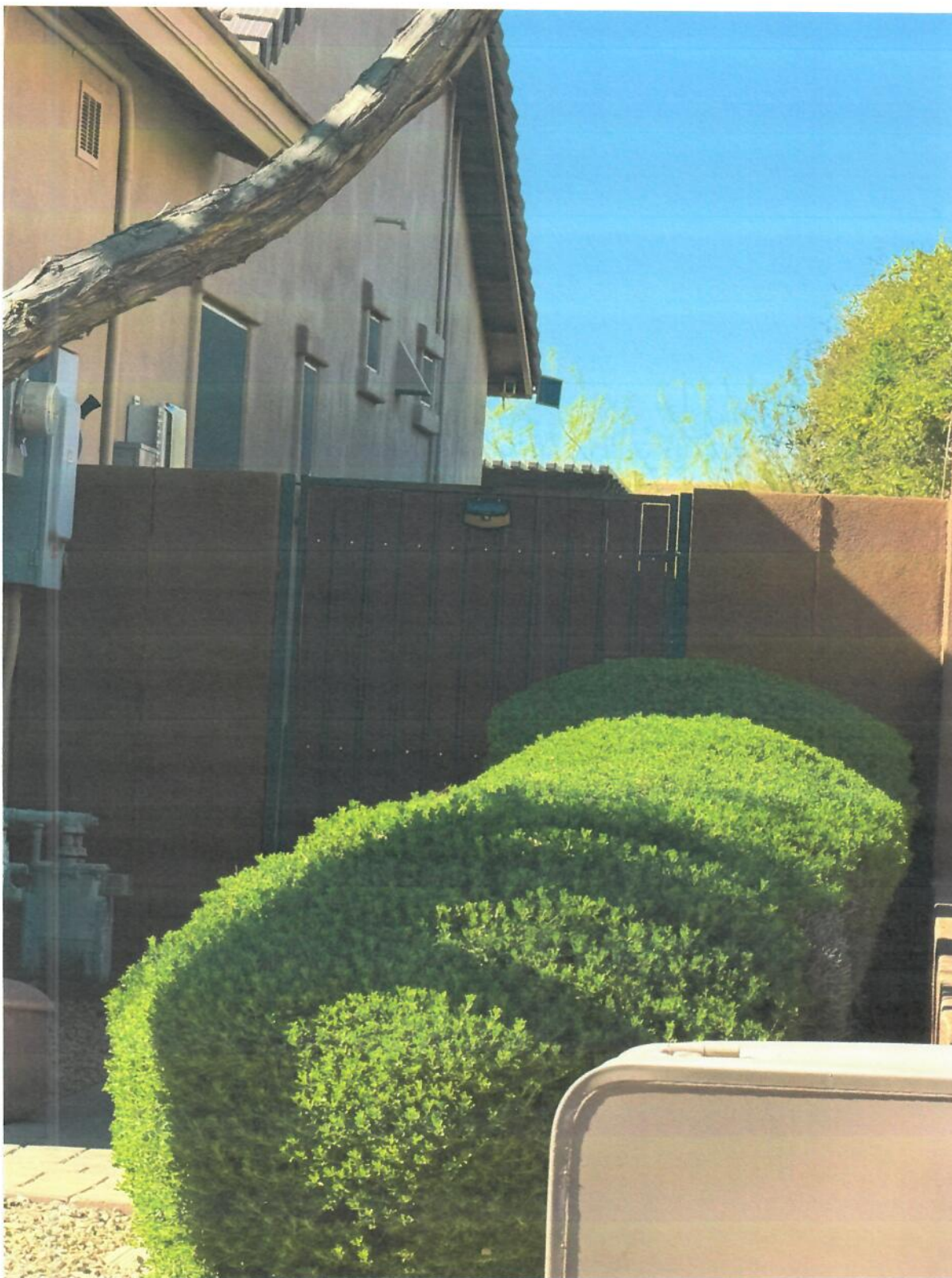


Exhibit A-7

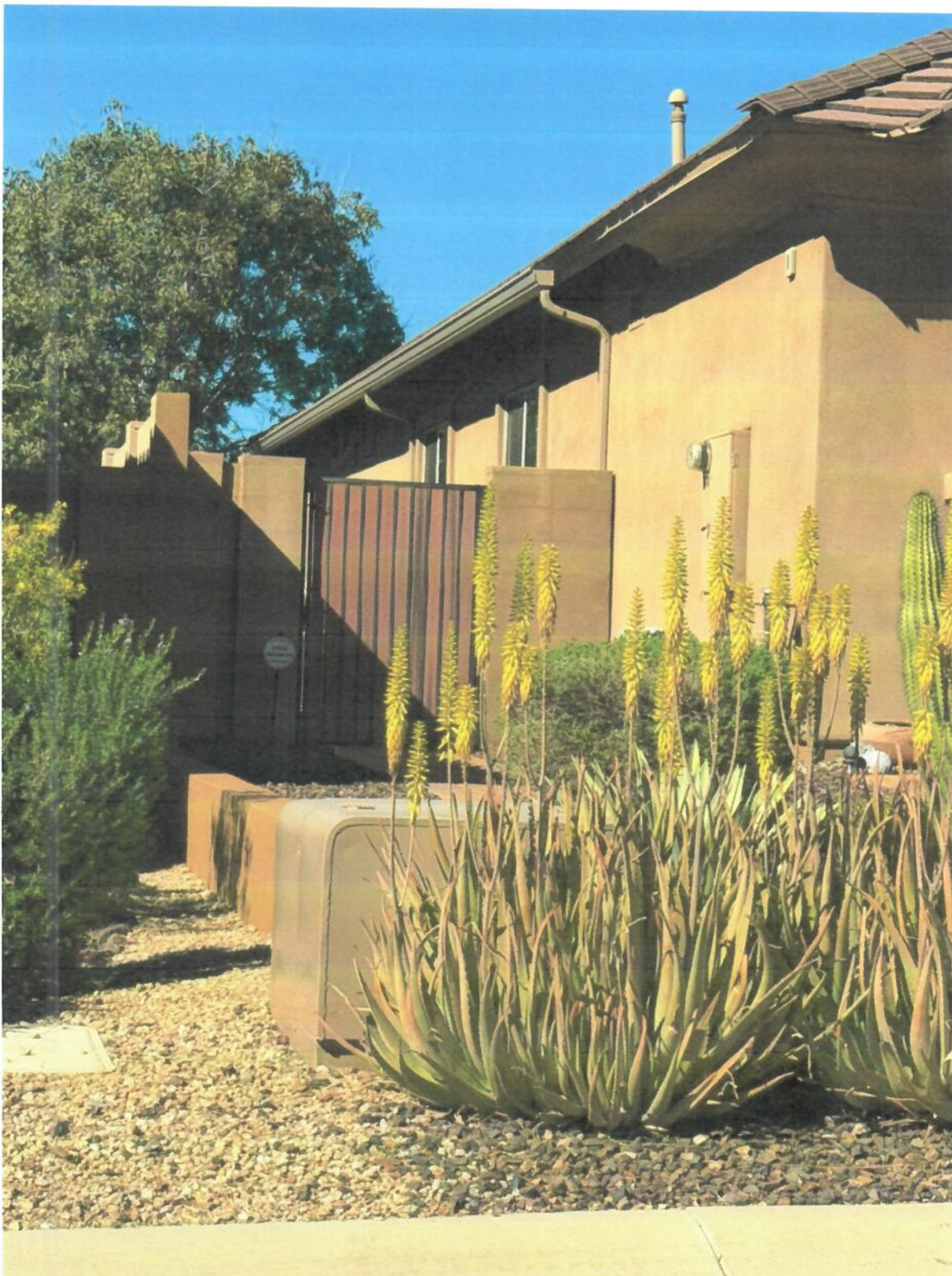


Exhibit A-8



Exhibit A-9

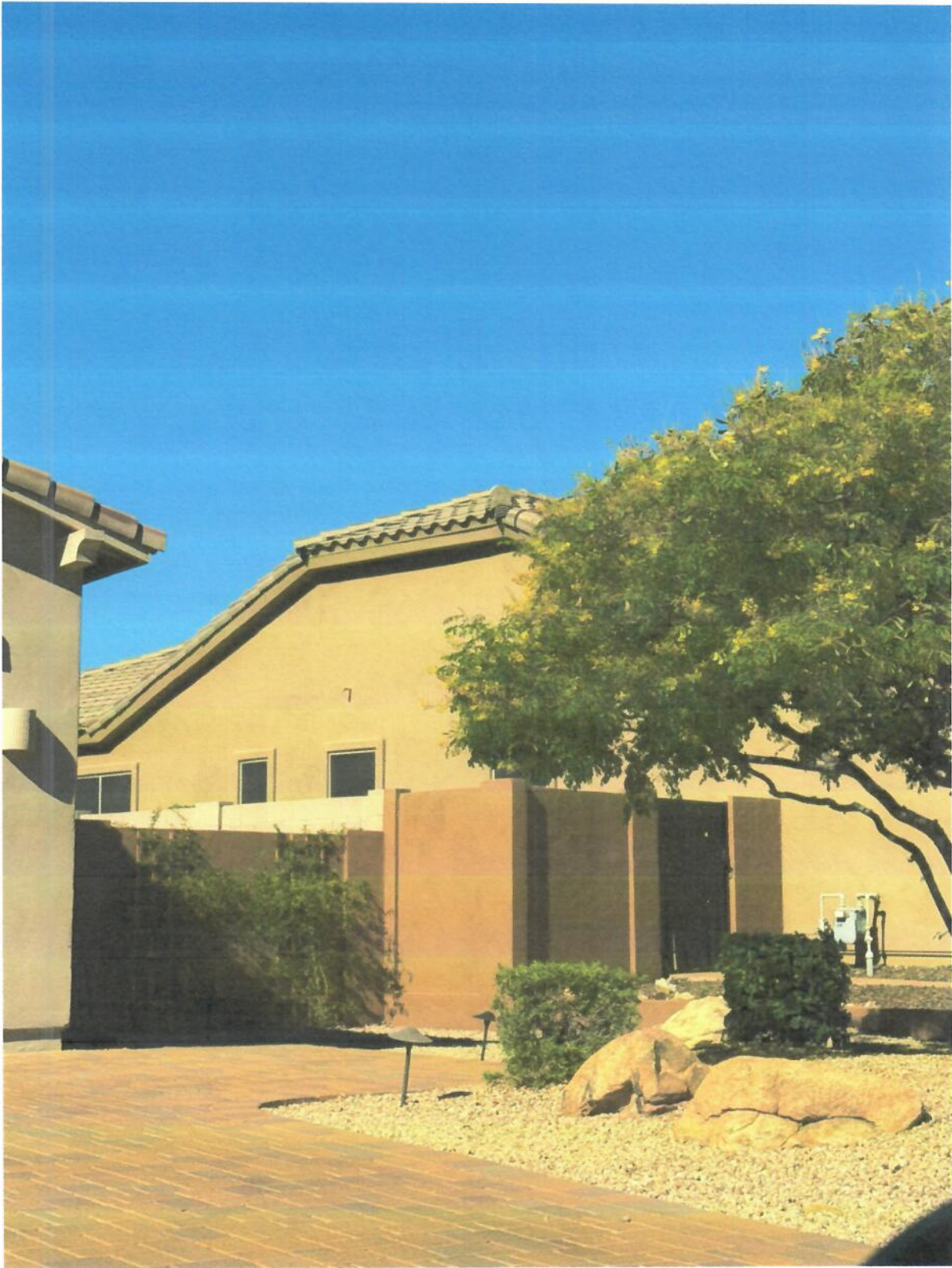


Exhibit A-10

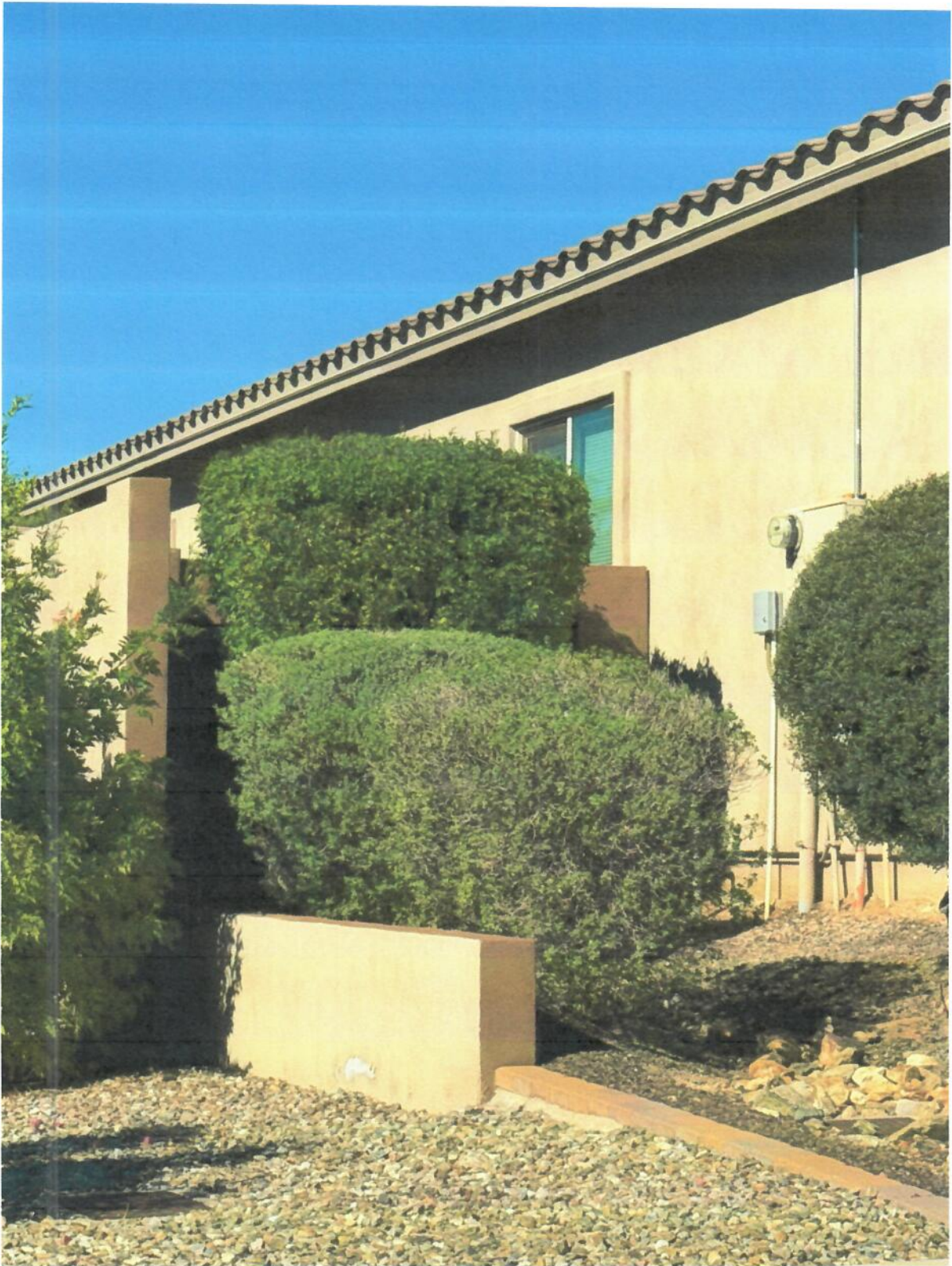


Exhibit A-11



Exhibit A-12



Exhibit A-13



Exhibit A-14



Exhibit A-15



Exhibit A-16

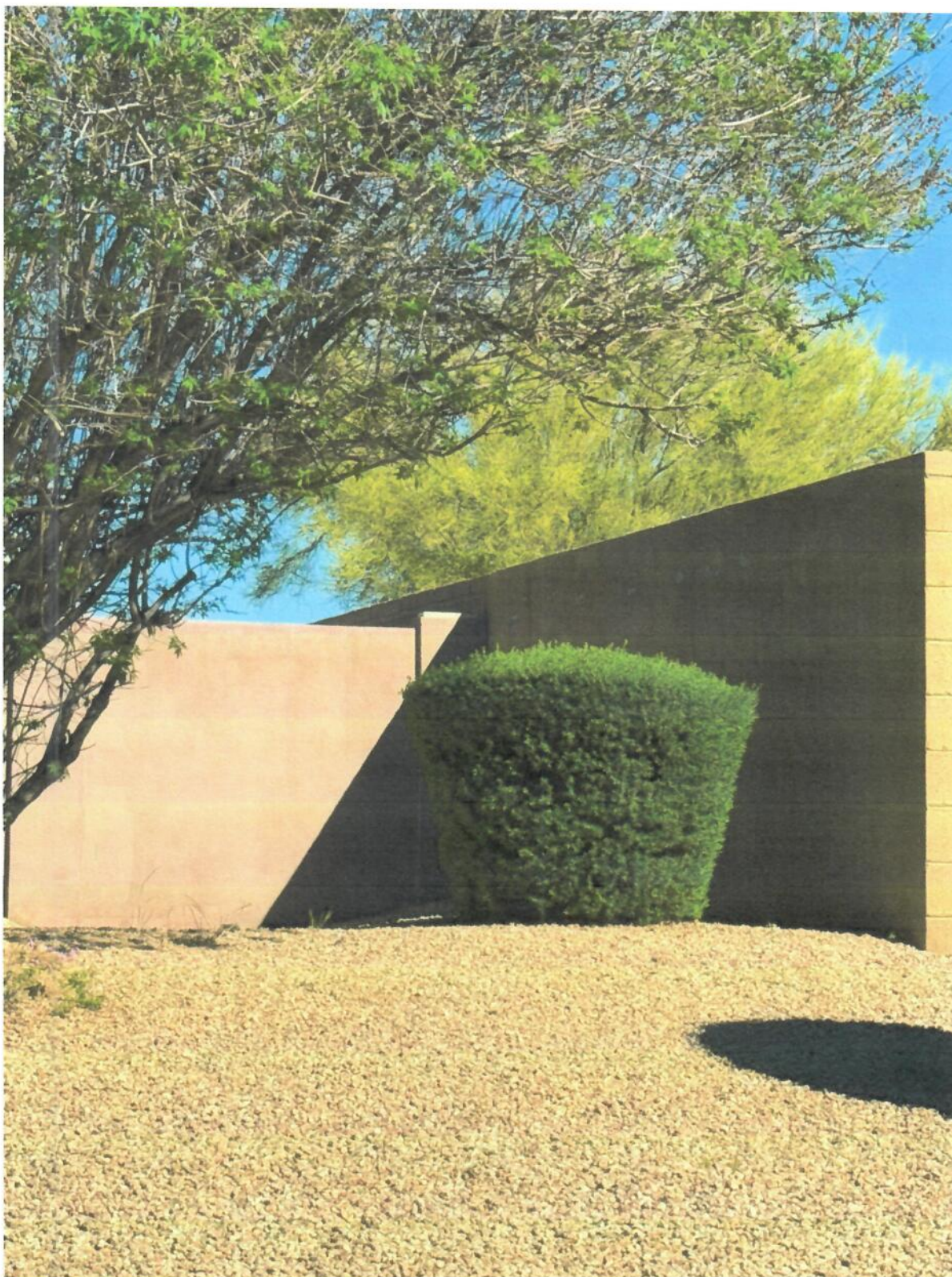
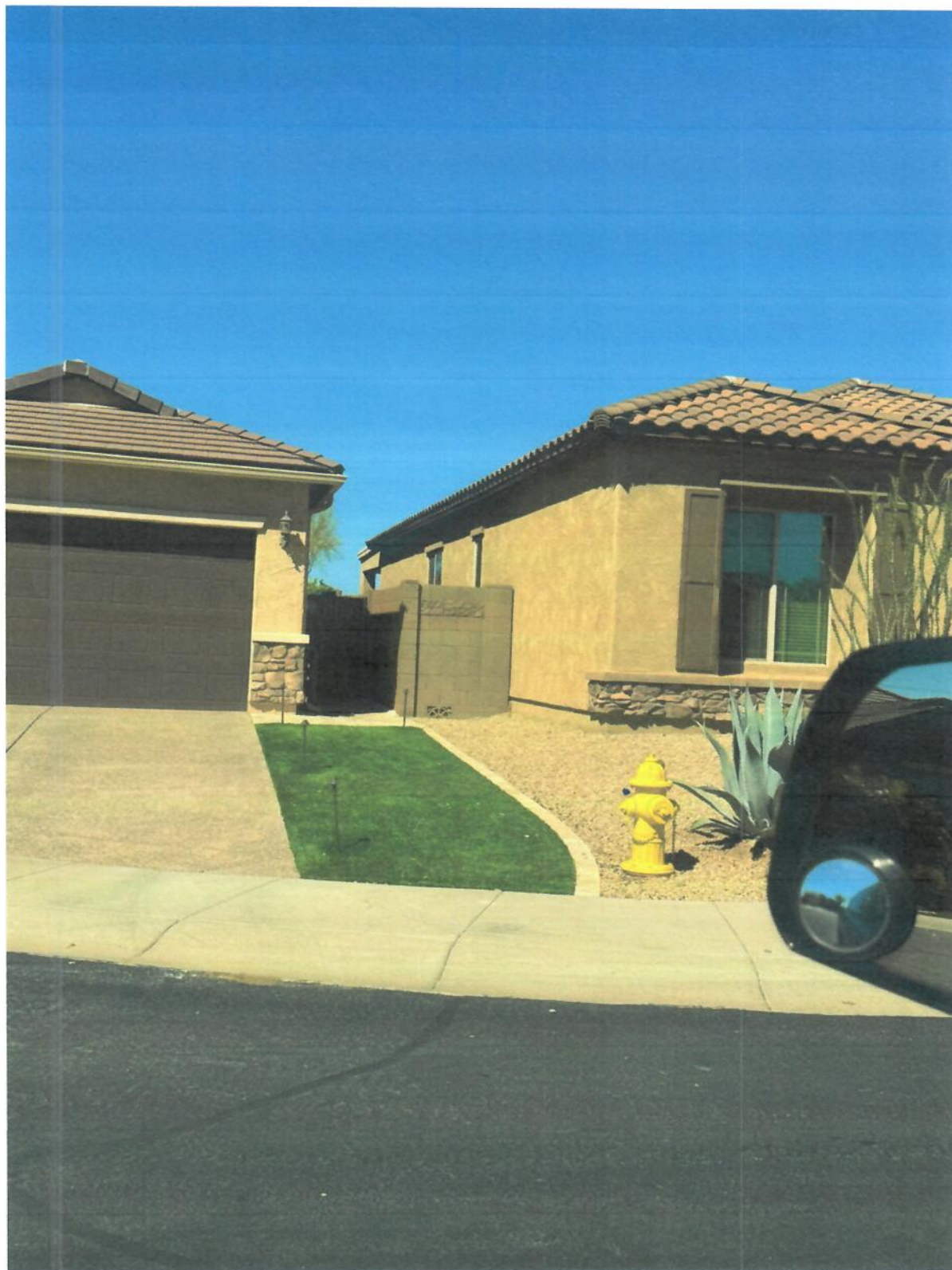


Exhibit A-17



Exhibit A-18



FINAL NOTICE EMAILS

2 messages

Marcia Hahn <lmhoamarciah@gmail.com>

Fri, Mar 27 at 8:34 AM

To: Evelyn Keiling <elkeiling@gmail.com>

Cc: Emily Ottens <Emily.Ottens@fsresidential.com>

Evelyn, I am responding to your most recent email dated March 24, 2026 and can confirm that the board did receive this information as well as the Exhibit A that you attached. Emily Ottens did distribute this initially to all board members as you requested and she has provided you with background information on this issue.

If I am not mistaken, you are seeking the CC&R provision that allows the Board authority to make changes to paint colors. The CC&R's along with the Design Guidelines are documents that work together. To answer your question directly, please refer to the CC&R Section 3.1.3 and 5.10.2 that provides the authority.

Thank you for your correspondence and have a good weekend.

[Quoted text hidden]

Evelyn Keiling <elkeiling@gmail.com>

Fri, Mar 27 at 4:31 PM

To: Marcia Hahn <lmhoamarciah@gmail.com>, Emily Ottens <Emily.Ottens@fsresidential.com>, <lmhoabetsyw@gmail.com>, <lmhoaty@gmail.com>, <lmhoaluna@gmail.com>, <lmhoakeiths@gmail.com>, <LoneMountain.AZ@fsresidential.com>

Cc: Evelyn Keiling (HempMamaEvelyn) <elkeiling@gmail.com>, Bobby Keiling <rwkeilingphotography@gmail.com>

URGENT & TIME SENSITIVE

Dear Marcia & LMCA Board Members:

Thank you for your response and for referencing CC&R Sections 3.1.3 and 5.10.2. After reviewing these provisions, I must respectfully request a more specific explanation of how they authorize the Board to mandate a wall color change that conflicts with the established architectural design of my home.

For clarity, the cited sections appear to provide the following:

Section 3.1.3 requires Architectural Review

Committee approval for exterior changes, including color modifications;

Section 5.10.2 allows the Board to adopt and amend Design Guidelines, including provisions related to exterior color schemes.

However, neither provision appears to grant authority to mandate a specific color that conflicts with the architectural consistency requirements elsewhere in the governing documents.

For ease of reference:

* CC&R Section 3.1.3 - Requires approval for exterior changes; it does NOT grant authority to force specific colors.

* CC&R Section 5.10.2 - Allows adoption of Design Guidelines; it does NOT override CC&Rs or architectural consistency requirements.

In reviewing the governing documents further, several provisions appear directly relevant:

* Section 1.5 of the Design Guidelines clearly states that in the event of any conflict, **the CC&Rs (Declaration) shall control;**

* Section 5.1.1 requires that all exterior changes

conform to the **original design of the Residential Unit in style, materials, and color**; and,

* Section 5.1.3 further requires that materials used in maintenance or repair **match the original construction as to color** and composition.

These provisions establish a clear architectural standard of consistency with the original home design.

While I understand that Section 5.8.1 of the Design Guidelines references the “Behr Pepper Spice” requirement for certain walls, that provision appears to conflict with the broader architectural requirements noted above, as well as the principle that **Design Guidelines cannot override the CC&Rs**.

There is also an important distinction that should be considered:

What HOAs can generally do:

- * Maintain aesthetic standards
- * Require repainting when surfaces deteriorate
- * Approve color schemes within established guidelines

What HOAs typically cannot do without clear authority in the CC&Rs:

- * Force a completely new color that conflicts with a

home's original design;

- * Override existing CC&R protections regarding maintaining original color schemes;

- * Apply new rules retroactively when they materially alter established property rights.

In my case:

- * I am fully willing to repair and repaint the walls (estimated at \$3,350 for 502SF);

- * I have already invested \$2,000 in replacing my gate in a color that compliments my home;

- * The mandated "Pepper Spice" color does not align with my home's architectural design or existing color palette.

Additionally, I am currently awaiting further guidance from Lennar, as multiple painting contractors have identified potential structural issues with the walls while preparing their estimates. These concerns may impact the scope and timing of any repair and repainting work, and I believe it is prudent to fully understand and address any underlying structural conditions prior to proceeding.

Accordingly, I am requesting approval to repaint the

walls in a color consistent with my home, in full compliance with the architectural harmony requirements set forth in the governing documents.

At this time, the Board has not provided a clear or specific explanation demonstrating that it has the authority to require a color change that conflicts with these provisions.

For clarity and to ensure compliance on my part, I respectfully request:

1. The exact CC&R language being relied upon; and
2. A formal written interpretation explaining how that language authorizes overriding the architectural consistency requirements outlined above

I remain hopeful that this matter can be resolved reasonably and in accordance with the governing documents. See attached correspondence & Exhibit A respectfully submitted; and I look forward to your timely response.

Sincerely,

Evelyn Keiling, TTE - The Keiling Living Trust

[Quoted text hidden]

Final Notice emails

2 messages

Marcia Hahn <lmhoamarciah@gmail.com>

Mon, Mar 30 at 8:01 AM

To: Evelyn Keiling <elkeiling@gmail.com>

Cc: Emily Ottens <Emily.Ottens@fsresidential.com>, Betsy Walker <lmhoabetsyw@gmail.com>

Evelyn, Thank you for your email of Friday, March 27, 2026 which included the entire board. Please know that we cannot communicate to the entire board as this establishes a quorum which is against Arizona statute and can lead to serious legal ramifications for the HOA. The board cannot communicate with more than one other board member unless in a formal meeting.

I acknowledge your email and we have provided the information you have asked for previously between myself and Emily Ottens. In reviewing your most recent email, it appears that you are asking for a variance and additional time to research with Lennar as respects to repairs prior to painting. There is a process for this type of request. An appeal form should be completed and submitted to the board through FSR for consideration and a decision during the next meeting as to whether a variance is approved. The board cannot make decisions such as this via email. If you need assistance locating the form, I am sure Emily can assist once she returns to the office.

Thank you and have a good week!

[Quoted text hidden]

Evelyn Keiling <elkeiling@gmail.com>

Mon, Mar 30 at 11:05 AM

To: Marcia Hahn <lmhoamarciah@gmail.com>, Emily Ottens <Emily.Ottens@fsresidential.com>,

<lmhoabetsyw@gmail.com>, <lmhoaty@gmail.com>, <lmhoaluna@gmail.com>, <lmhoakeiths@gmail.com>,

<LoneMountain.AZ@fsresidential.com>

Cc: Bobby Keiling <rwkeilingphotography@gmail.com>, Evelyn Keiling (HempMamaEvelyn) <elkeiling@gmail.com>

Subject: **CC&R Authority Request Remains Outstanding**

Hi Marcia,

Thank you for your response.

My request remains unanswered.

For clarity:

What I Am Requesting

I am requesting the exact CC&R provision(s)—not Design Guidelines or general rules—that authorize the Association to:

- Require repainting my wall in Behr Pepper Spice
- Treat a change in paint color as “maintenance” rather than a modification

To date, no specific CC&R citation has been provided.

Clarification of My Position

- I am not asking the Board to deliberate or vote by email
- I am not requesting a *new* variance
- I am requesting identification of existing authority in the CC&Rs

February Appeal

My February appeal has been consistent:

- I requested to repaint my wall to match the color of my home
- This aligns with: The original builder design (Lennar), the governing CC&Rs, and the Design Guidelines supporting consistency with the home

I am seeking to comply with the governing documents, not deviate from them.

Lennar Structural Review

I have now received a response from Lennar regarding the structural concerns identified.

- Structural conditions have been reviewed
- No action is required from the HOA in this regard
- I will proceed accordingly with repairs and repainting once appropriate

Arizona Law

- A.R.S. §33-1804 - Applies to Board deliberation, not distribution of information; Providing correspondence to Board members does not create a quorum
- A.R.S. §33-1817 - The Association may not adopt or enforce rules inconsistent with the CC&Rs

Core Issue

- Repainting to match the home = maintenance
- Requiring a different color = new restriction

A restriction must be supported by the CC&Rs.

No such authority has been identified.

Appeal Process Not Applicable

This is NOT a request for:

- A variance
- A discretionary decision
- Additional approval

This is a request for confirmation of authority under the CC&Rs.

Next Step

If the Association maintains its position, please provide the specific CC&R citation(s).

If not, I will proceed accordingly, including filing with the Arizona Department of Real Estate.

Final Point

This is not a meeting issue.

This is not an appeal issue.

This is a question of authority under the CC&Rs.

If such authority exists, please provide it.

Sincerely,

Evelyn Keiling, TTE - The Keiling Living Trust

[Quoted text hidden]

FINAL NOTICE OF INTENT - MARCH 24, 2026.pdf, Exhibit_A_TRUE_FINAL.pdf, APPEAL TO HOA - REQUEST FOR VARIANCE.pdf, FORMAL REQUEST - BOARD OF DIRECTORS - LMCA - March 11, 2026.pdf, LETTER - FINAL REQUEST TO BOD OF LMCA - March 19, 2026.pdf

33-1804. Open meetings: exceptions: notice: agenda: policy statement

A. Notwithstanding any provision in the declaration, bylaws or other documents to the contrary, all meetings of the members' association and the board of directors, and any regularly scheduled committee meetings, are open to all members of the association or any person designated by a member in writing as the member's representative and all members or designated representatives so desiring shall be allowed to attend and speak at an appropriate time during the deliberations and proceedings. The board may place reasonable time restrictions on those persons speaking during the meeting but shall allow a member or member's designated representative to speak once after the board has discussed a specific agenda item but before the board takes formal action on that item in addition to any other opportunities to speak. The board shall provide for a reasonable number of persons to speak on each side of an issue. Persons attending may audiotape or videotape those portions of the meetings of the board of directors and meetings of the members that are open. The board of directors of the association shall not require advance notice of the audiotaping or videotaping and may adopt reasonable rules governing the audiotaping and videotaping of open portions of the meetings of the board and the membership, but such rules shall not preclude such audiotaping or videotaping by those attending, unless the board audiotapes or videotapes the meeting and makes the unedited audiotapes or videotapes available to members on request without restrictions on their use as evidence in any dispute resolution process. If a board records a meeting that is open to the members, the board shall keep a copy of the recording for at least six months and make the unedited recording available to any member on request in compliance with section 33-1805, subsection A. Any portion of a meeting may be closed only if that closed portion of the meeting is limited to consideration of one or more of the following:

1. Legal advice from an attorney for the board or the association. On final resolution of any matter for which the board received legal advice or that concerned pending or contemplated litigation, the board may disclose information about that matter in an open meeting except for matters that are required to remain confidential by the terms of a settlement agreement or judgment.
2. Pending or contemplated litigation.
3. Personal, health or financial information about an individual member of the association, an individual employee of the association or an individual employee of a contractor for the association, including records of the association directly related to the personal, health or financial information about an individual member of the association, an individual employee of the association or an individual employee of a contractor for the association.
4. Matters relating to the job performance of, compensation of, health records of or specific complaints against an individual employee of the association or an individual employee of a contractor of the association who works under the direction of the association.
5. Discussion of a member's appeal of any violation cited or penalty imposed by the association except on request of the affected member that the meeting be held in an open session.

B. Notwithstanding any provision in the community documents, all meetings of the members' association and the board shall be held in this state. A meeting of the members' association shall be held at least once each year. Special meetings of the members' association may be called by the president, by a majority of the board of directors or by members having at least twenty-five percent, or any lower percentage specified in the bylaws, of the votes in the association. Not fewer than ten or more than fifty days in advance of any meeting of the members the secretary shall cause notice to be hand delivered or sent prepaid by United States mail to the mailing address for each lot, parcel or unit owner or to any other mailing address designated in writing by a member. The notice shall state the date, time and place of the meeting. A notice of any annual, regular or special meeting of the members shall also state the purpose for which the meeting is called, including the general nature of any proposed amendment to the declaration or bylaws, changes in assessments that require approval of the members and any proposal to remove a director or an officer. The secretary shall also provide an agenda for any meeting of the members' association by hand delivery, mail, website posting, email or other electronic means or posting at a community center or other similar location. The failure of any member to receive actual notice of a meeting of the members or the meeting agenda does not affect the validity of any action taken at that meeting.

C. Before entering into any closed portion of a meeting of the board of directors, or on notice of a meeting under subsection D of this section that will be closed, the board shall identify the paragraph under subsection A of this section that authorizes the board to close the meeting.

D. Notwithstanding any provision in the declaration, bylaws or other community documents, for meetings of the board of directors that are held after the termination of declarant control of the association, notice to members of meetings of the board of directors and meeting agendas shall be given at least forty-eight hours in advance of the meeting by newsletter, conspicuous posting or any other reasonable means as determined by the board of directors. An affidavit of notice by an officer of the corporation is prima facie evidence that notice was given as prescribed by this section. Notice to members of meetings of the board of directors is not required if emergency circumstances require action by the board before notice can be given. Any notice of a board meeting shall state the date, time and place of the meeting. The failure of any member to receive actual notice of a meeting of the board of directors or a meeting agenda does not affect the validity of any action taken at that meeting.

E. Notwithstanding any provision in the declaration, bylaws or other community documents, for meetings of the board of directors that are held after the termination of declarant control of the association, all of the following apply:

1. The agenda shall be available in advance for all members attending.
2. An emergency meeting of the board of directors may be called to discuss business or take action that cannot be delayed for the forty-eight hours required for notice. At any emergency meeting called by the board of directors, the board of directors may act only on emergency matters. The minutes of the emergency meeting shall state the reason necessitating the emergency meeting. The minutes of the emergency meeting shall be read and approved at the next regularly scheduled meeting of the board of

directors.

3. A quorum of the board of directors may meet by means of a telephone conference if a speakerphone is available in the meeting room that allows board members and association members to hear all parties who are speaking during the meeting.

4. Any quorum of the board of directors that meets informally to discuss association business, including workshops, shall comply with the open meeting and notice provisions of this section without regard to whether the board votes or takes any action on any matter at that informal meeting.

F. It is the policy of this state as reflected in this section that all meetings of a planned community, whether meetings of the members' association or meetings of the board of directors of the association, be conducted openly and that notices and agendas be provided in advance for those meetings that contain the information that is reasonably necessary to inform the members of the matters to be discussed or decided and to ensure that members have the ability to speak after discussion of agenda items, but before a vote of the board of directors or members is taken. Toward this end, any person or entity that is charged with the interpretation of these provisions, including members of the board of directors and any community manager, shall take into account this declaration of policy and shall construe any provision of this section in favor of open meetings.

FINAL NOTICE - March 30, 2026

2 messages

Evelyn Keiling <elkeiling@gmail.com>

Mon, Mar 30 at 2:28 PM

To: Emily Ottens <Emily.Ottens@fsresidential.com>, Marcia Hahn <lmhoamarciiah@gmail.com>, <lmhoabetsyw@gmail.com>, <lmhoaty@gmail.com>, <lmhoaluna@gmail.com>, <lmhoakeiths@gmail.com>, <LoneMountain.AZ@fsresidential.com>
Cc: Evelyn Keiling (HempMamaEvelyn) <elkeiling@gmail.com>, Bobby Keiling <rwkeilingphotography@gmail.com>

URGENT & TIME SENSITIVE

Dear Marcia and LMCA Board Members,

Please see attached correspondence regarding the wall painting matter and my position moving forward. I appreciate your time in reviewing this correspondence in a timely fashion. Thank you for your attention to this time sensitive matter.

Evelyn Keiling, TTE - The Keiling Living Trust

[Quoted text hidden]

FINAL NOTICE - CC&R AUTHORITY, ENFORCEMENT DISPUTE & NOTICE OF INTENT.pdf

Emily Ottens <Emily.Ottens@fsresidential.com>

Mon, Mar 30 at 2:49 PM

To: Evelyn Keiling <elkeiling@gmail.com>, Marcia Hahn <lmhoamarciiah@gmail.com>
Cc: Bobby Keiling <rwkeilingphotography@gmail.com>

Good afternoon, Evelyn,

Thank you for reaching out. You do not have approval from the Homeowners Association to proceed with painting your wall in the requested color, as it does not comply with the Design Guidelines. As previously communicated, your variance request was reviewed and denied by the Board of Directors. We strongly advise that you do not move forward with painting the wall as outlined in your attached letter.

Your recent correspondence has been added to the agenda for the April Board meeting, as previously noted. No further communication will be provided at this time.

Thank you for your understanding,

EMILY OTTENS
Community Manager

9000 E. Pima Center Pkwy Ste 300 | Scottsdale, AZ 85258
Direct 4805514376

24/7 Customer Care 855.333.5149

The Keiling Living Trust & Evelyn Keiling, TTE
6041 East Pebbles Court
Cave Creek, AZ 85331

Date: March 30, 2026

URGENT & TIME SENSITIVE

TO: BOARD OF DIRECTORS
Lone Mountain Community Association
c/o FirstService Residential
9000 North Pima Parkway, #300
Scottsdale, AZ 85258

CC: Emily Ottens, Community Manager, FS Residential

RE: **FINAL NOTICE - CC&R AUTHORITY, ENFORCEMENT DISPUTE
& NOTICE OF INTENT**

Dear Members of the Board of Directors and FirstService Residential,

Thank you for your response.

However, it does not address the substance of my prior correspondence and instead redirects to procedural matters that are not applicable to the issue at hand.

For clarity:

I am not requesting a variance, a new appeal, or a decision by email.
I am requesting identification of authority under the CC&Rs.

Your statement that communication to the entire Board is prohibited due to quorum concerns is not supported by Arizona law.

The continued reliance on an incorrect interpretation of Arizona law has the effect of avoiding accountability and improperly restricting communication with the Board. A.R.S. §33-1804 applies to Board deliberations and decision-making—not to homeowner communications or the distribution of correspondence to Board members.

Accordingly, providing information to the full Board does not create a quorum or violate Arizona statute. Any quorum-related limitation applies only to how Board members respond or deliberate—not to whether information may be shared.

This remains a request for clarification of authority.

BOARD OF DIRECTORS - LONE MOUNTAIN

March 30, 2026

PAGE 2

You previously cited CC&R Sections 3.1.3 and 5.10.2. After reviewing those provisions, they do NOT:

- Authorize the Board to mandate a uniform wall color;
- Permit overriding architectural consistency requirements tied to the original design of the home; or
- Allow creation or enforcement of new restrictions not expressly contained in the CC&Rs.

To date, no explanation has been provided demonstrating how these provisions support the Board's position.

Redirecting this matter to an appeal process does not resolve the threshold legal question of authority. This is not a request for discretionary approval—it is a request for confirmation of existing authority under the governing documents.

Accordingly, I again respectfully request:

1. The specific CC&R language that expressly authorizes the Board to mandate a uniform wall color;
2. A clear written explanation of how the cited provisions support that authority; and
3. Confirmation that no fines will be imposed while this matter remains in dispute.

In the absence of such authority, I will be moving forward with repainting my walls in the same color as my home, consistent with the original architectural design and in good-faith compliance with the CC&Rs.

Please be advised that any fines imposed in connection with this matter will be formally disputed.

This is not an act of noncompliance, but a good-faith effort to adhere to the governing documents as written.

Any enforcement action will be considered improper and will be challenged through all available legal and administrative remedies. I remain willing to resolve this matter reasonably and in accordance with the CC&Rs.

Sincerely,

Evelyn Keiling, TTE - The Keiling Living Trust

