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Supporting Documents and Exhibits

Contrary to Casabella Condominium Association CC&R's Article 4, Sec. 4.3(B) and ARS 33-1221(A) (1) relative to allowing any unit owner to make any nonstructural improvements and alterations to the owner's without the written approval of the board, the Casabella board of directors drafted an association rule that directly conflicts with CC&R's Article 4, Sec. 4.3(B) and ARS 33-1221(A) (1) and in doing so, has violated my rights to make nonstructural improvements without prior approval of the Board.

CC&R's, in relevant part: **See Exhibit 1-Casabella Complete CC&R's Document**
4.3(B) Any Unit Owner may make nonstructural additions, alterations and improvements within his Unit without the prior written approval of the Board, but such Unit Owner shall, to the extent permitted under Arizona law, be responsible for any damage to other Units and to the Common Elements which result from any such alterations, additions or improvements.

Arizona Revised Statues, in relevant part: **See Exhibit 3-ARS 33-1221 Complete Statute 1 page**
ARS 33-1221. Alterations of units
A. Subject to the provisions of the declaration and other provisions of law, a unit owner
1. May make any improvements or alterations to the unit owner's unit that do not impair the structural integrity or mechanical systems or lessen the support of any portion of the condominium.

The Casabella board of directors drafted an association rule noted below, that conflicts with both CC&R's Article 4, Sec. 4.3(B) and ARS 33-1221(A) (1). The drafting of this association rule places requirements and restrictions on all association members not required by our Declaration or Arizona Revised Statutes. The intent and the language of both the Declaration and ARS statutes noted above is unambiguous.

As a result of changing and altering the language noted below, the board of directors intentionally changed and altered the original intent and language of CC&R Article 4, Sec. 4.3(B)
Casabella Rules & Regulations, in relevant part: **See Exhibit 2-Casabella Complete Rules & Regulations**
IMPROVEMENTS (NON-STRUCTURAL)
Owners may make non-structural additions and improvements within his/her unit, without the prior written approval of the Board which are not visible from the exterior of the building in which the Unit is located. Non-structural items include adding or changing wall coverings and floor coverings. In consideration of owners in downstairs units, no hard flooring (tiles, hardwood, laminate, vinyl, etc.) is allowed in the following areas of upstairs units: dining room (not including entry), living room (not including fireplace surrounds) or bedrooms.

See Exhibit 7- Board of Directors January 29, 2026 Appeal Meeting Details 2 pages
All of this information was presented in an appeal meeting with the board of directors on January 29, 2026, by Robert Gelinas who acted as my representative in connection with this matter.

See Exhibit 4-Notice of non-compliance, architectural request and rejection correspondence. 7 pages
Notice of non-compliance, my architectural design request and rejection of my architectural design request. I summitted that design request knowing it was not a requirement based on the Declaration; however, my unit was under contract and was fast approaching the close of escrow. Submitting this design request, I believed at the time, was the quickest solution available to me.

See Exhibit 5-Request for hearing, authorization of Robert Gelinas as acting agent, email confirming meeting. 4 pages
Request for appeal hearing before the board in Executive session was granted and I designated and authorized my neighbor, Robert Gelinas, to act as my representative. That appeal meeting took place on January 29, 2026.

See Exhibit 6-Record of flooring installation date. 2 pages
The floor removal and new floor installation began on or about March 30, 2023 and continued until on or about mid-April of 2023.

See Exhibit 9- Denial Letter from Casabella Legal council. 2 pages
On or about March 11, 2026, I received an answer to the appeal which was presented before the association board on January 29, 2026 by Mr. Gelinas. My appeal was denied based on legal councils' opinion.

Four (4) different times within the denial letter it is stated, "While section 4.3(B) of the Declaration does not grant the specific right to require advance approval for flooring", and "although the Association may not require prior approval for flooring", and "even if formal prior approval is not mandatory" and lastly "while prior approval of flooring may not be strictly required". I definitely agree with the above statements by Casabella's legal counsel that there is no prior approval required. Critical language that is left out of the correspondence is highlighted below.

Section 6.2 of the declaration, in relevant part: See Exhibit 1-Casabella Complete CC&R's Document
6.2 Rules. The Board of Directors, from time to time and **subject to the provisions of this Declaration and the Condominium Act, may adopt, amend, and repeal rules and regulations**. The Rules may, among other things, restrict and govern the use by any Unit Owner, by the family of such Unit Owner, or by any invitee, licensee or lessee of such Unit Owner, **of any area within the Condominium subject to the Association's jurisdiction and control;** provided, however, that the **Rules may not unreasonably discriminate among Unit Owners and shall not be inconsistent with the Condominium Act, the applicable federal and state Fair Housing Acts, this Declaration, the Articles or Bylaws**. A copy of the Rules, as they may from time to time be adopted, amended or repealed, shall be mailed or otherwise delivered to each Unit Owner and may be recorded.

Common Elements:
CC&Rs in relevant part: See Exhibit 1-Casabella Complete CC&R's Document
3.2 (A) (i) Unit Owners Easement of Enjoyment:
The right of the Association to adopt reasonable Rules governing the use of the Common Elements.

Article 3 - Board of Directors See Exhibit 8-Casabella By-Laws Complete Document
3.11 Powers and Duties, in relevant part:

(A) (vii). Adopt and publish Rules and regulations governing the use of the Common Elements and facilities and the personal conduct of the Members and their guests, lessees, invitees and family members thereon and establish penalties for the infraction
thereof.

Common Elements (cont'd):

Article 1 – Definitions in relevant part: See 8-Casabella By-Laws Complete Document

(H) "Common Elements" means all portions of the condominium other than the units, including, without limitation, any recreational amenities, structural portions of Buildings not comprising the Units, Garage Buildings, walkway areas, and private drives.

I am challenging Casabella's legal counsel's denial letter based on the following:

Firstly, the authority indicated within Section 6.2 is not the broad authority reflected within the denial letter. The association rules are clearly stated and controlled by the Declaration and the Condominium Act, as I have indicated throughout these documents. The rules drafted by this association board, as with most Arizona HOA boards, are limited to the common areas. The intent and the language in section 6.2 of the Declaration is clear and unambiguous. As the letter stated numerous times "no prior approval is required".

Secondly, the letter also states that more importantly, the recently adopted ARS 33-1221(B) gives the Association a statutory right to ensure that interior modifications do not create a disturbance to adjacent occupants. The denial letter appears to indicate that ARS 33-1221 A (1) is no longer relevant and that the amended section (B) of the statute supersedes A (1). That is incorrect. The first line of the new amended section (B) clearly states that it is "in addition to allowed modifications as prescribed by subsection (A). It does not in any way diminish the rights of unit owners that reside in associations where the Declaration allows for any nonstructural changes without prior approval.

Thirdly, the newly amended 33-1221(B) went into effect on September 14, 2024. As my records indicate, my improvement/alteration started on or about March 30, 2023 and finished on or about the middle of April 2023. This makes the requirement of ARS 33-1221(B) totally irrelevant in this case.

The information below outlines the history of HB 2141, which became the amended section of ARS 33-1221(B).

House Bill 2141 Amends ARS 33-1221; Introduced and Sponsored by Representative Laurin Hendrix Fifty-sixth Legislature, Second Regular Session

Arizona's Legislature passed, and the Governor signed, House Bill 2141 into law on March 29, 2024. With the legislative session ending on June 15, 2024, HB2141 went into effect on September 14, 2024. HB2141 amends A.R.S. § 33-1221 and addresses the rights of condominium unit owners to improve, alter and decorate their units.

See Exhibit 3-ARS 33-1221 Complete Statute

Prior to HB2141 (and unchanged by HB2141), A.R.S. § 33-1221 provides that unit owners may make any improvements or alterations to their units "that do not impair the structural integrity or

mechanical systems or lessen the support of any portion of the condominium," subject to any provisions set forth in the condominium's CC&Rs or other applicable law.

HB2141 stems, in part, from complaints by owners of units that are not on the first floor who are not allowed to install hard surface flooring all throughout their units **based on a prohibition in their CC&Rs** rendered unnecessary by the development of noise reducing under-laments. Indeed, for hard surface flooring have evolved over the years to mitigate noise transference between upstairs and downstairs units.

In Summary:

Based on the provisions found within our CC&R's, Bylaws and the A.R.S. Condominium Act, it is clear and unambiguous that the Board of Directors can only adopt Rules & Regulations that fall within their jurisdiction, namely, rules that address the Common Elements. The association's adopted rules and regulations cannot at any time supersede the ARS or the CC&R's governing documents.

The current association rule and regulation in regard to the upper-level flooring restriction, violates the rights of all unit owners. It is outside the jurisdiction of the association and is, therefore, unenforceable. Making the improvements within my unit were done with full knowledge and relying on the governing documents and the language provided to me. In accordance with those documents, I did nothing outside of my rights as an owner. My actions were in complete compliance with our governing documents and the Condominium Act.