

DATE: May 5, 2026

PETITIONER:

Evelyn Keiling, TTE – The Keiling Living Trust
Lone Mountain Community
Cave Creek, Arizona

RESPONDENT:

Lone Mountain Community Association
c/o FirstService Residential

RE: Request to Expedite – Petition for Administrative Hearing

To the Arizona Department of Real Estate,

I respectfully request expedited review of my Petition for Administrative Hearing involving the Lone Mountain Community Association, originally submitted on April 20, 2026. (Please do know that I sent a prior submission on April 13th however it was denied due to the fact I included too many violations for reference.)

Since filing my petition, the Association has continued active enforcement of the disputed requirement that homeowners repaint front-facing walls in a specific color (Behr Pepper Spice). The Board has formally denied my reconsideration request and has issued compliance deadlines, with enforcement ongoing.

Homeowners are now being:

- Pressured to comply under threat of fines
- Given short deadlines for completion
- Forced to make permanent and costly changes to their property

Several homeowners, including myself, are facing imminent compliance deadlines and are being compelled to act before this matter can be adjudicated. Some residents are temporarily leaving the country and feel they have no practical choice but to comply to avoid accumulating fines.

This situation presents immediate and irreparable harm:

- Repainting constitutes a permanent alteration that cannot be undone
- Financial penalties are being imposed or threatened
- The issue affects multiple homeowners across the community

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Additionally, the requirement at issue was adopted several years ago but has not been consistently enforced. Homeowners reasonably relied on the longstanding practice that front-facing walls could match the home color, consistent with the original builder design. The Association's recent enforcement represents a significant and sudden shift that is now impacting numerous residents.

As of this writing, I have obtained signatures from 20 homeowners in support of this challenge, demonstrating that this is not an isolated dispute but a broader community concern.

This matter also raises significant legal concerns under Arizona law. **The Arizona Supreme Court in *Kalway v. Calabria Ranch HOA* made clear that associations may not impose new or additional restrictions on homeowners through rules or design guidelines that are not reasonably foreseeable from the recorded CC&Rs.** The enforcement action at issue here appears to fall squarely within that concern, further underscoring the need for timely review before irreversible changes are made.

Given the ongoing enforcement, risk of irreversible property changes, and the number of affected homeowners, I respectfully request that this matter be expedited and scheduled for hearing at the earliest possible time.

Thank you for your consideration.

Sincerely,



Evelyn Keiling, TTE - The Keiling Living Trust
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